Fourth National Law Firm Pro Bono Survey

Australian firms with fifty or more lawyers

Final Report

December 2014
About the NATIONAL PRO BONO RESOURCE CENTRE

The National Pro Bono Resource Centre is an independent centre of expertise that aims to grow the capacity of the Australian legal profession to provide pro bono legal services that are focused on increasing access to justice for socially disadvantaged and/or marginalised persons, and furthering the public interest.

While the Centre does not provide legal advice, its policy and research work supports the provision of free legal services and informs government of the role that it can play to encourage the growth of pro bono legal services. The Centre’s work is guided by a board and advisory council that include representatives of community legal organisations, pro bono clearing houses, the private legal profession, universities and government.

Established in 2002 as an independent, not-for-profit organisation at the University of New South Wales, it was envisaged that the Centre would:

“Stimulate and encourage the development, expansion and co-ordination of pro bono services, as well as offering practical assistance for pro bono service providers (and potential providers). The Centre would play the key roles of facilitating pro bono practice and enabling the collection and exchange of information.”

The strategies that the Centre employs to grow pro bono capacity include:

**Strengthening the place of pro bono legal work within the Australian legal profession as an integral part of legal practice by**

- being a leading advocate for pro bono legal work;
- promoting the pro bono ethos and increasing the visibility of pro bono legal work;
- developing policies and advocating for measures to encourage an increase in the quality and amount of pro bono legal work; and
- producing resources and sharing information in Australia, regionally and internationally, that builds pro bono culture in the Australian legal profession and participation by Australian lawyers in pro bono legal work.

**Providing practical assistance to facilitate, and remove barriers to, the provision of pro bono legal services by**

- undertaking research on how pro bono legal assistance can best respond to unmet legal need, including the identification of best practice in its provision;
- engaging in policy development, advocacy and law reform on issues that have an impact on pro bono legal services;
- providing practical advice to lawyers and law firms to support their efforts to increase the quantity, quality and impact of their pro bono work;
- informing community organisations about the way pro bono operates in Australia; and
- leading in the development of new and innovative pro bono project and partnership models.

**Promoting the pro bono legal work of the Australian legal profession to the general public by**

- informing members of the public through the media and presentations about the pro bono legal work undertaken by members of the Australian legal profession.

The National Pro Bono Resource Centre operates with the financial assistance it receives from the Commonwealth and State and Territories Attorney-General Departments, and support from the Faculty of Law at the University of New South Wales.

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The fourth biennial National Law Firm Pro Bono Survey is the latest addition to the longitudinal study that the Centre is building of the pro bono legal work of large Australian law firms.

This Final Report is based on data collected from 41 of the 55 firms with 50 or more full-time equivalent (FTE) lawyers as at 30 June 2014, including 24 of the 25 largest firms, in relation to the financial year ending 30 June 2014.

The results of the 2014 Survey indicate that the overall pro bono performance of respondent firms increased to 31.7 hours of pro bono legal work per lawyer per year, from 29.9 in 2012. Contributors to this growth include an increase in the number of firms which have active pro bono practices, as well as some significant improvements in pro bono performance. Thirteen respondents reported an increase of more than 20 percent since 2012 in hours of pro bono legal work per lawyer per year, with only four firms reporting a decrease of more than 20 percent.

The period since the last survey in 2012 is notable for the dynamic law firm environment in Australia and an increasingly competitive legal services market. This was evidenced by close to 30 percent of respondent firms indicating that they had been through a merger in the last four years and 20 per cent of respondent firms indicating they are now “international law firms”; that is, they employ more lawyers overseas than in Australia. Some firms provided comment on the effect of these changes on the pro bono practice within their firm.

One concerning trend revealed by the Survey is the apparent change in the way firms provide recognition to their lawyers for the pro bono legal work they undertake. Billable hour credit and other forms of recognition are key ways in which a firm’s leadership can show that it values pro bono legal work and encourages its lawyers to undertake pro bono legal work.

The number of firms that recognise pro bono legal work with full billable hour credit has fallen to 40 percent of firms, however, from 51 percent in 2012 and 64 percent in 2010. There were also decreases in the percentage of firms that recognised pro bono legal work in other ways, for example, in performance appraisals, promotion or advancement and in salary reviews. Given that many respondents also indicated in this Survey that a lack of management and partner support is the greatest threat to the success of their pro bono program, further discussion to identify and promote best practice would seem to be warranted.
The responses also identify other vital aspects of building a sustainable and resilient pro bono practice, all of which rely on having a strong, firm-wide pro bono culture. However, despite the overall increase in hours of pro bono legal work per lawyer, the Survey results actually suggest that on average the pro bono legal work of large firms is being undertaken by a smaller number of lawyers within each firm. In 2014 the overall reported participation rate was 50 percent, compared to 53 percent in 2012 and 59 percent in 2010.

The results reported in relation to secondments are also consistent with falling participation rates. While the number of firms providing secondments remained steady, 61 percent of these firms reported providing more secondments (in hours) than they were two years ago. Analysis of individual firms’ responses on secondments and lawyer participation rates suggest a possible explanation for why the average number of hours of pro bono legal work per lawyer per year is rising while the number of lawyers participating in pro bono legal work is falling; that is, the maintenance or increase of pro bono hours through the use of secondments.

Respondents to the Survey also reported 48.4 FTE “dedicated pro bono lawyers” (lawyers engaged on a full-time or permanent part-time basis whose key responsibility is to undertake or manage pro bono legal work) and 11.8 FTE other dedicated staff.

As in 2012, the 2014 Survey results indicate that large firms continue to undertake more pro bono legal work for organisations (65%) rather than for individuals (35%). This reflects the Survey’s finding regarding the areas of law where most pro bono legal work is being done, and the areas in which large corporate firms have the most expertise, but also raises questions about where the balance should lie between pro bono legal work for organisations and individuals.

The Chapter highlights below provide a further overview of the Final Report. The raw Survey data is available in Appendix 1.

December 2014
Chapter highlights

Chapter 1: Respondent firms *(page 13)*

The sample size for the Survey increased from 36 firms in 2012 to 41 firms in 2014, partly as a result of an increase in the number of law firms with 50 or more FTE lawyers since 2012 (51 in 2012 and 55 in 2014). Twenty-four of the 25 largest firms in Australia responded to the Survey.

As in previous years, the respondent firms fell naturally into three size groupings:

- **Group A**: firms with 450 - 1,000 FTE lawyers;
- **Group B**: firms with 201 - 449 FTE lawyers; and
- **Group C**: firms with 50 - 200 FTE lawyers.

Twelve out of 41 firms had been involved in a merger in the previous four years, compared to ten out of 36 in 2012 (in the previous two years). Eight of the 41 respondent firms (20%) indicated that they were “international law firms” (firms that had more staff located overseas than in Australia).

Chapter 2: Measuring the amount of pro bono legal work *(page 21)*

A number of metrics are used for measuring pro bono legal work.

- **Total hours of pro bono legal work**
  
  In 2014, 41 respondents performed 374,942 hours of pro bono legal work compared to 36 respondents reporting 343,058 hours in 2012 and 29 respondents reporting 322,343 hours in 2010.

- **Hours of pro bono legal work per lawyer per year**
  
  In 2014 the overall number of hours of pro bono legal work per lawyer per year was 31.7 hours, an increase from the 29.9 hours reported in 2012 and 29 hours in 2010.

  By group, the hours of pro bono legal work per lawyer per year were as follows:
o **Group A:** 41.3 hours (2014), 38 hours (2012) and 41.5 hours (2010);

o **Group B:** 25.7 hours (2014), 20.4 hours (2012) and 22.5 hours (2010);

and

o **Group C:** 17.6 hours (2014), 15.7 hours (2012) and 27.2 hours (2010).

Of the 31 respondents to the 2014 Survey that also responded to the 2012 Survey and provided figures on their hours of pro bono legal work per lawyer per year, 13 reported an increase of more than 20% between 2012 and 2014 and four reported a decrease of more than 20% over the same period.

- **Participation rates**
  
  In 2014 the average participation rate fell to 50 percent from 53 percent in 2012 and 59 percent in 2010. The average partner participation rate, reported for the first time in 2014, was 40 percent.

- **Percentage of total practice hours**
  Hours of pro bono legal work expressed as a percentage of total practice hours reported by respondent firms ranged from close to zero to 6.31 percent, with an average of 2.27 percent. This question had not been asked in previous Surveys.

**Chapter 3: Matching pro bono legal work with unmet legal need (page 33)**

There are different factors that need to be considered when matching pro bono legal work with unmet legal need, including areas of law and practice, the type of client (individuals vs organisations) and the source of requests for pro bono legal assistance.

- **Areas of law and practice**
  The trend in relation to areas of law and practice remained similar to previous years, with “Employment Law”, “Governance”, “Commercial Agreements”, “Deductible Gift Recipient Status (DGR) Applications” and “Intellectual Property” (in descending order) being nominated as the top five areas of law and practice in which firms spent time providing pro bono legal services.

As in 2012 and 2010 “Family Law (not including Family Violence)” was the area where the highest number of firms reported rejecting the most requests for assistance. “Criminal Law” was the second most rejected area.
• **Clients: organisations or individuals?**
  As in 2012 the majority of pro bono legal work was provided to organisations (65%) as opposed to individuals (35%).

• **Sources of pro bono legal work**
  The sources of pro bono legal work for respondent firms were similar to in 2012. Pro bono legal work was sourced from “pro bono referral schemes and organisations” (27% in 2014 and 31.5% in 2012) and “other community legal centres” (18% in 2014 and 16% in 2012). However, the highest proportion was sourced through “other sources” (55% in 2014 and 52.5% in 2012). These included direct requests, internal projects and referrals from other organisations.

• **Working with in-house counsel**
  Eleven firms (27%) had worked with the in-house counsel of one or more corporate clients on a pro bono matter or project in the 2014 financial year. Seventeen firms (41%) had not or did not know, but had discussed potential opportunities with corporate clients.

Chapter 4: Organisation and coordination of pro bono legal work within firms *(page 48)*

A number of factors inform the degree of coordination and organisation of a formal pro bono practice:

• **Pro bono policies and committees**
  As in previous years, almost all respondents had a written pro bono policy. In 2014, 28 firms (68%) answered “yes” when asked if they had a Pro Bono Committee, a significant increase when compared to previous Survey years.

  In 2012, 14 firms (39%) had a Pro Bono Committee that was “responsible for the coordination of pro bono legal work”. In 2010, ten firms out of 28 (36%) had a Pro Bono Committee “responsible for the coordination of pro bono legal work” and in 2008 it was ten out of 25 firms (40%). The differences may be partly attributable to a change in the Survey question.

• **Coordination and dedicated pro bono lawyer (and other staff) resources**
  Thirty-eight of 41 respondent firms (93%) had a person with primary responsibility for pro bono legal coordination in 2014, similar to 2012 (35 out of 36 respondent firms, or 97%).
In 2014, 23 respondent firms reported 48.4 FTE “dedicated pro bono lawyers” (lawyers engaged on a full-time or permanent part-time basis whose key responsibility is to undertake or manage pro bono legal work) and 11.8 FTE other dedicated staff. A “dedicated pro bono lawyer” was most likely to be at the level of associate/lawyer.

- **Secondments**
  A similar number of firms provided secondments in 2014 (18 firms, 44%) as in 2012 (19 firms, 53%). Eleven of these firms (61%) provided more secondments than in 2012 while only three (17%) provided fewer.

  Analysis of a number of individual firm’s responses suggests an inverse correlation between secondments and participation rates. In general terms, firms with the highest participation rates were providing fewer than, or the same amount of, secondments as they did two years earlier, whereas firms providing more secondments were likely to have lower participation rates.

- **Budgets and targets for pro bono legal work**
  Most firms (76%) set a target or budget for their pro bono program. This result was similar to 2012 (75%) but higher than in 2010 (66%). Over half of the respondent firms (61%) indicated that their target or budget was “larger” than in 2012. Over two thirds of firms (68%) that set a budget or target had a nominal target as opposed to a maximum or minimum. Most firms (65%) set their budget or target based on hours rather than funds.

- **Billable hours and financial targets: treatment of pro bono legal work**
  The majority of firms required their lawyers to meet billable hour targets, with or without financial targets (95%), similar to responses received in 2012 and 2010. The number of firms that recognise pro bono legal work with full billable hour credit has decreased from 64 percent in 2010 and 51 percent in 2012 to 40 percent in 2014.

  Of the respondent firms, four firms (12%) changed their recognition of hours of pro bono legal work from full billable hour credit to a special non-billable category (with a lower or negligible value for financial targets, if applicable).

- **Evaluation of pro bono programs**
  As in 2010 (58%) and 2012 (56%) most firms (54%) reported having a system for evaluating their pro bono program as a whole. Firms were asked to identify the three most significant factors on which they based their evaluation. The most nominated factor was “participating lawyer satisfaction” (82%), followed by
“client feedback” (55%), “social impact” (41%) and “feedback from third parties (for example, pro bono referral schemes or organisations)” (41%).

Over half of the respondent firms (54%) indicated that they considered that the development by the Centre of a qualitative evaluation tool for evaluating the impact of pro bono projects and programs would be “very useful”.

**Chapter 5: Issues which impact on pro bono programs (page 64)**

Management and partner support was cited as a crucial factor in the success of a firm’s pro bono program by the highest number of respondents and the lack of such support as one of the greatest threats.

When asked to nominate their top three challenges, “firm capacity” was identified by the most number of respondents. “Concern about conflicts of interest with fee paying clients” and “insufficient expertise in relevant areas of the law” were the next most cited challenges.

Other factors cited in the success of a pro bono program included the importance of individual lawyers having time to undertake pro bono legal work, the commitment of a firm’s lawyers to pro bono, the integration of pro bono legal work into a firm’s operation and the degree of organisation of the pro bono program.

**Chapter 6: External influences (page 70)**

A number of external influences impact on pro bono legal work.

- **National Pro Bono Aspirational Target**
  In the 2014 Survey, signatories to the National Pro Bono Aspirational Target (Target) generally reported higher hours of pro bono legal work per lawyer per year than non-signatories (34.6 hours compared to 14.5 hours) and higher participation rates (54% compared to 33%).

  In the *Seventh Annual Performance Report on the National Pro Bono Aspirational Target*, released by the Centre in October 2014, 37.7 percent of respondent firms indicated that the Target had led to an increase in the pro bono legal work undertaken by their firm and 55.1 percent of respondent firms indicated that the Target increased the firm’s focus on the legal needs of disadvantaged people and the organisations that assist these people.
Government tender arrangements for legal services
Eighty-eight percent of respondents believed that the pro bono conditions in the Commonwealth and Victorian Government tender arrangements were useful in encouraging firms to undertake pro bono legal work.

The number of respondent firms that were listed on the Commonwealth Legal Services Multi-use List increased from 64 percent of respondents in 2012 (23 out of 36 firms) to 88 percent in 2014 (36 out of 41 firms). The number of respondent firms that were members of the Victorian Legal Services Panel (17 firms, 41%) was similar to 2012 (16 firms, 44%).

Chapter 7: Pro bono assistance in specific contexts (page 76)
Firms were asked about pro bono legal assistance in specific contexts:

- **Pro bono legal work in regional, rural and remote (RRR) areas**
  Less than half of the respondents (17 firms, or 41%) reported undertaking pro bono legal work that was focused on need in RRR areas, similar to 2012 (16 firms, or 44%) and 2010 (13 firms, or 45%). Of these firms, only eight firms (47%) did so on an outreach basis.

- **International pro bono legal work**
  Despite increasing globalisation, the number of firms undertaking international pro bono legal work has not changed dramatically, with 14 firms (34%) in 2014, 12 firms (24%) in 2012 and 12 firms (31%) in 2010 engaging in international pro bono legal work. Of the firms that undertook international pro bono legal work, only six firms (43%) did so on an outreach basis.

Acknowledgments
The Centre wishes to thank:

- All of the law firms that participated in the Survey;
- The law firm pro bono partners, coordinators and staff of pro bono clearing houses who provided valuable input into the Survey questionnaire; and
- Daniel Jacobs (Project Officer) and Afton Fife (Policy Officer), who prepared the Survey and wrote the Final Report, with support from other staff and interns at the National Pro Bono Resource Centre: Leanne Ho, Lucy Martin, Lily Liu, Brian Lee and Sean Bowes.
Methodology

This is the fourth National Law Firm Pro Bono Survey conducted by the Centre, which is conducted every two years and forms part of a longitudinal study of pro bono legal work performed by large law firms in Australia. The previous Surveys were conducted in 2008, 2010 and 2012. The questionnaire was developed by the Centre to obtain a picture of pro bono legal work in Australia undertaken by large law firms and to elicit information about practice and policy issues.¹

The Survey was conducted online using software provided by SurveyMonkey™².

The Centre identified law firms in Australia with 50 or more FTE lawyers, who were then approached and encouraged to participate. Emails were sent to nominated pro bono contacts in each firm providing a link to the online Survey.³ Survey data could be provided anonymously, but all firms had the opportunity to identify their firm to the Centre in their response and most chose to do so. Those firms that are signatories to the National Pro Bono Aspirational Target (Target) also had an opportunity to report on the Target in conjunction with the Survey. All Survey responses are treated as confidential, and all data is provided in this report in a de-identified form.

Certain words and terms were defined in the Survey for the benefit of respondents, and clicking on any of these highlighted terms in the Survey produced a definition. Definitions can be found in Appendix 2: Glossary of Terms on page 114.

Where possible, the results of this survey are compared with the results of previous Surveys in 2012, 2010 and 2008.

An Interim Report on the Survey was published in October 2014, featuring a brief overview of a selection of the data collected.⁴

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¹ The Centre also sought comment and advice from law firm pro bono coordinators at several stages during the drafting of the questionnaire. The Centre wishes to thank all those who provided valuable feedback.
² http://www.surveymonkey.com
³ Respondents could also choose to complete a paper version of the survey.
⁴ One survey questionnaire was returned to the Centre after the Interim Report was published, which has resulted in differences between the figures in the Interim Report and this report.
1 Respondent firms

Since 2010, the number of firms in Australia with 50 or more full time equivalent (FTE) lawyers has continued to grow, and had reached 55 at 30 June 2014.\(^5\) Of these, 41 firms responded to the Survey.\(^6\) In 2012, 36 of the 51 firms identified as having 50 or more FTE lawyers responded to the Survey. In 2010, 29 of the 39 firms responded.

Firms with fifty or more FTE lawyers

As in 2010 and 2012, respondent firms in 2014 fell naturally into three groups by size:

- **Group A:** Eight respondent firms with 450 - 1,000 FTE lawyers (9 in 2012, 9 in 2010).
- **Group B:** Fourteen respondent firms with 201 - 449 FTE lawyers (11 in 2012, 6 in 2010).
- **Group C:** Nineteen respondent firms with 50 - 200 FTE lawyers (16 in 2012, 14 in 2010).

Table 1: Firms with 50 or more FTE lawyers

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2012</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of law firms with 50 or more FTE lawyers in Australia</td>
<td>55</td>
<td>51</td>
<td>39</td>
</tr>
<tr>
<td>Respondent firms*</td>
<td>41</td>
<td>36</td>
<td>29</td>
</tr>
<tr>
<td><strong>Group A</strong> (450 - 1,000 FTE lawyers)</td>
<td>8 (of 8)</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td><strong>Group B</strong> (201 - 449 FTE lawyers)</td>
<td>14 (of 15)</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td><strong>Group C</strong> (50 - 200 FTE lawyers)</td>
<td>19 (of 32)</td>
<td>16</td>
<td>14</td>
</tr>
<tr>
<td>Total FTE lawyers employed by firms that completed the Survey</td>
<td>11,813</td>
<td>11,460</td>
<td>10,227</td>
</tr>
</tbody>
</table>

* Please note that a number of firms have moved between Groups A, B and C since the last Survey in 2012.

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\(^5\) The Centre identified the firms in Australia with 50 or more FTE lawyers by referring to the Australian Financial Review’s Partnership Survey (4 July 2014); The Australian’s Partnership Survey (4 July 2014); the Centre’s own data and independent research, primarily obtained through reports provided on the National Pro Bono Aspirational Target in July-August 2013 and July-August 2014; online research; and direct requests for information. Three firms were identified as having 50 or more FTE lawyers too late to be invited to complete the Survey.

\(^6\) Please note that one survey questionnaire was returned to the Centre after the Interim Report was published, which has led to differences in the figures between the Interim Report and this report.
Twenty-four of the 25 largest law firms in Australia (by FTE lawyers) responded to the Survey. Of the 14 firms that did not respond, one firm would have been placed in Group B and 13 would have been placed in Group C (see Chart 1 below).

Altogether, the respondent firms to the 2014 Survey employed 11,813 FTE lawyers in Australia. This was a rise of only three percent from 2012, despite five more firms responding to the Survey. As a group, the 34 firms that completed the Survey in both 2012 and 2014 had reduced in size by 237 FTE lawyers, with 18 firms individually reporting a reduction in size.

Locations

For the first time, firms were asked to provide information on the number of their Australian lawyers based in each state and territory. Thirty-three firms answered this question. Respondents reported that most lawyers were based in New South Wales (40.5%), followed by Victoria (29.2%), Queensland (16.6%), Western Australia (8.7%), the Australian Capital Territory (3.7%), South Australia (1.2%), the Northern Territory (0.13%) and Tasmania (0.02%). See Chart 2 on the next page.
As in 2012, five respondent firms in 2014 had their largest (or only) office located outside of New South Wales and Victoria (in 2010 there were three). The respondents included firms based in five states and territories (ACT, NSW, Qld, Vic and WA). Thirty-eight out of 41 firms had more than one office, compared to 32 in 2012.

See Appendix 1: Survey Results, Section 1, Q5 on page 84 for all responses.

Repeat Respondents

Thirty-four out of the 41 respondent firms (83%) also completed the Survey in 2012. In 2012, 27 out of 36 respondents (75%) had completed the 2010 survey, and in 2010, 20 out of 29 (69%) had completed the 2008 survey.

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7 Respondents were asked whether their firm had completed the Survey in 2012 (see Appendix 1: Survey Results, Section 1, Q6 on page 84) and 33 reported that they had, four reported that they had not and four were unsure. Upon analysis it was revealed that the correct figure was 34.
Mergers

_Given the significant structural changes that have taken place in Australian law firms of late, including several domestic mergers and the entry of several global law firms into the Australian legal market, the Centre surveyed respondents on the effect of these changes on their pro bono practices._

In 2012, ten of the 36 respondent firms (28%) had joined or merged with another firm (domestic or international) in the previous two years. In the 2014 Survey we wished to continue tracking the experiences of these firms as their pro bono programs and policies were integrated into new structures.

On that basis, this year the Centre asked firms if they had joined or merged with another firm (domestic or international) in the previous four years. Twelve firms had joined or merged with another firm, including seven that had completed the Survey in 2012 and indicated at that time that they had joined or merged with another firm.

In 2012 the effects of mergers on pro bono programs, policies and cultures were mixed. In 2014, the majority of respondents found that the mergers either had little effect on their firms’ pro bono legal program, had a positive effect, or that given that the merger was relatively recent the impact was as yet unclear. A full list of responses can be found in Table 2 below.

Table 2: How has your firm joining or merging with another firm (domestic or international) in the last four years affected the pro bono legal program?

<table>
<thead>
<tr>
<th>Group A</th>
<th>No impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Our firm is in the early stages of developing the network, and in those early stages the focus is on learning about what the other offices do and meeting the key players.</td>
</tr>
<tr>
<td></td>
<td>Since the merger, the Firm has been going through the process of developing a global pro bono program. To date, the role of [de-identified] has been established and global pro bono criteria have been adopted by the [de-identified]. Global pro bono criteria is in line by the NPBRC’s definition of Pro Bono.</td>
</tr>
<tr>
<td></td>
<td>The merger has resulted in challenges and opportunities for the pro bono legal program at our firm in two main ways:</td>
</tr>
<tr>
<td></td>
<td>1. From a practical perspective, we have a significant number of new offices and solicitors to coordinate and communicate with about the pro bono program. The offices are located in different countries with different cultures and perspectives on pro bono work. As a result, there are many differences that need to be reconciled so that the firm has a unified approach to its pro bono work - for example, different management</td>
</tr>
</tbody>
</table>
processes, different guidelines, different approaches to fee credits for pro bono work.

2. From a philosophical perspective, we have had to learn about and reconcile different approaches to pro bono work - principally, the extent to which corporate responsibility falls within pro bono work (if at all).

Given the size of our firm, our discussions about the way forward and how to create a unified pro bono program are continuing. However, we are heartened by the interesting and significant opportunities which we are starting to see arising from the global nature of our firm and the commitment of all our offices to pro bono work.

[Removed to preserve respondent anonymity]

<table>
<thead>
<tr>
<th>Group B</th>
</tr>
</thead>
<tbody>
<tr>
<td>The firms had an existing pro bono culture which was incorporated with ours</td>
</tr>
<tr>
<td>We merged with an international firm. Our firm's domestic pro bono program was considered to be 'best practice' and we have worked to recreate the Australian pro bono practice internationally. Some policies have had to change, including conflict checking and the recording of pro bono hours. However, the changes have been more in terms of offices outside Australia adopting the Australian model.</td>
</tr>
<tr>
<td>Yes, the program has been extended by virtue of the merger. Pro bono is a key area of activity across the merged firm driven by a strong North American pro bono culture.</td>
</tr>
<tr>
<td>Yet to be resolved but likely that the larger firm's pro bono policy and program will apply</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Group C</th>
</tr>
</thead>
<tbody>
<tr>
<td>All of the firms had similar pro bono policies in place.</td>
</tr>
<tr>
<td>In that State office it has strengthened the pro bono practice</td>
</tr>
<tr>
<td>It has not</td>
</tr>
</tbody>
</table>

See Appendix 1: Survey Results, Section 11, Q1-2 on page 102 for all responses.
International Law Firms

The Australian legal market has become increasingly globalised, with a number of international law firms entering, either independently or via mergers with local firms. This has raised various issues for Australian pro bono programs, including both those faced by all practice groups within Australian offices (for example, conflict checking) and those specific to pro bono (for example, differences between the pro bono cultures of Australian offices and those overseas).

Eight respondents to the 2014 Survey indicated that their firms were “international law firms”, which were defined as law firms with more staff located overseas than in Australia. Lawyers at half of these firms (four firms) conducted their pro bono legal work under the same pro bono policy in both their Australian and overseas offices.

Half of the eight respondents from international law firms (four firms) reported that more pro bono legal work was done in their Australian offices than in their overseas offices. One respondent reported that the amount of pro bono legal work performed by their firm was approximately the same, and another two respondents indicated that they were unsure. Only one firm’s Australian offices performed less pro bono legal work than its overseas counterparts.

![Chart 3: Whether the Australian offices of international law firms conduct more or less pro bono work](chart3.png)

While the group of respondents to this question in 2014 was different to the group in 2012, it is nonetheless notable that the results were quite different; in 2012, ten out

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8 In previous Surveys the Centre has asked whether firms had offices (of any size) overseas. In 2012, 12 of the 36 Survey respondents reported having offices overseas, compared to ten respondents in 2010. We then asked these firms about the issues they faced. These issues naturally fell into two categories: those faced by firms that are part of larger international firms, and those faced by local firms with one
of 12 respondents reported performing more work in their Australian offices than in their overseas offices, compared to four out of eight firms in 2014.

See Appendix 1: Survey Results, Section 12, Q1-3 on pages 102-103 for all responses.

Challenges faced by international law firms

Respondents from international law firms were then asked about any challenges faced by their firms’ Australian office/s when managing their pro bono program, as part of an international firm. Their responses are provided in Table 3 below.

Table 3: International law firms

<table>
<thead>
<tr>
<th>More or less work in Aus offices</th>
<th>“Are there any challenges faced by your firm’s Australian office/s when managing its pro bono program, as part of an international firm?”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don’t know</td>
<td>Conflict policies</td>
</tr>
<tr>
<td>More</td>
<td>Given that our firm increased substantially in size with the merger, the first challenge has been liaising with all of the offices to learn about the pro bono work that is being done in different countries and jurisdictions. Now that we have this information, our next challenges involve working out how to ensure that the firm’s approach to pro bono work is unified despite multiple jurisdictions and cultural differences. From a practical perspective, management of the pro bono program involves navigating time differences, different terminology and acronyms, different systems in terms of time recording/file opening procedures and so on. Conflict searches have also become more time-consuming, in particular in relation to ensuring there are no commercial conflicts globally when taking on a new pro bono client or matter.</td>
</tr>
<tr>
<td>Don’t know</td>
<td>No, as stated before for our firm it’s the preliminary journey of understanding local conditions and meeting people in the network.</td>
</tr>
<tr>
<td>More</td>
<td>The Firm is going through an ongoing process of cultural change and program development for the global pro bono program.</td>
</tr>
</tbody>
</table>

or more small offices located outside Australia. While the Centre retains a strong interest in the work of Australian firms’ satellite offices, in this Survey the Centre chose to focus on the issues faced by “international law firms”, which were defined as law firms with more staff located overseas than in Australia.
<table>
<thead>
<tr>
<th>Group C</th>
<th>More</th>
<th>Our primary issues would be around conflict checking, both in terms of the time it takes and the fact that there are now more potential conflicts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>More</td>
<td>More</td>
<td>We tend to work most often with our US colleagues due to a similar pro bono ethos. It can be difficult to work with some of our Asia-Pacific offices due to differences in culture and a different emphasis on the importance of pro bono.</td>
</tr>
<tr>
<td>Less</td>
<td>Less</td>
<td>Capacity constraints</td>
</tr>
</tbody>
</table>
2 Measuring the amount of pro bono legal work

The definition of “pro bono legal work” used by the Centre, for the purposes of this Survey and the National Pro Bono Aspirational Target (see below), was developed in 2006 in consultation with the Australian legal profession to provide clarity in relation to certain activities that were considered “grey areas.” For example, work done without reference to the capacity of a pro bono client to pay for those services.

The Centre’s definition of pro bono legal work continues to be the primary definition used by large law firms in Australia, and is used by 39 out of 41 respondent firms (95%). Of the remaining two firms, one uses a definition that is substantially the same as the Centre’s definition while the other firm is currently finalising its pro bono policy.

In 2012, 34 out of 36 respondents (94%) reported using the Centre’s definition. In 2010, it was 24 out of 29 firms (83%).

For the purposes of this Survey and the National Pro Bono Aspirational Target, “pro bono legal work” is time spent by lawyers (including law graduates not yet admitted to practice):

1. Giving legal assistance for free or at a substantially reduced fee to:—
   a. individuals who can demonstrate a need for legal assistance but cannot obtain Legal Aid or otherwise access the legal system without incurring significant financial hardship; or
   b. individuals or organisations whose matter raises an issue of public interest which would not otherwise be pursued; or
   c. charities or other non-profit organisations which work on behalf of low income or disadvantaged members of the community or for the public good;

2. Conducting law reform and policy work on issues affecting low income or disadvantaged members of the community, or on issues of public interest;

3. Participating in the provision of free community legal education on issues affecting low income or disadvantaged members of the community or on issues of public interest; or

4. Providing a lawyer on secondment at a community organisation (including a community legal organisation) or at a referral service provider such as a Public Interest Law Clearing House.

9 The Centre also provides ‘Guidance Notes’ to provide further clarity, which continue to be updated and refined. These Notes were provided in the definition of “pro bono legal work” for use by respondents to the Survey (see Appendix 2: Glossary of Terms on page 115) and are available on the Centre’s website.
The following is NOT regarded as pro bono legal work:

1. Giving legal assistance to any person for free or at a reduced fee without reference to whether he/she can afford to pay for that legal assistance or whether his/her case raises an issue of public interest.
2. Free first consultations with clients who are otherwise billed at a firm’s normal rates;
3. Legal assistance provided under a grant of legal assistance from Legal Aid;
4. Contingency fee arrangements or other speculative work which is undertaken with a commercial expectation of a fee;
5. The sponsorship of cultural and sporting events, work undertaken for business development and other marketing opportunities; or
6. Time spent by lawyers sitting on the board of a community organisation (including a community legal organisation) or a charity.

Total hours of pro bono legal work

While information on the total hours of pro bono legal work performed by each firm provides an only partially useful comparator between firms, due to differences in the size of firms, the total hours can provide a picture of the pro bono legal contribution of large law firms as a whole.

All 41 respondents provided information on their firm’s total hours of pro bono legal work. In the 2014 financial year, respondents performed a total of 374,942 hours of pro bono legal work. This is equivalent to 208 FTE lawyers doing pro bono legal work full-time for a year.\(^\text{10}\) This is an increase since the 2012 and 2010 Surveys (343,058 hours and 322,343 hours respectively). For the total hours of pro bono legal work reported by each respondent, see Chart 4 on the next page.

While the total number of hours of pro bono legal work has increased by nine percent since 2012 and 16 percent since 2010, the total number of respondents reporting their hours has also increased by nine firms since 2012 and 17 firms since 2010. The number of lawyers employed by respondent firm has also changed (see the discussion in Firms with fifty or more FTE lawyers on page 14).

These fluctuations and their impact mean that a much better metric for evaluating the change in law firm pro bono performance is hours of pro bono legal work per lawyer per year. The results for this metric are outlined in Hours of pro bono legal work per lawyer per year (page 25).

\(^{10}\) This figure is calculated based on a 37.5 hour working week for 48 weeks per year.
Chart 4: Total hours of pro bono legal work - individual firms

Group A
(8 firms)

Firm 1: 43,420
Firm 2: 38,110
Firm 3: 36,127
Firm 4: 31,816
Firm 5: 28,616
Firm 6: 27,608
Firm 7: 19,972
Firm 8: 10,902

Group B
(14 firms)

Firm 9: 23,659
Firm 10: 13,344
Firm 11: 8,850
Firm 12: 7,413
Firm 13: 7,124
Firm 14: 6,928
Firm 15: 6,123
Firm 16: 5,431
Firm 17: 5,325
Firm 18: 4,023
Firm 19: 4,000
Firm 20: 3,824
Firm 21: 2,145
Firm 22: 1,464

Group C
(19 firms)

Firm 23: 7,885
Firm 24: 4,617
Firm 25: 3,428
Firm 26: 3,404
Firm 27: 3,346
Firm 28: 3,060
Firm 29: 2,343
Firm 30: 2,058
Firm 31: 1,712
Firm 32: 1,284
Firm 33: 1,078
Firm 34: 966
Firm 35: 800
Firm 36: 714
Firm 37: 600
Firm 38: 498
Firm 39: 426
Firm 40: 411
Firm 41: 86

Total pro bono hours
Total hours of pro bono legal work by location

For the first time firms were asked to provide, if the data was readily available, the number of hours of pro bono legal work provided by lawyers based in each state and territory in the 2014 financial year. Twenty-eight out of 41 respondents answered this question.

Their answers were very similar to the overall proportion of their lawyers based in each state and territory (see Chart 2 on page 15): New South Wales (41.3%), followed by Victoria (29.8%), Queensland (16.1%), Western Australia (8.4%), the Australian Capital Territory (4.0%), the Northern Territory (0.2%)\(^ {11}\) and South Australia (0.1%).\(^ {12}\) See Chart 5 below.

See Appendix 1: Survey Results, Section 4, Q7 on page 91 for all responses.

\(^{11}\) This figure would have been higher if one firm’s secondee at a NT ATSILS’ hours had been included

\(^{12}\) No hours of pro bono legal work were reported as being undertaken by lawyers from Tasmania.
Hours of pro bono legal work per lawyer per year

The Centre considers that, compared with other methods, the “pro bono hours per lawyer per year” figure provides the best way of measuring and comparing firms’ pro bono contributions, because an hour is a fixed constant across firms and it allows firms’ relative sizes and other fluctuations to be taken into account.

Firms were asked to report on “pro bono hours per lawyer per year” for the 2014 financial year. This metric is calculated by dividing the total number of hours of pro bono legal work undertaken in the last financial year by the average number of FTE lawyers at the firm during the year.\(^\text{13}\)

In the 2014 financial year, the overall number of pro bono hours per lawyer per year reported by respondents was 31.7 hours, an increase of 1.8 hours since 2012 (29.9 hours) and 2.7 hours since 2010 (29 hours). However, figures varied greatly between firms, from 1.6 (a Group C firm) to 67.4 (a Group B firm) hours per lawyer per year.

Overall pro bono hours per lawyer per year reported by firms in Groups A, B and C are shown in Table 4 below:

<table>
<thead>
<tr>
<th>Hours of pro bono legal work per lawyer per year</th>
<th>2014</th>
<th>2012</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group A (450 - 1,000 FTE lawyers)</td>
<td>41.3</td>
<td>38</td>
<td>41.5</td>
</tr>
<tr>
<td>Group B (201 - 449 FTE lawyers)</td>
<td>25.7</td>
<td>20.4</td>
<td>22.5</td>
</tr>
<tr>
<td>Group C (50 - 200 FTE lawyers)</td>
<td>17.6</td>
<td>15.7</td>
<td>27.2</td>
</tr>
</tbody>
</table>

Thirty-one respondents to the 2014 Survey also responded to the 2012 Survey and provided figures on the pro bono hours per lawyer per year that their firms performed. Of these, 13 respondents reported an increase of more than 20% between 2012 and 2014, including three firms from Group A, five firms from Group B and five firms from Group C. Four respondents reported a decrease of more than 20%, including one firm from Group B and three firms from Group C.

\(^{13}\) For more information, see “Pro bono hours per lawyer per year” in Appendix 2: Glossary of Terms (page 116).
Three respondents reported performing 50 or more hours of pro bono legal work per lawyer in the 2014 financial year (one each from Groups A, B and C) and a further nine respondents reported performing between 35-50 hours per lawyer (six from Group A, two from Group B and one from Group C).

For the pro bono hours per lawyer per year reported by each respondent firm see Chart 6 on the next page.
Chart 6: Pro bono hours per lawyer per year - individual firms

Group A (8 firms):
- Firm 1: 50.1
- Firm 2: 47.5
- Firm 3: 47.1
- Firm 4: 45.3
- Firm 5: 38.2
- Firm 6: 37.3
- Firm 7: 36.1
- Firm 8: 20.4

Group B (14 firms):
- Firm 9: 44.2
- Firm 10: 35.6
- Firm 11: 30.0
- Firm 12: 26.1
- Firm 13: 26.1
- Firm 14: 25.5
- Firm 15: 24.4
- Firm 16: 23.3
- Firm 17: 15.2
- Firm 18: 12.9
- Firm 19: 10.2
- Firm 20: 9.5
- Firm 21: 6.0

Group C (19 firms):
- Firm 22: 67.4
- Firm 23: 36.2
- Firm 24: 29.9
- Firm 25: 27.1
- Firm 26: 25.9
- Firm 27: 20.8
- Firm 28: 16.3
- Firm 29: 15.6
- Firm 30: 13.5
- Firm 31: 12.3
- Firm 32: 10.5
- Firm 33: 8.2
- Firm 34: 6.7
- Firm 35: 6.0
- Firm 36: 5.9
- Firm 37: 5.9
- Firm 38: 5.2
- Firm 39: 3.8
- Firm 40: 1.6
- Firm 41: 1.6
Participation rates

A good indicator of the maturity and sophistication of a firm’s pro bono practice and the strength of its pro bono culture is the percentage of its total number of lawyers undertaking pro bono legal work.

Overall participation rates

As in previous Survey years the Centre asked firms to report on participation rates, i.e. the percentage of lawyers at their firm who had performed at least one hour of pro bono legal work in the 2014 financial year. ¹⁴

Participation rates varied greatly among respondents from eight percent (at a Group C firm) to 89.1 percent (at a Group A firm). ¹⁵ The average participation rate across all firms was 50 percent, compared to 53 percent in 2012 and 59 percent in 2010. ¹⁶ Three respondents reported a participation rate of more than 80 percent (two from Group A and one from Group C) and a further eight respondents reported a participation rate of between 70-80 percent (one from Group A, five from Group B and two from Group C). For all respondent firms’ participation rates see Chart 7 on the next page.

Of the 26 firms that responded to this question in both the 2014 and 2012 Surveys, nine reported a significant (more than 20%) increase in their participation rate (three from Group A, five from Group B and one from Group C). A further nine firms reported a significant (more than 20%) decrease (one from Group A, three from Group B and five from Group C).

Respondents from all eight firms in Group A answered this question, and reported an average participation rate of 64 percent. Thirteen out of 14 firms in Group B answered this question and had an average participation rate of 50 percent. Seventeen out of 19 firms in Group C had an average participation rate of 44 percent.

See Appendix 1: Survey Results, Section 4, Q1 on page 89 for all responses.

¹⁴ Thirty-eight out of 41 firms (93%) answered this question. In 2012, 31 of 36 firms (86%) responded to this question. In 2010 it was 25 out of 29 firms (86%).
¹⁵ Of the 38 respondents, 16 (42%) indicated that their answer was an estimate.
¹⁶ In the 2008 Survey, respondents were asked to provide participation rates in ranges. The median range in 2008 was 21-40%.
As outlined in Chart 7 above, there has been a small but steady decrease in the average overall participation rates since 2010, although the Group B participation rate held steady in 2014 and 2012.

While this may be partly explained by the increase in the number of respondents to the Survey (29 in 2010, 36 in 2012 and 41 in 2014), particularly the addition of respondent firms in the early stages of developing their pro bono programs, it is also notable that over the same period:

- The hours of pro bono legal work per lawyer per year has increased (see Table 4 on page 25);
- The majority of firms that provide secondments are now providing more secondments (in hours) than two years ago (see Secondments on page 53); and
- The number of firms reporting on their number of “dedicated pro bono lawyers” has increased (see Dedicated pro bono lawyers on page 50).

This downward trend in participation rates, particularly when coupled with an analysis of individual firms’ figures provided in the 2010, 2012 and 2014 Surveys, appears to indicate that larger amounts of pro bono legal work undertaken by large firms are being performed by an increasingly smaller number of lawyers within firms.

**Partner participation rates**

For the first time the Centre asked firms to report on participation rates for partners at their firms. Thirty-two respondents reported on this metric, showing an average
partner participation rate of 40 percent (compared to an overall participation rate of 50 percent reported by these same firms).  

One respondent from a Group C firm reported that 75 percent of partners participated in pro bono legal work, and a further four respondents reported a partner participation rate of between 60-75 percent (two from Group A, one from Group B and one from Group C). Nine respondents reported a participation rate of between 50-60 percent (two from Group A, six from Group B and one from Group C).

Respondents from the five Group A firms that responded to this question reported an average partner participation rate of 56 percent (compared to an average overall lawyer participation rate of 64%), the 11 Group B respondents reported an average of 45 percent (compared to 50% overall) and the 16 Group C respondents reported an average of 31 percent (compared to 44% overall). See Chart 8 below for a comparison of overall and partner participation rates.

See Appendix 1: Survey Results, Section 4, Q3 on page 90 for all responses.

17 Of the 31 respondents, 13 (41%) indicated that their answer was an estimate.
Percentage of total practice hours

While the preferred metric in Australia for measuring and comparing the pro bono legal work performed by law firms is “hours of pro bono legal work per lawyer per year”\textsuperscript{18}, there are a number of different ways to assess pro bono performance. Another way to look at a firm’s pro bono contribution is to consider it as a percentage of the firm’s total practice hours. This metric is used in the United States, for example, by law firms that sign up to the Pro Bono Institute Law Firm Pro Bono Challenge\textsuperscript{6}.

In the 2014 Survey firms were asked for the first time:

“What percentage of total firm practice hours does your firm’s “pro bono legal work” represent?

By this, we mean what proportion of the total number of hours’ legal work undertaken by your firm in the 2014 FY was provided on a pro bono basis?”\textsuperscript{19}

Twenty-two out of 41 respondents (54\%) reported on the proportion of total firm practice hours that their firm’s pro bono legal work represented.\textsuperscript{20} The average proportion was 2.27 percent.

A Group C firm reported the highest percentage at 6.31 percent. There were a number of other high performing firms, with reported figures of 4.8 percent (Group B), 3.72 percent (Group A), 3.7 percent (Group A), and 3.6 percent (Group A).

For the numbers reported by each respondent, see Chart 9 on the next page.

\textsuperscript{18} See Hours of pro bono legal work per lawyer per year (page 25), and the definition listed in Appendix 2: Glossary of Terms (page 116).

\textsuperscript{19} In the 2012 and 2010 Surveys, firms were asked instead to report “approximately what percentage of total practice income (gross billable)” their pro bono legal work represented. In the 2014 Survey the question was reframed to refer to “hours” in line with the Centre’s position that an “hours per lawyer per year” figure, such as that used in the National Pro Bono Aspirational Target, provides the best way of measuring and comparing firms’ pro bono contributions. This approach eliminates the potential for distortion caused by firms’ different approaches to calculating the financial value of their pro bono legal work, economies of scale and financial practices.

\textsuperscript{20} Of the 22 respondents, ten (45\%) indicated that their answer was an estimate.
**Pro Bono Legal Work in the USA**

In the United States, firms who become signatories to the Pro Bono Institute’s *Law Firm Pro Bono Challenge*® (Challenge) can nominate one of two minimum annual targets for “pro bono work”:

- Five percent of the firm’s total billable hours or 100 hours per attorney; or
- Three percent of the firm’s total billable hours or 60 hours per attorney.

Almost all of the signatories to the Challenge have nominated one of the Challenge’s percentage of total billable hours goals, rather than an hours per attorney goal.

For the reasons outlined in *Hours of pro bono legal work per lawyer per year* (page 25), the preferred metric for measuring pro bono performance in Australia is hours of pro bono legal work per lawyer per year. However, it is interesting to note that seven of the 22 respondents who answered this question in the Survey were from firms making pro bono contributions equivalent to at least 3 percent of their total number of hours of legal work.

*Note: One Group C firm reported “<1%”. This response is not represented above.*
3 Matching pro bono legal work with unmet legal need

Areas of law and practice

The areas of law and practice in which firms undertake pro bono legal work are influenced by a number of factors, including: where the firms’ expertise lies, where the work comes from, the capacity of the firm to undertake the requested work, what their strategic interests and focus areas are, and where the firms assess that they can most effectively address unmet legal need.

Top five areas of law and practice

Firms were asked:

“To the best of your knowledge, what were the top five areas of law and practice in which your firm in Australia spent time providing pro bono legal services in the 2014 FY (not including work undertaken by lawyers seconded to other organisations)一眼”

Firms could select from 37 options, or they could answer “other” and specify any area not covered.

The 40 respondents to this question placed “Employment Law” (23 firms) and “Governance” (22 firms) most often in their top five, followed by “Commercial Agreements” (17 firms), “Deductible Gift Recipient Status (DGR) Applications” (15 firms) and “Intellectual Property” (12 firms) (see Chart 10 on the next page).

These areas of law reflect the large amount of pro bono legal work that large firms undertake for not-for-profit organisations, as shown in the next section, Clients: organisations or individuals? (page 38).

These results are similar to those obtained in the 2012 Survey where the top five responses were, in order, “Governance”, “Deductible Gift Recipient Status (DGR) Applications”, “Employment Law”, “Commercial Agreements” and “Incorporations”.

It is also notable that, as the amount of pro bono legal work undertaken in areas of law that generally affect organisations has increased, the amount of pro bono legal work performed in a number of areas of law that affect individuals (including “Fines”, “Victims Compensation”, “Tax (other than DGR)” and “ Discrimination”) has decreased.

See Appendix 1: Survey Results, Section 5, Q3 on page 93 for all responses.
Chart 10: Top five pro bono practice areas in 2014, 2012 & 2010

- Employment law
- Governance
- Commercial Agreements
- DGR Applications
- Intellectual Property
- Administrative/Constitutional
- Incorporations
- Human Rights
- Wills/Probate/Estate
- Housing/Tenancy
- Debt
- Immigration
- Privacy/Freedom of Information
- Family Law
- Fines
- Tax (other than DGR)
- Consumer Law
- Discrimination
- Victims Compensation
- Banking/Finance
- Insurance
- Family/Domestic Violence
- Animal Law
- Construction Law
- Environment
- Trusts
- Personal Injury
- Bankruptcy
- Coronial Inquiries
- Town Planning/Local Govt
- Superannuation
- Powers of Attorney/Guardianship
- Social Security
- Domestic Violence
- Criminal Law
- Agreements with/Tenders to Govt
- Other

- 2014: % of firms that ranked matters in this practice area as among the top five most accepted in the 2014 financial year
- 2012: % of firms that ranked matters in this practice area as among the top five most accepted in the 2012 financial year
- 2010: % of firms that ranked matters in this practice area as among the top five most accepted in the 2010 financial year
Rejected practice areas

Firms were then asked:

“To the best of your knowledge, in which areas of law or practice in the 2014 FY was your firm required to reject the most requests for assistance (for reasons other than means or merit)?”

Results can be found in Chart 11 on the next page.

As in 2012 and 2010, “Family Law (not including Family Violence)” was most often placed in respondents’ top five (19 firms). For a discussion of the factors which limit the provision of pro bono assistance by large firms in family law matters, please refer to the Centre’s 2013 Research Report Pro Bono Legal Services in Family Law and Family Violence: Understanding the Limitations and Opportunities.21

Twelve respondents placed “Criminal Law” in their firm’s top five most rejected requests for assistance, nine respondents nominated “Deductible Gift Recipient Status (DGR) Applications” and “Wills/Probate/Estate”, and eight respondents placed “Immigration” into this category. In 2012, the areas of law and practice in which requests for assistance were most often rejected by firms were, in descending order, “Family Law (not including Family Violence)”, “Immigration”, “Employment Law”, “Criminal Law”, “Wills/Probate/Estate” and “Debt” (see Chart 11 on the next page).

It is notable that a number of areas of law and practice have been consistently identified by respondents to the 2014, 2012 and 2010 Surveys as those where pro bono assistance is frequently provided but also frequently rejected, including “Deductible Gift Recipient Status (DGR) Applications”, “Employment Law”, “Immigration” and “Wills/Probate/ Estate”. This may suggest that while many requests are accepted, unmet legal need remains high in these areas.

See Appendix 1: Survey Results, Section 5, Q4 on page 94 for all responses.

Chart 11: Top five most rejected practice areas in 2014, 2012 & 2010

- Family Law
- Criminal Law
- Wills/Probate/Estate
- DGR Applications
- Immigration
- Employment law
- Personal Injury
- Debt
- Discrimination
- Insurance
- Banking/Finance
- Victims Compensation
- Family/Domestic Violence
- Commercial Agreements
- Consumer Law
- Human Rights
- Town Planning/Local Govt
- Governance
- Incorporations
- Intellectual Property
- Tax (other than DGR)
- Govt Agreements/Tenders
- Housing/Tenancy
- Professional Negligence
- Administrative/Constitutional
- Trusts
- Construction Law
- Coronial Inquiries
- Superannuation
- Royal Commissions
- Animal Law
- Bankruptcy
- Social Security
- Environment
- Powers of Attorney/Guardianship
- Fines
- Privacy/Freedom of Information
- Other

- 2014: % of firms that ranked matters in this practice area as among the top five most rejected in the 2012 financial year
- 2012: % of firms that ranked matters in this practice area as among the top five most rejected in the 2012 financial year
- 2010: % of firms that ranked matters in this practice area as among the top five most rejected in the 2010 financial year
Focus areas of pro bono practices

Firms were also asked whether their firm focused its pro bono program on specific area/s of law and practice. Some respondents identified specific areas of law and practice, with a number of areas that recurred regularly, including asylum seekers, human rights and mental health.

Other respondents provided information about their firm’s broader focus areas for their contribution to the community, and particular groupings within society, rather than specific areas of law and practice. These included the homeless, children, Indigenous organisations, individuals and reconciliation and disadvantaged youth.

Lastly, a number of respondents referred to their firms providing assistance in areas where their lawyers already have expertise in that area of law (primarily work for not-for-profit organisations).

*See Appendix 1: Survey Results, Section 2, Q14 on page 87 for all responses.*
Clients: organisations or individuals?

Pro bono legal work for both organisations and individuals falls within the definitions of pro bono that have shaped pro bono practice in Australia. By assisting organisations, law firms use their core skills to support organisations whose core business is assisting people in need and furthering the public interest. However, increasing the amount of assistance to organisations also has the potential to divert limited pro bono resources from providing services focussed on access to justice for individuals.

Firms were asked to calculate or estimate the proportion of pro bono legal work that they carried out for individuals and for organisations in the 2014 financial year. Thirty-nine firms responded to this question.

On average 65 percent of pro bono legal work in the 2014 financial year was undertaken for organisations (63% in 2012), and 35 percent for individuals (37% in 2012). The responses in relation to the proportion of pro bono legal work performed for organisations ranged from five percent (a Group C firm) to 100 percent (one firm from Group B and three firms from Group C). For overall and Group A, B and C averages see Chart 12 below.

Chart 12: Pro bono work for individuals/organisations

- Work for Individuals: 35%
- Work for Organisations: 65%

<table>
<thead>
<tr>
<th>Group</th>
<th>Work for Individuals</th>
<th>Work for Organisations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group A:</td>
<td>44%</td>
<td>56%</td>
</tr>
<tr>
<td>450 - 1,000 lawyers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group B:</td>
<td>33%</td>
<td>67%</td>
</tr>
<tr>
<td>201 - 449 lawyers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group C:</td>
<td>31%</td>
<td>69%</td>
</tr>
<tr>
<td>50 - 200 lawyers</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

22 For information on the definitions used by the Centre (and the Commonwealth Government’s LSMUL - see Government tender arrangements for legal services on page 73), the Law Council of Australia and other bodies see ‘What is Pro Bono’ at www.nationalprobono.org.au/page.asp?from=3&id=189.
23 Of the 39 respondents, 28 (72%) indicated that their answer was an estimate.
Respondents from Group A firms reported that of the pro bono legal work they performed, an average of 56 percent was for organisations, the same as in 2012. On average Group A reported the highest proportion of pro bono legal work undertaken for individual clients (44%), compared to Group B (33%) and Group C (31%). In fact, three out of eight Group A respondents reported performing more work for individuals than for organisations, with one firm reporting that they performed 77% of their work for individuals.

Respondents from Group B firms reported that of the pro bono legal work they performed, an average of 67 percent was for organisations (compared to 60% in 2012). Only one out of 13 firms performed more work for individuals (80%) than for organisations, and two estimated that they performed an equal amount of work for each.

Respondents from Group C firms reported that of the pro bono legal work they performed, an average of 69 percent was for organisations (68% in 2012). Four out of 18 firms performed more pro bono legal work for individuals than for organisations, including two firms that they performed 90% or more of their work for individuals.

Most respondents (31 firms or 79%) provided more assistance to organisations than to individuals, as in 2012 (29 firms or 81%). See Chart 13 on the next page for each firm’s responses.

24 Comparisons with data from the 2010 survey are difficult, as the equivalent question in the 2010 survey asked whether firms did more or less work for organisations than individuals. In 2010, 12 firms reported undertaking significantly more work for organisations than for individuals, nine firms reported undertaking significantly more work for individuals than organisations and eight firms reported that they undertake “approximately the same” amount of work for individuals and organisations.
<table>
<thead>
<tr>
<th>Firm</th>
<th>Percentage of work for individuals</th>
<th>Percentage of work for organisations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm 1</td>
<td>77%</td>
<td>23%</td>
</tr>
<tr>
<td>Firm 2</td>
<td>60%</td>
<td>40%</td>
</tr>
<tr>
<td>Firm 3</td>
<td>53%</td>
<td>47%</td>
</tr>
<tr>
<td>Firm 4</td>
<td>44%</td>
<td>56%</td>
</tr>
<tr>
<td>Firm 5</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>Firm 6</td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td>Firm 7</td>
<td>30%</td>
<td>70%</td>
</tr>
<tr>
<td>Firm 8</td>
<td>5%</td>
<td>95%</td>
</tr>
</tbody>
</table>

| Firm 9 | 80% | 20% |
| Firm 10 | 50% | 50% |
| Firm 11 | 50% | 50% |
| Firm 12 | 48% | 51% |
| Firm 13 | 46% | 54% |
| Firm 14 | 42% | 58% |
| Firm 15 | 30% | 70% |
| Firm 16 | 28% | 72% |
| Firm 17 | 25% | 75% |
| Firm 18 | 15% | 85% |
| Firm 19 | 10% | 90% |
| Firm 20 | 10% | 90% |
| Firm 21 |      | 100% |

| Firm 22 | 95% | 5% |
| Firm 23 | 90% | 10% |
| Firm 24 | 70% | 30% |
| Firm 25 | 60% | 40% |
| Firm 26 | 50% | 50% |
| Firm 27 | 40% | 60% |
| Firm 28 | 38% | 62% |
| Firm 29 | 30% | 70% |
| Firm 30 | 30% | 70% |
| Firm 31 | 20% | 80% |
| Firm 32 | 16% | 84% |
| Firm 33 | 10% | 90% |
| Firm 34 | 9%  | 91% |
| Firm 35 | 5%  | 95% |
| Firm 36 | 4%  | 96% |
| Firm 37 | 4%  | 100% |
| Firm 38 | 1%  | 100% |
| Firm 39 | 1%  | 100% |
Why is more work being done for organisations rather than individuals?

By assisting not-for-profit and community organisations, firms allow them to devote more of their resources to assisting those in need, rather than to paying for legal services. However, the amount of assistance being provided to organisations raises questions about where the balance should lie between pro bono legal work for organisations and individuals.

The survey results show that most large law firms (31 out of 41 respondents) are doing more work for organisations than for individual clients. While this trend represents the development of the concept of pro bono beyond the traditional notion that individual lawyers have a responsibility to assist disadvantaged individuals to obtain access to justice, it also reflects the way that large firm structured pro bono programs have developed.

Some of the factors that explain why more work is being done by large law firms for organisations rather than for individuals include:

- The match between the expertise of large corporate law firms and the needs of not-for-profit organisations and charities in areas such as tax, intellectual property and insurance (see Areas of law and practice on page 33). Many of the areas of law required to assist individuals are areas in which corporate lawyers would need training to be able to provide pro bono assistance.
- Unmet legal need in this area, which cannot be met by others in the legal assistance sector such as Legal Aid or community legal centres.
- The often complex nature of the legal problems of individuals, which may involve many legal and non-legal issues. While some lawyers in large firms may have experience in dealing with clients experiencing disadvantage, many do not.
- Firms having pre-existing and longstanding relationships with particular organisations. Assisting organisations may also provide firms with an opportunity to work with an existing or potential commercial client.

Recognising the importance of improving access to justice for individuals, a small number of large firms with well-established pro bono practices have strategically allocated resources to overcome the constraints discussed above and increase the assistance they provide to individuals. Examples include:

- Training their lawyers in areas of law relevant to providing assistance to individuals, or providing access to training from other organisations.
- Providing secondments to organisations that provide legal assistance to individuals.
- Participating in legal clinics managed by pro bono referral schemes and organisations.

25 In its major research report, Pro bono legal services in family law and family violence: Understanding the limitations and opportunities, October 2013, the Centre identified five key factors that are likely to be taken into account by a large firm with a structured pro bono program when deciding whether to take on a matter. (The report is available on the Centre’s website at www.nationalprobono.org.au).
Sources of pro bono legal work

There are many ways for firms to source pro bono legal work. These range from direct requests from existing and potential new pro bono clients, through to receiving matters from community legal centres and pro bono referral schemes and organisations.

Sources of individual firms’ pro bono legal work: number of new files

Firms were asked:

What percentage of your firm’s “pro bono legal work” (by number of new files opened) in the 2014 FY originated from:

a) Pro bono referral schemes and organisations (including referrals, secondments, joint projects and clinics) (‘referral schemes and organisations’)
b) Other community legal centres (including referrals, secondments, joint projects and clinics) (‘CLCs’)
c) Other sources (including direct requests, Legal Aid, internal projects and referrals from other organisations) (‘other sources’)

The responses received were very similar to those obtained in 2012. On average the highest percentage of pro bono legal work was received was from “other sources” (55% in 2014 and 52.5% in 2012). The balance of pro bono legal work came from “pro bono referral schemes and organisations” (27% in 2014 and 31.5% in 2012) and “CLCs” (18% in 2014 and 16% in 2012). For overall and Group A, B and C averages see Chart 14 on the next page.

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26 Pro bono legal work referred by Legal Aid Commissions was placed in the “other sources” category as it has historically been nominated by few respondent firms and formed a small part overall of the sources of pro bono legal work. It has not been placed in a grouping with “Other community legal centres” as Legal Aid Commissions and community legal centres are qualitatively different - receiving funding separately and undertaking and referring different types of work.

27 In response to feedback from pro bono coordinators, the metric used for this question in the 2014 Survey was changed from “number of hours” to “number of new files opened”, to make it easier for firms to answer. In 2012, the question was: Please estimate what percentage of your firm’s pro bono legal work in the 2012 FY (measured in hours) originated from:

a) Pro bono referral schemes and public interest clearing houses (including referrals, secondments, joint projects and clinics)
b) Community legal centres (including referrals, secondments, joint projects and clinics)
c) Other sources (including direct requests, internal projects and referrals from other organisations)

28 Of the 40 firms respondents, 29 (72.5%) indicated that their answer was an estimate
Sources of individual firms’ pro bono legal work: hours

The Centre then took each respondent’s reported percentages and applied them to their reported ‘total hours of pro bono legal work’, in order to calculate the total number of hours of pro bono legal work sourced by respondent firms from referral schemes and organisations, CLCs and other sources.

These figures (see Table 5 on the next page) show that the highest amount of pro bono legal work measured in hours was received from “other sources” (211,948 hours, or 56.7% of all hours). This amount was greater than the amount of pro bono legal work received from referral schemes and organisations (92,136 hours, 24.6%), CLCs (69,780 hours, 18.7%), or a combination of both (161,916 hours in total, or 43.3% of all hours).29

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29 These figures are based on the 39 firms that provided information about both total hours of pro bono legal work and the percentage of pro bono work received from each specific source based on the number of files opened.
Table 5: Sources of individual firms’ pro bono legal work

<table>
<thead>
<tr>
<th></th>
<th>Total pro bono hours</th>
<th>Hours from referral schemes and organisations</th>
<th>Hours from CLCs</th>
<th>Hours from other sources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Group A: 8 firms</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43,420 hrs</td>
<td>3,257 hrs (7.5%)</td>
<td>1,520 hrs (3.5%)</td>
<td>38,644 hrs (89%)</td>
<td></td>
</tr>
<tr>
<td>38,110 hrs</td>
<td>23,438 hrs (61.5%)</td>
<td>3,239 hrs (8.5%)</td>
<td>11,433 hrs (30%)</td>
<td></td>
</tr>
<tr>
<td>36,127 hrs</td>
<td>8,273 hrs (22.9%)</td>
<td>6,322 hrs (17.5%)</td>
<td>21,532 hrs (59.6%)</td>
<td></td>
</tr>
<tr>
<td>31,816 hrs</td>
<td>1,591 hrs (5%)</td>
<td>4,772 hrs (15%)</td>
<td>25,453 hrs (80%)</td>
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</tr>
<tr>
<td>28,616 hrs</td>
<td>5,723 hrs (20%)</td>
<td>14,308 hrs (50%)</td>
<td>8,585 hrs (30%)</td>
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</tr>
<tr>
<td>27,608 hrs</td>
<td>11,043 hrs (40%)</td>
<td>2,761 hrs (10%)</td>
<td>13,804 hrs (50%)</td>
<td></td>
</tr>
<tr>
<td>19,972 hrs</td>
<td>2,996 hrs (15%)</td>
<td>6,990 hrs (35%)</td>
<td>9,986 hrs (50%)</td>
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<tr>
<td>10,902 hrs</td>
<td>3,271 hrs (30%)</td>
<td>3,271 hrs (30%)</td>
<td>4,361 hrs (40%)</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Group B: 14 firms</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23,659 hrs</td>
<td>4,732 hrs (20%)</td>
<td>4,732 hrs (20%)</td>
<td>14,195 hrs (60%)</td>
<td></td>
</tr>
<tr>
<td>13,344 hrs</td>
<td>1,334 hrs (10%)</td>
<td>4,003 hrs (30%)</td>
<td>8,006 hrs (60%)</td>
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<td>8,850 hrs</td>
<td>531 hrs (6%)</td>
<td>1,859 hrs (21%)</td>
<td>6,461 hrs (73%)</td>
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</tr>
<tr>
<td>7,413 hrs</td>
<td>1,483 hrs (20%)</td>
<td>1,853 hrs (25%)</td>
<td>4,077 hrs (55%)</td>
<td></td>
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<tr>
<td>7,124 hrs</td>
<td>3,562 hrs (50%)</td>
<td>1,781 hrs (25%)</td>
<td>1,781 hrs (25%)</td>
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</tr>
<tr>
<td>6,928 hrs</td>
<td>2,979 hrs (43%)</td>
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<td>2,494 hrs (36%)</td>
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<tr>
<td>6,123 hrs</td>
<td>4,286 hrs (70%)</td>
<td>306 hrs (5%)</td>
<td>1,531 hrs (25%)</td>
<td></td>
</tr>
<tr>
<td>5,431 hrs</td>
<td>1,684 hrs (31%)</td>
<td>597 hrs (11%)</td>
<td>3,150 hrs (58%)</td>
<td></td>
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<tr>
<td>5,325 hrs</td>
<td>799 hrs (15%)</td>
<td>0 hrs</td>
<td>4,526 hrs (85%)</td>
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<tr>
<td>4,023 hrs</td>
<td>2,414 hrs (60%)</td>
<td>402 hrs (10%)</td>
<td>1,207 hrs (30%)</td>
<td></td>
</tr>
<tr>
<td>4,000 hrs</td>
<td>800 hrs (20%)</td>
<td>400 hrs (10%)</td>
<td>2,800 hrs (70%)</td>
<td></td>
</tr>
<tr>
<td>3,824 hrs</td>
<td>574 hrs (15%)</td>
<td>382 hrs (10%)</td>
<td>2,868 hrs (75%)</td>
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<tr>
<td>2,145 hrs</td>
<td>429 hrs (20%)</td>
<td>644 hrs (30%)</td>
<td>1,073 hrs (50%)</td>
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<tr>
<td>1,464 hrs</td>
<td>0 hrs</td>
<td>1,464 hrs (100%)</td>
<td>0 hrs</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Group C: 18 firms</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7,885 hrs</td>
<td>789 hrs (10%)</td>
<td>3,154 hrs (40%)</td>
<td>3,943 hrs (50%)</td>
<td></td>
</tr>
<tr>
<td>4,617 hrs</td>
<td>1,385 hrs (30%)</td>
<td>92 hrs (2%)</td>
<td>3,140 hrs (68%)</td>
<td></td>
</tr>
<tr>
<td>3,428 hrs</td>
<td>0 hrs</td>
<td>0 hrs</td>
<td>3,428 hrs (100%)</td>
<td></td>
</tr>
<tr>
<td>3,404 hrs</td>
<td>170 hrs (5%)</td>
<td>170 hrs (5%)</td>
<td>3,063 hrs (90%)</td>
<td></td>
</tr>
<tr>
<td>3,346 hrs</td>
<td>1,338 hrs (40%)</td>
<td>335 hrs (10%)</td>
<td>1,673 hrs (50%)</td>
<td></td>
</tr>
<tr>
<td>3,060 hrs</td>
<td>153 hrs (5%)</td>
<td>153 hrs (5%)</td>
<td>2,754 hrs (90%)</td>
<td></td>
</tr>
<tr>
<td>2,343 hrs</td>
<td>1,172 hrs (50%)</td>
<td>586 hrs (25%)</td>
<td>586 hrs (25%)</td>
<td></td>
</tr>
<tr>
<td>2,059 hrs</td>
<td>0 hrs</td>
<td>1,976 hrs (96%)</td>
<td>82 hrs (4%)</td>
<td></td>
</tr>
<tr>
<td>1,712 hrs</td>
<td>0 hrs</td>
<td>0 hrs</td>
<td>1,712 hrs (100%)</td>
<td></td>
</tr>
<tr>
<td>1,284 hrs</td>
<td>0 hrs</td>
<td>0 hrs</td>
<td>1,284 hrs (100%)</td>
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<tr>
<td>966 hrs</td>
<td>386 hours (40%)</td>
<td>0 hrs</td>
<td>580 hours (60%)</td>
<td></td>
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<tr>
<td>800 hrs</td>
<td>0 hrs</td>
<td>240 hrs (30%)</td>
<td>560 hrs (70%)</td>
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</tr>
<tr>
<td>714 hrs</td>
<td>0 hrs</td>
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<td>714 hrs (100%)</td>
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<tr>
<td>600 hrs</td>
<td>480 hrs (80%)</td>
<td>0 hrs</td>
<td>120 hrs (20%)</td>
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<tr>
<td>498 hrs</td>
<td>249 hrs (50%)</td>
<td>0 hrs</td>
<td>249 hrs (50%)</td>
<td></td>
</tr>
<tr>
<td>426 hrs</td>
<td>426 hrs (100%)</td>
<td>0 hrs</td>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>411 hrs</td>
<td>391 hrs (95%)</td>
<td>12 hrs (3%)</td>
<td>8 hrs (2%)</td>
<td></td>
</tr>
<tr>
<td>86 hrs</td>
<td>0 hrs</td>
<td>0 hrs</td>
<td>86 hrs (100%)</td>
<td></td>
</tr>
</tbody>
</table>

**TOTALS:** 373,864 hrs 92,136 hrs (24.6%) 69,780 hrs (18.7%) 211,948 hrs (56.7%)
Referral schemes and organisations

There are pro bono referral schemes and organisations in every state and territory in Australia. Three of these are organisations with law firm members: Justice Connect (which primarily operates in New South Wales and Victoria), JusticeNet SA (South Australia) and QPILCH (Queensland). Other pro bono referral schemes that refer pro bono matters to law firms are operated through state and territory law societies.

Of the 55 law firms in Australia with 50 or more FTE lawyers:

- **Twenty-seven firms** are members of Justice Connect, including 25 firms that responded to the 2014 Survey (61%), comprised of all eight Group A firms, ten Group B firms (out of 14) and seven Group C firms (out of 19);
- **Twenty-five firms** are members of QPILCH, including 24 firms that responded to the 2014 Survey (59%), comprised of all eight Group A firms, nine Group B firms (out of 14) and seven Group C firms (out of 19); and
- **Six firms** are members of JusticeNet SA, including five firms that responded to the 2014 Survey (12%), comprised of two Group A firms (out of eight), two Group B firms (out of 14) and one Group C firm (out of 19).

The Centre asked respondents that had received referrals from referral schemes and organisations to indicate which schemes and organisations they had received referrals from in the 2014 financial year.

Of the 34 firms that responded to this question, 28 (85%) had received referrals from Justice Connect, 30 22 (67%) from QPILCH, 31 16 (48%) from the Public Interest Advocacy Centre, ten (30%) each from the WA Law Access Pro Bono Referral Scheme and the ACT Pro Bono Clearing House, seven (21%) from the Law Society of NSW Pro Bono Scheme, four (12%) from JusticeNet SA and one (3%) each from the Tasmania Pro Bono Clearing House and the Law Society NT Pro Bono Clearing House. 32  See Chart 15 on the next page.

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30 The Queensland Law Society and Law Institute of Victoria’s pro bono referral schemes are managed and operated by QPILCH and Justice Connect, respectively. In those states law firms can receive referrals via the law society scheme without becoming members of the managing pro bono referral organisation.

31 Ibid.

32 A direct comparison to responses to a similar question in 2012 is not possible, as at that time PILCH Victoria and PILCH NSW had not yet merged to become Justice Connect. For reference, in 2012 respondents indicated that they received referrals for pro bono legal work from PILCH Victoria (74%), PILCH NSW (65%), QPILCH (65%), Public Interest Advocacy Centre (39%), Law Society of NSW Pro Bono Scheme (23%), ACT Pro Bono Clearing House (19%), JusticeNet SA (16%), WA Law Access Pro Bono Referral Scheme (16%), Law Society NT Pro Bono Clearing House (3%) and Tasmania Pro Bono Clearing House (3%). Six respondents (19%) entered responses under “other.”
The 11 “other” responses included referrals from the Cancer Council NSW Referral Service (two firms), LawHelp (two firms), Trust Law (two firms), Citizens Advice Bureau (WA), Human Rights Law Centre, National Pro Bono Resource Centre Social Enterprise Legal Panel (Parramatta NSW), NSW Bar Association Scheme, Office of the Registrar of Indigenous Corporations, PILNET, Salvos Legal, StreetLaw Perth and “Victorian Legal Service” [sic].

*See Appendix 1: Survey Results, Section 3, Q3 on page 88 for all responses.*
Working with in-house counsel

Increasingly, in-house corporate counsel in Australia have become involved in pro bono legal work, often through participation in a law firm’s pro bono program. The Centre asked respondents to report on their pro bono legal work performed in partnership with in-house counsel.

Eleven firms (27%) had worked with the in-house counsel of one or more corporate clients on a pro bono matter or project in the 2014 financial year. Seventeen firms (41%) had not or did not know, but had “discussed with corporate client/s any potential opportunities for pro bono partnerships in the 2014 FY”.

Eleven firms (27%) had neither worked with in-house counsel nor discussed opportunities, and two respondents (5%) did not know.

All Group A firms had either worked with the in-house counsel of a corporate client (five firms) or had discussed potential opportunities to do so (three firms).

Ten out of 14 Group B firms (71%) had either worked with the in-house counsel of a corporate client (three firms) or had discussed potential opportunities to do so (seven firms).

Ten out of 19 Group C firms (53%) had either worked with the in-house counsel of a corporate client (three firms) or had discussed potential opportunities to do so (seven firms). Two firms did not know whether they had worked with or discussed potential pro bono opportunities with a corporate client.

See Appendix 1: Survey Results, Section 5, Q5-6 on page 96 for all responses.
4 Organisation and coordination of pro bono legal work within firms

Pro bono policies and committees

An initial indicator of the degree of the organisation and coordination of a firm’s pro bono program is whether the firm has a written pro bono policy. Another indicator is the existence of an internal Pro Bono Committee to oversee the firm’s pro bono program.

In 2014 almost all respondents (38 firms, or 93%) reported having a written pro bono policy. The three firms that did not have a written pro bono policy were in Group C. This was similar to 2012 (91%) and 2010 (93%).

In 2014, 28 firms (68%) indicated that they had a Pro Bono Committee as follows:

- **Group A**: seven out of eight firms;
- **Group B**: nine out of 14 firms; and
- **Group C**: 12 out of 19 firms.

The number of respondents that indicated that they had a Pro Bono Committee has significantly increased when compared to previous Survey years. This may be partly attributable to a change in the Survey question. In 2012, 2010 and 2008 firms were asked who was “responsible for the coordination of pro bono legal work” at their firm and were able to select from a number of options, which included “a pro bono committee.” In 2014 firms were asked in a standalone question “does your firm have a Pro Bono Committee?”

In 2012, 14 out of 36 firms (39%) had a Pro Bono Committee that was “responsible for the coordination of pro bono legal work”. In 2010, ten out of 28 firms (36%) had a Pro Bono Committee “responsible for the coordination of pro bono legal work” and in 2008 it was ten out of 25 firms (40%).

See Appendix 1: Survey Results, Section 2, Q4-5 on page 85 for all responses.

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33 The question in 2008 was asked with reference to the respondent’s “office” rather than “firm.”
Coordination and dedicated lawyer resources

The existence of a suitably skilled pro bono coordinator, potentially with a support team of dedicated staff, is a key indicator of the extent of the organisation and coordination of a firm’s pro bono program and the firm’s commitment to this program.

Pro bono coordinators

In 2014, 38 respondents (93%) reported that their firm had a pro bono coordinator (a person with primary responsibility for pro bono legal coordination) compared to 35 out of 36 respondent firms (97%) in 2012. One of the three respondent firms without a pro bono coordinator provided the same response in 2012. The other two were new respondents to the Survey. In 2010, 17 out of 28 firms (60%) had pro bono coordinators, and in 2008 it was 20 out of 25 firms (80%).

Of the 38 firms with a pro bono coordinator, 12 had a coordinator (32%) who performed the role on a full-time basis, as in 2012. Thirteen firms indicated that the pro bono coordinator received some measure of fee relief for acting in the role, a significant increase on the six firms in 2012.

The group by group breakdown of full time pro bono coordinators is as follows:

- **Group A**: six out of eight firms (75%);
- **Group B**: four out of 13 firms (31%); and
- **Group C**: two out of 17 firms (12%).

In 2014 firms were asked for the first time if their pro bono coordinators undertook any pro bono legal work in the 2014 financial year and, if so, what percentage of their time was spent on “pro bono legal work”. Thirty-four of the 38 respondents (89%) that responded to this question indicated that the pro bono coordinator at their firm did undertake pro bono legal work, and 33 respondents provided a figure for the percentage of time this represented.

The amount of time that pro bono coordinators reported spending on pro bono legal work ranged from zero to 100 percent, with an average of approximately 33 percent\(^{34}\) of pro bono coordinator time spent on pro bono legal work.\(^{35}\)

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\(^{34}\) This average is only an approximate figure, as a number of respondents reported figures that they specified were approximations, including “close to 0%”, “about 80%” and “80-90%”. See Appendix 1: Survey Results, Section 2, Q9 on page 85 for all responses.

\(^{35}\) Of the 33 respondents, 31 (94%) indicated that their answer was an estimate.
Thirty-eight firms responded to the question “does your firm have pro bono coordinators in its other offices in Australia, if applicable?” as follows:

- **Yes - all**: 13 firms (34.2%);
- **Yes - most**: five firms (13.2%);
- **Yes - some**: two firms (5.2%); and
- **No/not applicable**: 18 firms (47.4%).

*See Appendix 1: Survey Results, Section 2, Q6-11 on pages 85-86 for all responses.*

**Dedicated pro bono lawyers**

All firms were asked how many “dedicated pro bono lawyers” and other staff were assigned to their firm’s pro bono practice.

The term “dedicated pro bono lawyer” was defined as:

*A lawyer engaged on a full-time or permanent part-time basis whose key responsibility is to undertake and/or manage pro bono legal work for the firm.*

In 2014, 23 respondents reported a total of 48.4 FTE “dedicated pro bono lawyers” and 11.8 FTE other dedicated staff, totalling 60.2 FTE (see Table 6 below).

**Table 6: “Dedicated pro bono lawyers” and other staff**

<table>
<thead>
<tr>
<th></th>
<th>TOTAL</th>
<th>Group A</th>
<th>Group B</th>
<th>Group C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partners</td>
<td>8.45</td>
<td>2.4</td>
<td>4.6</td>
<td>1.45</td>
</tr>
<tr>
<td>Senior Associates</td>
<td>13.65</td>
<td>7.1</td>
<td>5.15</td>
<td>1.4</td>
</tr>
<tr>
<td>Associates/Lawyers</td>
<td>15</td>
<td>6.8</td>
<td>5.2</td>
<td>3</td>
</tr>
<tr>
<td>Graduates</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Paralegals/Administrative</td>
<td>10.8</td>
<td>6.4</td>
<td>4.2</td>
<td>0.2</td>
</tr>
<tr>
<td>Others</td>
<td>6.3</td>
<td>3.7</td>
<td>0</td>
<td>2.6</td>
</tr>
</tbody>
</table>

---

36 See also Appendix 2: Glossary of Terms, page 115.

37 The 11.8 FTE “other staff” comprises of 10.8 “Paralegals/Administrative Staff” and one respondent’s entry of ‘Operations Manager’ in the “Others” category. All other entries in the “Others” category could be classified as “dedicated pro bono lawyers”.
In 2012, only firms which first indicated that they had a “formal pro bono practice” were asked about the number of “dedicated pro bono lawyers” and other dedicated staff at their firm. Ten respondents reported a total of 32.7 FTE “dedicated pro bono lawyers” and other staff. Due to this difference in the Survey structure it is not possible to directly compare the 2014 and 2012 results.

The spread of “dedicated pro bono lawyers” and other dedicated staff across different levels of seniority remained largely the same when compared to 2012. However, due to some minor movements in 2014, a “dedicated pro bono lawyer” was most likely to be a associate/lawyer, whereas in 2012 “a dedicated pro bono lawyer” was most likely to be a senior associate. See Chart 17 below.

As in 2012, over ten percent of “dedicated pro bono lawyers” and other staff fell into the “other” category. The titles held by the individuals in the “other” category included:

- Pro bono specific titles, such as “Head of Pro Bono” or “National Pro Bono Manager”, which firms often use to denote the unique nature and managerial facets of the role;
- “Counsel” based titles, such as “Special Counsel”; and
- Business based titles, such as “Operations Manager”.

See Appendix 1: Survey Results, Section 2, Q12 on page 86 for all responses.

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38 As outlined above, the pool of respondents to this question was limited to those which had a “formal pro bono practice.”
Graduates

Firms were asked whether they regularly rotated graduates through their formal pro bono practice. All 41 firms responded to this question.\textsuperscript{39}

Only 12 percent of firms responded “yes, always” and 20 percent indicated that they did “sometimes” depending on the size of the intake, capacity or other factors. Most firms (44%) indicated that they did not regularly rotate graduates through their formal pro bono practice while 24 percent of firms indicated that the question was not applicable because their firm did not have a formal pro bono practice and/or a graduate program.

\textit{See Appendix 1: Survey Results, Section 2, Q13 on page 86 for all responses.}

\textsuperscript{39} In 2012 there was no “not applicable” option. That year only ten firms responded to this question, thus it is not possible to make meaningful comparisons between the responses in 2014 and 2012.
Secondments

Eighteen of the 41 respondent firms (44%) had provided secondments in the 2014 financial year, down slightly from 2012 (19 out of 36 firms, or 53%). These included all eight firms in Group A, eight of the 14 in Group B, and two of the 19 in Group C.

Of the 18 firms that provided secondments in the 2014 financial year:

- 11 firms (61%) provided more secondments (measured in hours) than two years ago;
- Four firms (22%) provided approximately the same amount of secondments (measured in hours) as they were two years ago; and
- Three firms (17%) provided less secondments (measured in hours) than two years ago.

These responses are similar to those reported in the 2012 Survey (see Chart 18 below), demonstrating a continuing trend.

This trend was particularly evident in Groups B and C, where seven out of ten firms are providing more secondments than they were two years ago, and only one is providing less. A number of firms, however, observed that secondments are shortening in duration.

When a firm is providing more secondments, it is possible for its average hours of pro bono legal work per lawyer per year to rise, while the number of lawyers participating in pro bono legal work falls.
Of the 18 firms that provided secondments, the three Group A firms with the highest participation rates provided fewer than, or the same amount of, secondments as they did two years earlier, whereas four of the other five Group A firms provided more. Similarly, the three Group B firms with the highest participation rates are providing the same or fewer secondments, whereas the other five firms provided more.

Please also refer to the discussion of the decrease in participation rates since 2010 in Overall participation rates on page 29.

*See Appendix 1: Survey Results, Section 8, Q1-3 on pages 98-99 for all responses.*
Budgets and targets for pro bono programs

An indicator of the sophistication of a firm’s pro bono program is whether capacity for this work is planned. At a fundamental level, this can be demonstrated by noting whether a firm sets targets or budgets that influence the amount of pro bono legal work the firm will undertake, and how pro bono legal work is managed against these targets or budgets.

Setting budgets and targets

Firms were asked whether they set an overall target or budget for pro bono legal work in the 2014 financial year. All respondents answered this question. Most respondents (31 firms or 76%) indicated that their firm set some sort of overall target or budget for its pro bono program in the 2014 financial year, similar to 2012 (75%) and higher than in 2010 (66%).

Respondents were also asked to compare the size of their target or budget to its size two years ago. Of the 31 firms that responded to this question, 19 firms (61%) indicated that the figure was “larger” than in 2012. Only one firm (3%) indicated that the size of the budget or target was “smaller” than in 2012. The other 11 firms (36%) indicated that their target or budget remained the same, or that they did not know. See Chart 19 below.

<table>
<thead>
<tr>
<th></th>
<th>2014 respondents</th>
<th>2012 respondents</th>
<th>2010 respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larger</td>
<td>61%</td>
<td>56%</td>
<td>74%</td>
</tr>
<tr>
<td>Smaller</td>
<td>3%</td>
<td>7%</td>
<td></td>
</tr>
<tr>
<td>Same</td>
<td>23%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Don’t Know</td>
<td>4%</td>
<td>13%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Maximum, minimum or a targeted number of hours or funds

When firms were asked whether they set a target or budget for their pro bono legal work, they were also asked about the form that their budget/target took in relation to whether it was:
• A maximum, minimum or targeted amount; and
• Measured in hours or funds.

The question was framed as follows:

Did your firm set an overall target or budget for its “pro bono legal work” in the 2014 FY? Please circle all that apply.40

✓ YES - it represented a maximum or capped amount of hours to be provided in the year
✓ YES - it represented a minimum amount of hours to be provided in the year
✓ YES - it represented a nominal target for the amount of hours to be provided in the year (i.e. a set number of hours aimed for by the firm)

✓ YES - it represented a maximum or capped amount of funds (i.e. a capped dollar amount or capped percentage of gross billables/net revenue etc)
✓ YES - it represented a minimum amount of funds (i.e. a minimum dollar amount or minimum percentage of gross billables/net revenue etc)
✓ YES - it represented a targeted amount of funds (i.e. a set dollar amount or percentage of gross billables/net revenue etc aimed for by the firm)

✓ NO

✓ DON’T KNOW

✓ Other, please specify

Four respondents selected “other.” The further information provided allowed the Centre to categorise the responses provided by three of the respondents under one of the other options.

• Maximum, minimum or target

Twenty-one of the 31 respondents (68%) that answered “yes” to having a budget or target had a nominal target for the amount of pro bono legal work that the firm aimed to undertake in a financial year, as opposed to a strict maximum or minimum amount. This may indicate a preference for flexibility in the amount of pro bono legal work that firms will undertake, while also ensuring that there is a benchmark figure to aim for and measure performance against.

Interestingly, seven respondents (23%) set their budget or target with reference to a maximum, indicating that there was a ‘ceiling’ to their commitment. Three respondents (10%) set their budget or target with reference to a minimum.

40 No respondents circled more than one answer.
• **Hours or funds**

Additionally, 20 of the 31 respondents (65%) that answered “yes” to having a budget or target indicated that they based their budget/target on **hours** rather than **funds**. This preference was particularly evident amongst Group A firms. A group by group summary is outlined below:

- **Group A**: Six out of eight firms reported basing their target or budget on an amount of hours; the other two firms used a monetary amount.

- **Group B**: Six out of 14 firms reported basing their target or budget on hours and four used a monetary amount. Three firms set no target or budget at all and one is “…in the process of formalising a national pro bono co-ordination policy and role which will include an aspirational target.”

- **Group C**: Eight out of 19 firms reported basing their target on hours and five based it on a monetary amount. Six firms set no target or budget at all.

*See Appendix 1: Survey Results, Section 6, Q1-2 on page 96-97 for all responses.*
Lawyers’ billable hours and financial targets: credit for pro bono legal work

A significant issue facing lawyers undertaking pro bono legal work is how their firms treat this work in relation to their individual billable hour and/or financial targets. The level of fee relief that results from the treatment of pro bono in lawyers’ targets may indicate the strength of the pro bono culture and the level of support for the pro bono program within the firm.

As in previous Surveys, firms were asked to report on whether their lawyers were required to meet billable hour and/or financial targets, and how pro bono legal work was treated for the purposes of meeting these targets.

Lawyers required to meet billable hour and/or financial targets

Of the 41 respondents:

- 32 firms (78%) required that their lawyers meet billable hour and financial targets;
- Seven firms (17%) required their lawyers meet billable hour targets only;
- One firm (2%) required its lawyers meet financial targets only; and
- One firm (2%) did not require its lawyers to meet either billable or financial targets.

These results are similar to those obtained in 2012 and 2010.

Treatment of pro bono legal work: billable vs non-billable

A similar number of respondents reported treating pro bono hours as billable hours in each of the last three Surveys (18 firms in 2014, 18 firms in 2012 and 17 firms in 2010). However, the percentage that these numbers represent is lower for 2014, given the inclusion of a number of new firms in the Survey that do not treat hours of pro bono legal work as billable hours.41

Pro bono legal work was recognised with full billable hour credit by 40 percent of respondents (16 firms) in the 2014 financial year, compared to 51 percent in 2012 and 64 percent in 2010. Of the 33 firms that required their lawyers to meet billable hour and/or financial targets in 2012 and 2014, four firms (12%) changed their recognition of hours of pro bono legal work from full billable hour credit to a special non-billable category (with a lower or negligible value for the purposes of lawyers’ financial targets,

41 Five firms responded with “other”. The additional details provided allowed the Centre to recategorise two of these responses.
One firm that previously recognised hours of pro bono legal work as non-billable, for the purpose of billable hour targets, now recognises this time with full billable hour credit.

Of the remaining 24 respondents:

- Two firms (5%) treated pro bono hours as billable, but did so on a capped basis or gave reduced or negligible credit for financial targets;
- Nineteen firms (47.5%) treated pro bono hours as non-billable; and
- Three firms (7.5%) treated pro bono hours in some “other” way.

See Chart 20 below for an outline of the different ways in which pro bono legal work is treated.

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### Chart 20: How is pro bono legal work treated in lawyers' billable hours and financial targets?

<table>
<thead>
<tr>
<th>Description</th>
<th>2014 respondents</th>
<th>2012 respondents</th>
<th>2010 respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pro bono hours are treated as billable hours for billable hour targets and financial targets (if applicable)</td>
<td>51%</td>
<td>64%</td>
<td>40%</td>
</tr>
<tr>
<td>Pro bono hours are treated as billable hours but are capped</td>
<td>3%</td>
<td>5%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Pro bono hours are treated as billable hours but are given a lower or negligible value for financial targets</td>
<td>11%</td>
<td>5%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Pro bono hours are treated as non-billable but recorded as special non-billable category with lower/negligible value for financial targets</td>
<td>18%</td>
<td>20%</td>
<td>42.5%</td>
</tr>
<tr>
<td>Pro bono hours are treated as non-billable hours and are not recorded as a special non-billable category</td>
<td>5%</td>
<td>5%</td>
<td>7.5%</td>
</tr>
<tr>
<td>Other*</td>
<td>15%</td>
<td>20%</td>
<td></td>
</tr>
</tbody>
</table>

* “Other” responses in 2014:
  - “Recorded as pro bono - no impact on financial targets”
  - “Pro bono time is chargeable and counts towards lawyers' target hours and bonuses”
  - “Pro bono hours are treated as billable hours for the purposes of bonus target calculations”

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42 In arriving at this number the Centre has taken a conservative approach and has not included a number of free text “other” responses provided by respondents in 2012 and/or 2014 which may also be interpreted as a change from recognising hours of pro bono legal work with full billable hour credit to a non-billable category.
Six of the eight respondents from Group A firms (75%) that responded to this question reported treating hours of pro bono legal work as billable hours (one firm indicated that they are capped at a certain amount per week/month/year).

Eight of the 14 respondents from Group B firms (57%) and four of the 18 respondents from Group C firms (22%) also reported treating hours of pro bono legal work as billable hours. The majority of the remaining Group C firms (12 out of 14) treated pro bono hours as non-billable but recorded them as a special non-billable category. This largely explains the growth in this treatment as outlined in Chart 20 above.

Of the 35 respondents to this question that had multiple offices in Australia, 32 respondents (91%) reported that the treatment of pro bono legal work was consistent across all of their firm’s offices in Australia. One respondent did not know, and at two firms the treatment was not consistent.

**Other ways in which pro bono legal work is recognised**

In addition to billable hour and/or financial target credit, respondents were asked to report on other ways in which their firm recognises their lawyers’ pro bono legal work. See Chart 21 below.

See **Appendix 1: Survey Results, Section 7, Q1-4 on pages 97-98 for all responses.**

![Chart 21: Other recognition for individual lawyers’ pro bono legal work](chart-image-url)
Evaluating pro bono programs

Evaluation of pro bono programs provides important information that helps law firms assess whether they are achieving their goals and making the best use of their limited pro bono resources to address unmet legal need.

Systems for evaluating pro bono programs

Firms were asked whether their firm had a system for evaluating the firm’s pro bono program as a whole. Twenty-two respondents (54%) reported that they did, which was similar to the responses received in 2012 (56%) and 2010 (58%). This included six of eight Group A firms (75%), six of 14 Group B firms (43%) and ten of 19 Group C firms (53%).

For the first time, respondents that indicated that their firm had an evaluation system were asked to indicate the three most significant factors on which they based that evaluation. They were provided with a list of five suggested factors plus an “other” field, where they could specify another factor not listed.

The factor selected by most respondents as the basis for evaluating their pro bono programs was “participating lawyer satisfaction”, which was selected by 18 out of 22 respondents (82%). This was followed by “client feedback” (12 firms, 55%), “social impact” and “feedback from third parties (for example, pro bono referral schemes or organisations)” (both selected by nine respondents, 41%). Only three respondents (14%) selected “whether the program has assisted the firm in meeting its commercial goals.”

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43 Four respondents chose less than three significant factors.
Eight respondents selected “other.” Of these firms, three (14%) listed a reason that indicated that the number of hours performed was a significant factor, and another three (14%) indicated that meeting the goals of the firm’s pro bono program was a significant factor.

Firms were asked if they had “any further information on your evaluation methods” or “any comments.” One theme that emerged from a number of the responses was the role that parties who are not part of a firm’s core pro bono team play in evaluation. For example, one firm was planning an external evaluation to be “undertaken by an independent third party.”

Several other respondents referenced the role of the firm’s management in evaluating the program. In this context, “management” in some cases included the CEO/COO and the CSR Committee. Another respondent noted that feedback was sought from organisations that their firm had worked with in relation to pro bono legal work.

See Appendix 1: Survey Results, Section 10, Q1-3 on pages 101-102 for all responses.
Possible development of an evaluation tool

In the 2014 Survey, the Centre asked firms “how useful do you think it would be for the Centre to develop quantitative tools for the assessment and evaluation of the impact of pro bono projects and programs?” Twenty-two respondents (54%) indicated that it would be “very useful”, and a further 17 respondents (41%) said that it would be “somewhat useful.” Only two firms (5%) indicated that it would be “not useful.”

The development of an evaluation tool was particularly popular with firms in Group B, where ten out of 14 respondents (71%) indicated that it would be “very useful”. The balance indicated that it would be “somewhat useful”. A number of firms in Group B are in the process of actively developing their pro bono programs. Therefore, the high response rate may indicate that a tool of this nature would complement this development.

It is interesting to note that respondents were less interested in the development of a standardised client feedback form with only seven firms (17%) indicating that this would be “very useful.”

See Appendix 1: Survey Results, Section 18, Q2-3 on page 112 for all responses.
5 Issues which impact on pro bono programs

Crucial factors and greatest threats to the success of pro bono programs

In order for a pro bono program to be successful, sustainable, and resilient in the face of internal and external threats, it needs to develop and maintain a firm-wide commitment to pro bono, with support from the firm’s leadership being particularly vital.

Firms were asked to name crucial factors in, and the greatest threat to, the success of their firm’s pro bono program. There were no predetermined fields to select from.

The highest number of respondents (15 out of 37 firms) named management and partner support as a crucial factor in the success of their firm’s pro bono program. Unsurprisingly, a lack of said support was ranked as the equal second greatest threat to a firm’s pro bono program.

One respondent stated that the greatest threat to their firm’s pro bono program was:

Lack of higher level management support + lack of partner promotion of the PB programme amongst other partners of the firm.

As in 2012, the responses revealed a number of other key themes:

• Importance of lawyers having time to perform pro bono legal work
  In an increasingly lean legal sector, lawyers are facing greater pressure to meet financial targets. The resulting conflict between performing commercial legal work and pro bono legal work is likely to mean that lawyers have less time to devote to pro bono legal work. As one respondent noted, one of the main threats to the success of their pro bono program is the “capacity of lawyers to assist given economic pressures and lower lawyer numbers”.

  This factor was identified by the highest number of respondents as the greatest threat to their firm’s pro bono program and by several firms as a crucial factor in their program’s success.
Commitment of individual lawyers across the firm
Several respondents identified the commitment, willingness and enthusiasm of their lawyers as a crucial factor in the success of their pro bono programs. This is particularly important in the face of the need to balance time between undertaking pro bono legal work with commercial legal work.

One respondent put it as follows:

Our great lawyers: they are excellent and have a genuine desire to use their skills to contribute to the community.

Integration of pro bono legal work into the firm’s operation
The integration of pro bono legal work into the operation of the firm was identified by several respondents as a crucial factor to the success of a firm’s pro bono program.

This view was reflected by a number of respondents one of whom noted the importance of the “integration [of pro bono legal work] into our legal practice, so that pro bono work is just normal work for all of our lawyers.” In the context of integration a number of respondents noted the need for “fee recognition for PB hours in [the] calculation of performance.” The potential for undertaking pro bono legal work to have a negative impact on performance indicators was noted as a threat.

Organisation of pro bono programs
The professional management of a firm’s pro bono program by dedicated pro bono staff was cited as a crucial factor in its success of a firm’s program by a number of respondents. The equal second highest response to the “greatest threat” question identified a lack of resources dedicated to pro bono programs. Several firms also noted the importance of “clear goals, [a] strategic plan and philosophy.”

In the same vein, one respondent viewed the failure of the structure of its pro bono program to keep pace with the growth of the firm as its greatest threat, while another noted that “no specific program set up” was the greatest threat to pro bono legal work performed at their firm.

See Appendix 1: Survey Results, Section 17, Q1-3 on pages 108-111 for all responses.
Challenges for pro bono programs

Firms were also asked to select the top three challenges for their firm’s pro bono program from a predetermined list which included an “other” option. The list of challenges that respondents could choose from were identical to those provided in the 2012 and 2010 Surveys, and the challenges identified have remained remarkably consistent.

The top challenge identified by respondents, by a significant margin, was firm capacity. This challenge was selected by more than half of respondents (26 firms, or 62%). Firm capacity was also the challenge nominated by more respondents than any other challenge in 2012 (42%) and in 2010 (66%).

“Concern about conflicts of interest with fee paying clients” and “insufficient expertise in relevant areas of the law” made up the balance of the top three challenges, as they did in 2012 and in 2010.

![Chart 24: Top three challenges for pro bono program](chart)

Whilst most challenges were selected by a consistent proportion of firms across Groups A, B and C, there were a number that affected certain groups disproportionately. For example, “lack of management or partner support” was not
nominated by any Group A firm as one of their top three, but was selected by five respondents from Group B firms (36%) and four respondents from Group C firms (21%). A similar trend is evident in relation to the responses provided by respondents in relation to the open ended ‘greatest threat’ question (see Crucial factors and greatest threats to the success of pro bono programs on page 64) - only respondents from Group B and C firms nominated a lack of management or partner support as a threat.

Conversely, concern about conflicts of interest was selected by four of the seven Group A firms that answered this question (57%), but only six of the 19 Group C firms (32%).

“Pro bono hours do not count as billable hours or financial targets” was of particular concern to respondents from Group C firms (9 firms, or 47.4%), where this treatment is most prevalent. No respondents from Group A firms and only two from Group B firms (14%) nominated this as a challenge.

It is interesting to note that the ability to fund external disbursements followed the trend from 2012 and did not rate highly. See Cost of disbursements (page 68) for more information.

See Appendix 1: Survey Results, Section 9, Q1 on page 99 for all responses.
Cost of disbursements

In the early years of the Survey (2008 and 2010) the cost of disbursements was identified by a number of firms as a significant constraint on providing pro bono legal assistance.

In recent Surveys (2012 and 2014) the number of respondents that identified the “ability to fund external disbursements” as a top three challenge has steadily decreased (see **Challenges for pro bono programs** on page 66). In 2014 only three respondents (one each from Groups A, B and C) nominated the “ability to fund external disbursements” as one of their top three challenges. This may be an indication of an increased willingness by firms to cover these costs themselves.

Firms were also separately asked to identify which types of disbursements have been “a constraint on the delivery of pro bono legal services for your firm.” The responses indicated that the top two disbursement based barriers to pro bono legal services are “travel and accommodation” (nine firms) and “interpreters’ fees” (eight firms). Equal third were “other expert witness reports and appearance fees”, and “barrister fees (advice or representation)”, which were both nominated by six firms. The complete summary of responses is outlined in **Chart 25** below.

**Chart 25: Top 3 disbursement-related constraints to pro bono programs**

<table>
<thead>
<tr>
<th>Description</th>
<th>Number of firms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travel and accommodation</td>
<td>9</td>
</tr>
<tr>
<td>Interpreter’s fees</td>
<td>8</td>
</tr>
<tr>
<td>Other expert witness reports and appearance fees</td>
<td>6</td>
</tr>
<tr>
<td>Barrister fees (advice or representation)</td>
<td>6</td>
</tr>
<tr>
<td>Filing fees</td>
<td>5</td>
</tr>
<tr>
<td>Transcripts</td>
<td>5</td>
</tr>
<tr>
<td>Medical reports and appearance fees</td>
<td>4</td>
</tr>
<tr>
<td>Search costs</td>
<td>2</td>
</tr>
<tr>
<td>Internal disbursements</td>
<td>1</td>
</tr>
</tbody>
</table>
It is interesting to note that 13 firms selected at least one of interpreter’s fees, medical reports and appearance fees and/or expert witness reports. If these expert-related disbursement categories had been combined they would have been the most nominated barrier.

Disbursement assistance schemes exist to address the impact of the cost of disbursements on the provision of pro bono assistance. However, the availability of such schemes is limited.

Responses to the 2014 Survey indicate that in the last two years only four firms (10%) had applied to a disbursement assistance scheme. In 2012 nine firms (25%) had applied, and in 2010 seven firms (24%) had applied. Two of those firms had applied to a scheme managed by the “Attorney-General’s Department,” one had applied to the Law Society of NSW, and the other had applied to schemes managed by pro bono referral organisations.

In 2010, reported experiences with the disbursement assistance schemes were primarily negative, while in 2012 they were mixed. In 2014, responses remained mixed.

See Appendix 1: Survey Results, Section 9, Q2-5 on pages 100-101 for all responses.

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6 External influences

National Pro Bono Aspirational Target

The National Pro Bono Aspirational Target is a voluntary target that law firms, incorporated legal practices, solicitors and barristers can choose to sign up to, agreeing to aspire to provide at least 35 hours of pro bono legal work per lawyer per year. The Target provides a benchmark for pro bono legal work in Australia.

As at 30 June 2014 the National Pro Bono Aspirational Target (the Target) had 124 signatories, including 74 law firms that reported on their performance against the Target. This included 35 firms with 50 or more FTE lawyers, who were also invited to respond to this Survey.

Thirty-two of these firms accepted the invitation to complete the Survey (representing 87% of lawyers covered by the Survey), compared with 20 firms (60% of all lawyers) in 2012 and 13 firms (54% of all lawyers) in 2010.

This increase reflects the significant rise in firms with 50 or more FTE lawyers signing up to the Target since 2012, which now covers 17 of the 20 largest firms in Australia.

Chart 26: National Pro Bono Aspirational Target - Number of FTE lawyers: Signatories vs non-signatories

In 2014, all 41 respondent firms indicated that they were aware of the Target, up from 97 percent in 2012 and 90 percent in 2010.

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45 The Target is contained in a Statement of Principles. For more information, see www.nationalprobono.org.au
46 Signatories undertake to report to the Centre on their performance against the Target after the end of each financial year. The Centre’s Seventh Annual Performance Report on the National Pro Bono Aspirational Target was released in October 2014.
As in 2012 and 2010, signatories to the Target performed better across all key pro bono metrics including:

- **higher hours of pro bono legal work per lawyer**: signatories performed **34.6** hours of pro bono legal work per lawyer, compared to **14.5** hours per lawyer by non-signatory firms; and
- **higher participation rates**: signatories reported an average **54%** participation rate (% of lawyers who performed at least one hour of pro bono legal work), compared to **33%** for non-signatory firms.

This suggests that, in general, a stronger pro bono culture exists in signatory firms.

Of the 32 signatories, twelve firms met or exceeded the Target in the 2014 financial year, compared with nine firms in 2012 and seven in 2010. All of the firms that met the Target expected to meet it again next year.

For more information on the performance of signatories to the Target please refer to the Centre’s *Seventh Annual Performance Report on the National Pro Bono Aspirational Target* (Target Report), released in October 2014.47 The Target Report provides separate breakdowns of responses provided by firms that employ 50 or more FTE lawyers.

In the Target Report, 37.7 percent of respondent firms indicated that the National Pro Bono Aspirational Target had directly led to an increase in the pro bono legal work undertaken by the firm and 55.1 percent of respondent firms indicated that the Target increased the firm’s focus on the legal needs of disadvantaged people and the organisations which assist these people. Respondents were able to select from more than one option when answering this question.

**Proportion of lawyers exceeding the Target**

For the first time the Centre asked all respondents to report on the proportion of lawyers at their firm that undertook 35 or more hours of pro bono legal work in the 2014 financial year, whether their firm was a signatory to the Target or not. Thirty-three firms answered this question.48

On average, respondents indicated that 15 percent of lawyers at their firms undertook 35 hours or more of pro bono legal work. The three respondents that reported the

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47 The *Seventh Annual Performance Report on the National Pro Bono Aspirational Target* can be found at https://wic041u.server-secure.com/vs155205_secure/CMS/files_cms/Seventh%20Annual%20Performance%20Report%20on%20the%20Aspirational%20Target%202014.pdf.

48 Of the 33 respondents, 13 (39%) indicated that their answer to this question was an estimate.
highest proportions were from a Group C firm (55%), Group A firm (43.4%) and Group B firm (35%).

The five Group A respondents that responded to this question averaged 24 percent of the lawyers at their firm meeting the Target, 12 Group B respondents reported an average of 16 percent and 16 Group C respondents averaged 12 percent.

It is interesting to compare the proportion of lawyers at each firm who undertook 35 or more hours of pro bono legal work with that firm’s overall participation rate (i.e. the proportion of lawyers that undertook one or more hours of pro bono legal work).

For example, the firm with the highest participation rate (89% of all lawyers) also had the second-highest proportion of lawyers that undertook 35 or more hours of pro bono (43% of all lawyers), meaning that approximately half of the lawyers at the firm that undertook pro bono legal work undertook more than 35 hours. Similarly, the firm with the second-highest participation rate (85%) had the highest proportion of lawyers that undertook 35 or more hours of pro bono (55%), meaning that almost two-thirds of the lawyers at that firm who undertook pro bono legal work undertook more than 35 hours.

At many other firms, however, the pro bono legal work undertaken was concentrated among a much smaller proportion of their lawyers. At eight of the 31 firms for which both figures were provided, less than 20% of lawyers who undertook pro bono legal work performed 35 or more hours, meaning that their hours had a strong influence on those firms’ overall pro bono hours per lawyer figure.

On average, 31 percent of lawyers who undertook at least one hour of pro bono legal work actually undertook 35 or more hours of pro bono legal work.

*See Appendix 1: Survey Results, Section 4, Q11 on page 92 for all responses.*
Government tender arrangements for legal services

Pro bono conditions in government tender arrangements exist to promote pro bono as a professional obligation and to encourage law firms to perform more pro bono legal work.

The Commonwealth and Victorian governments are the only jurisdictions in Australia that include pro bono conditions in their tender arrangements for the purchase of legal services from law firms. Under these arrangements, government departments, agencies and statutory authorities are required to purchase legal services from a panel or list of firms which meet certain criteria, including conditions relating to their pro bono contribution (for more information on the features of, and differences between, the Commonwealth and Victorian arrangements see Table 7: Government tender arrangements for legal services on page 75).

Thirty-six of the 41 respondent firms (88%) indicated that they were listed on the Commonwealth Legal Services Multi-use List (LSMUL). This was a marked increase on the number of firms listed in 2012. In 2012, only 23 firms of 36 respondent firms (64%) were listed on the LSMUL. This was an increase on the 16 firms (55%) in 2010 which had tendered for Commonwealth Government work in accordance with the Legal Services Directions 2005 (Cth). The LSMUL did not come into operation until 2012.

Seventeen of the 41 respondent firms (41%) indicated that they were on the Victorian Government Legal Services Panel (Panel). This was similar to the response in 2012, when 16 firms (44%) indicated that they were Panel members.

Firms were asked whether they believed that the pro bono conditions included in the tender arrangements by the Commonwealth and Victorian governments were useful in encouraging law firms to undertake pro bono legal work. Eighty-eight percent of respondents who answered this question (23 of 26 firms) indicated that the arrangements were useful in encouraging law firms to undertake pro bono legal work (see Chart 27 on the next page).

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49 For more information please refer to www.ag.gov.au/LegalSystem/LegalServicesCoordination/Pages/Legalservicesmultiuselistsandserviceproviders.aspx.
Respondents were also asked for comments on the “form and operation” of the Commonwealth and Victorian tendering processes. The comments provided covered a number of issues including:

- **Reporting requirements**
  Of the Victorian arrangements one respondent commented:

  More cumbersome; reporting requirements more onerous than Commonwealth.

- **Acknowledgement of pro bono after firms have become LSMUL or Panel members**
  Of the Commonwealth arrangements one respondent commented:

  Pro bono work is rarely if ever mentioned in post tender debriefs and therefore there is a question over how beneficial it is in meeting the target as against Firms who not meet [sic] the target.

- **Introduction of pro bono conditions into the tender arrangements in other jurisdictions**
  In relation to the Commonwealth arrangements one respondent commented:
The Commonwealth should put pressure on all States to introduce these requirements so that there is consistency across States.

See Appendix 1: Survey Results, Section 15, Q1-3 on page 106 for all responses.

Only the Commonwealth and Victorian governments currently include pro bono provisions in their tender arrangements. The operation of these provisions differs between the jurisdictions.

Table 7: Government tender arrangements for legal services

<table>
<thead>
<tr>
<th></th>
<th>Commonwealth</th>
<th>Victoria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name of the arrangement</strong></td>
<td>Commonwealth Legal Services Multi-use List</td>
<td>Victorian Government Legal Services Panel</td>
</tr>
<tr>
<td><strong>Date of commencement</strong></td>
<td>1 July 2008 with the current LSMUL structure commencing on 1 June 2012</td>
<td>July 2002 and refreshed for six years on 1 July 2009</td>
</tr>
<tr>
<td><strong>Definition of pro bono</strong></td>
<td>Only Pro Bono Work (defined as “pro bono legal services” under the Target) is counted for tender purposes</td>
<td>Only Pro Bono Services within the meaning of Approved Causes can be counted for tender purposes. Approved Causes is broader than “pro bono legal services” as defined under the Target</td>
</tr>
<tr>
<td><strong>Measurement of pro bono</strong></td>
<td>Hours per lawyer per year basis</td>
<td>Financial basis - the percentage of legal fees (excluding GST, expenses and disbursements) nominated by the firm</td>
</tr>
<tr>
<td><strong>Enforceability of pro bono condition</strong></td>
<td>Not an enforceable condition</td>
<td>Enforceable condition</td>
</tr>
<tr>
<td><strong>Law firm reporting obligations regarding pro bono</strong></td>
<td>Firms need to report to the Office of Legal Services Coordination within 30 days of the end of each financial year</td>
<td>Firms need to keep records of the Pro Bono Services that they have provided and are required to report on this annually (31 December) to the Contract Manager. This report must be updated quarterly</td>
</tr>
</tbody>
</table>
7 Pro bono assistance in specific contexts

Pro bono legal work in regional, rural and remote (RRR) areas

*Given the high levels of unmet legal need and the challenges of providing legal services in RRR areas,* respondents were asked to provide information regarding the pro bono legal work they undertake in these areas. The responses provide an indication of the amount of work done and the barriers that need to be overcome to “facilitate the provision of such assistance”.

Less than half of the respondents to the Survey (17 firms or 41%) reported undertaking pro bono legal work which was focussed on RRR areas, similar to 2012 (16 firms, 44%) and 2010 (13 firms, 45%).

The proportion of these firms’ pro bono contribution that was focussed on RRR areas varied greatly from less than one percent (a Group B firm) to 40 percent (a Group C firm) with ten of the 17 respondents’ answers ranging between 0-10%.  

Pro bono legal work conducted in RRR areas

Only eight of these 17 respondents indicated that their firm provided any of this pro bono legal work on an outreach basis, which the Centre defined as “… work carried out by your firm’s lawyer/s who had travelled to a “RRR area” (for example, through face to face assistance, secondments, joint projects or clinics)”.

This was less than in the 2012 Survey, where 12 of 16 respondents had actually conducted this work on an outreach basis.

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51 The term “regional, rural and remote (RRR) areas” was defined for Survey respondents and appears in Appendix 2: Glossary of Terms on page 116.

52 Substantial research on access to justice in RRR areas has been conducted by a number of organisations in Australia, including the Law and Justice Foundation of NSW and the Centre for Rural Regional Law and Justice. The National Rural Law and Justice Alliance (www.nrlja.org.au), established in 2013, seeks to highlight and work towards addressing these issues. The National Pro Bono Resource Centre is a member of the Alliance and sits on its Council.

53 Of the 17 respondents, 13 (76%) indicated that their answer was an estimate.

54 It should be noted that we asked firms to calculate these figures based on the percentage of new files opened, as opposed to the 2012 Survey, where we asked for these figures based on number of pro bono hours performed.

55 Of the eight respondents, six (75%) indicated that their answer was an estimate.
As in previous Surveys, a relatively small proportion of this work is actually carried out in RRR areas. **Chart 28** below illustrates both the proportion of each firms’ overall pro bono legal work focussed on RRR areas, as well as the percentage of this work undertaken in those areas on an outreach basis.
The nature of respondents’ pro bono legal work focussed on RRR areas

The types of assistance provided reported by respondents varied greatly. These included:

Table 8: Assistance to RRR clients

| Group A | • Four short secondments to Geraldton Resource Centre’s offices in Geraldton and Carnarvon.  
|         | • Two Legal Aid WA regional circuits to courts at Port Headland, Newman, Kununurra, Balgo and Halls Creek.  
|         | • CLSD Free Legal Advice Clinic at Cootamundra.  
|         | • Acted for clients in 65 RRR communities. 
|         | Mostly working on matters that came to us directly and where the clients are remotely located. These are almost all matters for Aboriginal and Torres Strait Islander individuals and organisations.  
|         | Referrals from RRR CLC’s or NFPs  
|         | We have 60 lawyers in five centres working with [community legal centre] to provide online assistance to young people.  
|         | • Wills workshops/clinics, representation of RRR clients in proceedings  
|         | • Secondments to RRR CLCs  
|         | • Referrals from RRR community and legal organisations  
|         | • Participation in CLSD [Cooperative Legal Service Delivery]  
| Group B | Casework  
|         | Referrals from CLCs and existing clients and acquaintances of staff who work in RRR offices  
|         | Referrals from regional and remote clients, development of projects independently.  
|         | Referrals from RRR CLCs and NFPs through the CLSD [Cooperative Legal Service Delivery] program and referrals through ALC [Aboriginal Land Council]  
|         | Secondments to RRR organisations  
|         | Secondments, advice to individuals and organisations  
|         | Work through Arts Law with Indigenous Communities providing advice on wills and IP law  
| Group C | Arts Law Wills Project - wills through on site clinics; online legal assistance for remote indigenous organisations  
|         | Developing a project to assist an RRR area including tax and corporation advice.  

56 A number of firms referred to projects that use online services and/or video conferencing. For more information on the use of video conferencing please refer to the Centre’s paper *The use of video conferencing technology to provide pro bono assistance to self-represented litigants in regional, rural and remote Australia* (April 2014).
International pro bono legal work

In the context of the internationalisation of the Australian legal industry, and the continuing increase in the number of global law firms operating in the Australian legal market, respondents were asked to provide information about the amount, type and sources of any “international pro bono legal work” undertaken by their firm.

Despite increasing globalisation in the Australian legal sector, the number of firms undertaking international pro bono legal work has not markedly changed over the past four years. In 2014, 14 respondents (34%) reported that their Australian lawyers undertook international pro bono legal work, similar to the 12 respondents in 2012 and 2010. Of these 14 respondents, six were from Group A firms, five were from Group B firms and three were from Group C firms.58

The proportion of these firms’ pro bono contribution that is devoted to international pro bono legal work varied greatly from 0.9 percent (Group C) to 38 percent (Group C), as it did in 2012 (0.5-35%) and 2010 (1-20%), however ten of the 14 firms’ answers ranged between 0-5%.59,60

Pro bono legal work conducted overseas

Only six of these 14 firms provided “… any of this international pro bono legal work on an outreach basis,” which the Centre defined as “… work carried out by your Australian lawyers who had travelled overseas (for example, through face to face assistance, secondments, joint projects or clinics).”61 This was similar to the results from the 2012 Survey, where six of 12 had conducted international pro bono legal work outside Australia.

As in previous Survey years, a relatively small proportion of this work is actually carried out overseas. Chart 29 on the next page illustrates both the proportion of each firms’ overall pro bono legal work that is international pro bono legal work, as well as the

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57 The term “international pro bono legal work” was defined for survey respondents and appears in Appendix 2: Glossary of Terms on page 115.
58 In 2012, the 12 firms consisted of six Group A firms, three Group B firms and three Group C firms. In 2010, the 12 firms consisted of eight Group A firms and four Group B firms.
59 Of the 14 respondents, 8 (57%) indicated that their answer was an estimate.
60 It should be noted that we asked firms to calculate these figures based on the percentage of new files opened, as opposed to the 2012 Survey, where we asked for these figures based on number of pro bono hours performed. One firm noted in its answer that “however, many of these matters were more involved and complicated than domestic matters so this does not accurately reflect the amount of time spent on international pro bono.”
61 Of the six respondents, all six indicated that their answer was an estimate.
percentage of this work undertaken overseas on an outreach basis. This pattern is similar to that shown in Chart 28 (page 77) in the previous section, Pro Bono Legal Work in Regional, Rural and Remote (RRR) Areas.

Chart 29: International pro bono legal work as a percentage of each firm's overall pro bono hours (also work carried out by firms on an outreach basis)
The nature of respondents’ international pro bono legal work

Respondents that undertook international pro bono legal work were asked to describe this work. Their responses are provided below.

Table 9: International Pro Bono Legal Work

| Group A | • Advice to international charities on referral from TrustLaw and PILnet.  
|         | • Advice to Australian based charities regarding international contracts.  
|         | • Capacity building assistance to overseas humanitarian workers to investigate and support human rights issues.  
|         | • Commercial advice to an international aid organisation - to its international boards not based in Australia  
|         | Advice for international NGOs  
|         | Mostly policy and research work for NGOs referred by PILnet or TrustLaw. A little work for NGOs in Vietnam where we have offices.  
|         | We worked in collaboration with BABSEA CLE [Bridges Across Borders Southeast Asia Community Legal Education Initiative] to build Rule of Law through legal education, delivering workshops and supporting community legal clinics.  
| Group B | • Drafting in collaboration with BABSEA [Bridges Across Borders Southeast Asia Community Legal Education Initiative] and delivery of clinical legal education in Vietnam  
|         | • Training to lawyers in PNG Department of Justice and Attorney-General  
|         | • Advice to the Marshall Islands Auditor-General  
|         | • Rule of law and comparative research i.e. providing information and in some cases best practice examples of legislation/drafting for developing and post-conflict countries.  
|         | • Contributing to international research projects on particular topics such as youth homelessness and human trafficking.  
|         | Training and advice in the area of HIV/AIDS policy and law reform  
|         | Training CLC lawyers in Myanmar  
|         | We second an individual to the Government of a neighbouring developing country. We undertake capacity building work through legal education for NGOs, law students and lawyers (private and government) in developing countries within the Asia Pac Region and parts of Africa. We also work on violence against women projects in the Pacific Islands.  
| Group C | 240 hours in Fiji advising on Constitutional Regulations of the Methodist Church  
|         | Policy work |
In the 2012 Survey, firms were asked whether they anticipated undertaking any pro bono legal work through the Centre for Asia-Pacific Pro Bono (CAPPB) in the next 12 months. The CAPPB had been established 12 months earlier. In 2012, only five of 36 firms (13%) anticipated undertaking any work through the CAPPB in the following 12 months, 18 (50%) did not, eight (22%) did not know and five (13%) were not aware of the CAPPB’s existence.

The same question was asked in the 2014 Survey, and despite the passage of time results were similar: only four of 41 firms (10%) anticipate undertaking any work through the CAPPB in the next 12 months, 20 (49%) do not, 11 (27%) did not know and six (15%) were not aware of its existence.

The most common reasons cited by the 31 firms that do not anticipate undertaking any work through the CAPPB, or that are unsure, was that their focus is on undertaking pro bono legal work in Australia rather than overseas or that their pro bono programs are not yet sophisticated enough to consider this sort of work. Others noted a lack of awareness of the CAPPB’s work and current activities and previous failed attempts to obtain work through this channel.

See Appendix 1: Survey Results, Section 14, Q8-9 on page 105 for all responses.

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62 The CAPPB acts as a clearing house to coordinate requests for pro bono legal assistance from the Asia-Pacific region to Australia. It received funding from the Commonwealth Attorney-General’s Department and is housed within the Law Council of Australia Secretariat. For further information see http://cappb.org/.

63 Of the 14 firms that have undertaken international pro bono legal work in the last year, four said “yes”, five said “no”, and six said “don’t know”.
Appendix 1: Survey Results

This appendix contains the questionnaire for the 2014 National Law Firm Pro Bono Survey, complete with survey responses for each question. “Other” responses have not been re-categorized for the purpose of this Appendix. Where appropriate, the results have been divided into Groups according to the size of the respondent firms: **Group A** (450-1,000 FTE lawyers), **Group B** (201-449 FTE lawyers), and **Group C** (50-200 FTE lawyers). For purposes of clarity, responses to some questions have been combined and tabulated.

In some cases, text responses have been wholly or partially modified or excluded in order to maintain respondents’ anonymity. Where this occurs it is noted and/or indicated by square brackets. With all questions the placement of each firm’s response has been randomized to further protect the respondents’ anonymity, meaning that a firm listed as ‘Firm 1’ in one question is unlikely to correlate with ‘Firm 1’ in another question. Typing errors have also been corrected, where identified.

The questionnaire contained definitions of key terms for the benefit of the respondents. These terms appear in bold, black in quotation marks, for example “pro bono legal work”. Definitions can be found in Appendix 2: Glossary of Terms on page 114.

**Section 1 – About you and your firm**

Q1 – What is your position in your firm (e.g. partner, pro bono coordinator)?

*Individual answers removed to protect respondent anonymity.*

Q2 – Does your firm have more than one office?

- Yes - Total: 38 firms - Group A: 8 firms, Group B: 14 firms, Group C: 16 firms
- No - Total: 3 firms - Group C: 3 firms

Q3 – Where is your firm’s largest (or only) Australian office by total number of lawyers?

- ACT - Total: 1 firm - Group B: 1 firm
- NSW - Total: 25 firms - Group A: 8 firms, Group B: 7 firms, Group C: 10 firms
- NT - Total: 0 firms
- QLD - Total: 3 firms - Group B: 1 firm, Group C: 2 firms
- SA - Total: 0 firms
- TAS - Total: 0 firms
- VIC - Total: 11 firms - Group B: 5 firms, Group C: 6 firms
- WA - Total: 1 firm - Group C: 1 firm

Q4 – How many full-time equivalent lawyers (including partners and law graduates but excluding paralegals and law clerks) were there in your firm in Australia in the 2013/2014 financial year (2014 FY)?

To calculate this number, please average the number of FTE lawyers on the first day and last day of the 2014 FY, i.e.:
(FTE lawyers at 1 July 2013 + FTE lawyers at 30 June 2014) ÷ 2 =

Individual answers removed to protect respondent anonymity. There are:

- 8 firms with between 450-1,000 FTE lawyers (referred to in this report as ‘Group A’)
- 14 firms with between 201-449 FTE lawyers (referred to in this report as ‘Group B’)
- 19 firms with between 50-200 FTE lawyers (referred to in this report as ‘Group C’).

Q5 – If the data is readily available to you, how many of these FTE lawyers are based in:

- ACT - Total reported: 339.1 - Group A: 115.76, Group B: 219.34, Group C: 4
- NSW - Total reported: 3473.01 - Group A: 1921.12, Group B: 876.17, Group C: 945.72
- NT - Total reported: 1531.1 - Group A: 838.99, Group B: 337.59, Group C: 354.52
- SA - Total reported: 110.4 - Group A: 7, Group B: 27.67, Group C: 75.7
- TAS - Total reported: 1.43 - Group A: 0, Group B: 1.43, Group C: 0
- VIC - Total reported: 2,699.51 - Group A: 1446.15, Group B: 597.95, Group C: 655.41
- WA - Total reported: 805.9 - Group A: 538.4, Group B: 108.2, Group C: 159.3

33 of 41 firms answered this question

Q6 – Did your firm complete the last National Law Firm Pro Bono Survey in 2012?

- Yes - Total: 33 firms - Group A: 8 firms, Group B: 12 firms, Group C: 13 firms
- No - Total: 4 firms - Group B: 1 firm, Group C: 3 firms
- Don’t know - Total: 4 firms - Group B: 1 firm, Group C: 3 firms

Section 2 – About your firm’s pro bono program

Q1 – Is your firm’s definition of pro bono legal work in accordance with the “Centre’s definition of pro bono legal work”, as provided in the Glossary, for the purposes of this survey?

- Yes – please go to question 3 - Total: 39 firms - Group A: 7 firms, Group B: 14 firms, Group C: 18 firms
- No – please continue to the next question - Total: 2 firms - Group A: 1 firm, Group C: 1 firm

Q2 – What is your firm’s definition of pro bono work?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Services that involve the exercise of professional legal skills and are provided on a free or substantially reduced fee basis for:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1. Disadvantaged or marginalised people who cannot afford legal services;</td>
</tr>
<tr>
<td></td>
<td>2. Not-for-profit organisations that work on behalf of members of the community who are disadvantaged or marginalised, or which work for the public good; and</td>
</tr>
<tr>
<td></td>
<td>3. Public interest matters, being matters of broad public or community concern which would not otherwise be pursued.</td>
</tr>
<tr>
<td></td>
<td>This definition includes a full range of legal activities including litigation, legal opinions and advice, drafting of documents, research, negotiations, provision of secondees and mediators, involvement in law and legal policy reform and community legal education. It may also include non-legal activities such as provision of premises, IT support or secretarial/paralegal assistance.</td>
</tr>
</tbody>
</table>

| GROUP C | A policy document defining ‘Pro Bono’ is presently being fine lined. |

Q3 – Did any lawyers in your firm in Australia do any “pro bono legal work” in the FY 2014?

- Yes – please continue to the next question - Total: 41 firms
- No – please go to section 15 - Total: 0 firms
Don’t know – please go to section 15 - Total: 0 firms

Q4 – Does your firm have a written pro bono policy?

Yes - Total: 38 firms - Group A: 8 firms, Group B: 14 firms, Group C: 16 firms
No - Total: 3 firms - Group C: 3 firms
Don’t know - Total: 0 firms

Q5 – Does your firm have a Pro Bono Committee?

Yes - Total: 28 firms - Group A: 7 firms, Group B: 9 firms, Group C: 12 firms
No - Total: 13 firms - Group A: 1 firm, Group B: 5 firms, Group C: 7 firms

Q6 – Is there someone in your firm with the primary responsibility for the coordination of “pro bono legal work”?

Yes – please continue to the next question - Total: 38 firms - Group A: 8 firms, Group B: 13 firms, Group C: 17 firms
No – please go to question 12 - Total: 3 firms - Group B: 1 firm, Group C: 2 firms

Q7 – Is that person (please circle all that apply):

A partner? - Total: 20 firms - Group A: 4 firms, Group B: 6 firms, Group C: 10 firms
A solicitor? - Total: 17 firms - Group A: 4 firms, Group B: 7 firms, Group C: 6 firms
A non-legal staff member? - Total: 1 firm - Group C: 1 firm
Performing the role full time? - Total: 12 firms - Group A: 6 firms, Group B: 4 firms, Group C: 2 firms
Performing the role part time? - Total: 26 firms - Group A: 2 firms, Group B: 9 firms, Group C: 15 firms
Receiving some measure of fee relief for acting in the role? - Total: 13 firms - Group A: 2 firms, Group B: 6 firms, Group C: 5 firms

Q8 – Does this person undertake any “pro bono legal work”?

Yes – please continue to the next question - Total: 34 firms - Group A: 8 firms, Group B: 12 firms, Group C: 14 firms
No – please go to question 11 - Total: 4 firms - Group B: 1 firm, Group C: 3 firms

Q9 – What percentage of the time that this person spends in this role was spent undertaking “pro bono legal work” in the 2014 FY?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>100%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Close to 0%</td>
</tr>
<tr>
<td></td>
<td>100% - 50% client work, 50% management</td>
</tr>
<tr>
<td></td>
<td>75%</td>
</tr>
<tr>
<td></td>
<td>5%</td>
</tr>
<tr>
<td></td>
<td>80%</td>
</tr>
<tr>
<td></td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>30%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>30%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>14%</td>
</tr>
<tr>
<td></td>
<td>70%</td>
</tr>
<tr>
<td></td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>20%</td>
</tr>
</tbody>
</table>
Q10 – Is this answer an estimate?

✓ Yes - Total: 31 firms
✓ No - Total: 2 firms

Q11 – Does your firm have pro bono coordinators in its other offices in Australia, if applicable?

✓ Yes, all - Total: 13 firms - Group A: 5 firms, Group B: 4 firms, Group C: 4 firms
✓ Yes, most - Total: 5 firms - Group A: 1 firm, Group B: 2 firms, Group C: 2 firms
✓ Yes, some - Total: 2 firms - Group A: 1 firm, Group B: 1 firm
✓ No - Total: 13 firms - Group A: 1 firm, Group B: 6 firms, Group C: 6 firms
✓ Not applicable - Total: 5 firms - Group C: 5 firms

Q12 – How many “dedicated pro bono lawyers” and other staff (as set out below) were committed to your firm’s formal pro bono practice at 30 June 2014, if any?

✓ Partners - Total reported: 8.45 FTE
✓ Senior Associates - Total reported: 13.65 FTE
✓ Associates/Lawyers - Total reported: 15 FTE
✓ Graduates - Total reported: 6 FTE
✓ Paralegals/Administrative Staff - Total reported: 10.8 FTE
✓ Other, please specify - Total reported: 6.3 FTE

*Individual answers to “Other, please specify” removed to protect respondent anonymity. A selection of answers can be found in Coordination and dedicated lawyer resources (page 51)*

24 firms provided numbers in answer to this question

Q13 – Does your firm regularly rotate graduates through its formal pro bono practice?

✓ Yes, always - Total: 5 firms - Group A: 2 firms, Group B: 2 firms, Group C: 1 firm
✓ Sometimes (depends on size of intake, capacity or other factors) - Total: 8 firms - Group A: 1 firm, Group B: 4 firms, Group C: 3 firms
Q14 - Does your firm focus its pro bono program on specific area/s of law or practice? If so, please list these areas.

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>RRR, low income and disadvantaged people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>asylum seeker assistance, homeless people assistance, other vulnerable groups and reconciliation related work as well as work to protect the natural environment.</td>
</tr>
<tr>
<td>People with cognitive impairment and/or mental illness and their carers; People and organisations in rural, regional and remote areas; and Indigenous Australians.</td>
<td></td>
</tr>
<tr>
<td>Our program has 4 focus areas: Reconciliation, Disability &amp; Health, Homelessness and Global Rule of Law and our pro bono practice is directed at relevant legal issues.</td>
<td></td>
</tr>
<tr>
<td>Children and young people at risk, Community welfare and poverty, Human rights including asylum seekers and refugees</td>
<td></td>
</tr>
<tr>
<td>Homelessness, Disadvantaged youth, Alleviation of poverty, Access to justice</td>
<td></td>
</tr>
<tr>
<td>Homelessness, Refugee issues, Indigenous issues, Education for the most disadvantaged and access to justice more broadly</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>Human Rights, Access to Justice and Nation Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous, refugees, people with disabilities, human rights and discrimination. WE PRIORITISE THESE GROUPS BUT DON'T EXCLUDE OTHERS.</td>
<td></td>
</tr>
<tr>
<td>Poverty, health, youth, environment</td>
<td></td>
</tr>
<tr>
<td>Aiming to focus on homeless, youth and law reform. We are mindful that focus areas can be limiting and we want to continue having a diverse and responsive practice. Focus areas do not limit what else we take on.</td>
<td></td>
</tr>
<tr>
<td>General focus - access to justice, matters in the public interest and supporting preservation of the rule of law. Specifically - human rights, indigenous Australians, people experiencing marginalisation (esp if due to mental health, socio-economic status, elderly)</td>
<td></td>
</tr>
<tr>
<td>There is no specific focus. We accept pro bono work in any area in which we have expertise</td>
<td></td>
</tr>
<tr>
<td>Not for profit sector, Indigenous Organisations</td>
<td></td>
</tr>
<tr>
<td>Generally the area of our lawyers legal speciality - employment, insurance, commercial, IP &amp; IT, dispute resolution</td>
<td></td>
</tr>
<tr>
<td>The firm's pro bono program is available to be accessed by any lawyer or practice group within the firm, subject to approval, after considering the firm's priority areas.</td>
<td></td>
</tr>
<tr>
<td>We do not represent individuals due to the limitations under which we operate so in this context we do not focus on specific areas. Our pro bono initiatives include placements with Community Legal Centres/PILCHs/law referral schemes; advising not for profits/charitable organisations/indigenous corporations referred under the LawHelp Pro Bono Scheme in matters such as commercial law or governance or employment contracts, assisting with the delivery of community legal education as well as working on international pro bono projects which covers training and advice work.</td>
<td></td>
</tr>
<tr>
<td>Workplace rights, corporate accountability, Aboriginal rights, refugee rights, environment, human rights</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP C</th>
<th>Indigenous rights, Environmental causes, Cultural causes, particularly Jewish causes, test case litigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>asylum seekers + refugees, elderly and young, mental illness and disability</td>
</tr>
<tr>
<td>Health &amp; Disability, Women in Crisis, Access to Justice</td>
<td></td>
</tr>
<tr>
<td>Yes, social enterprises</td>
<td></td>
</tr>
</tbody>
</table>
Section 3 – Sources of pro bono legal work

Q1 – What percentage of your firm’s “pro bono legal work” (by number of new files opened) in the 2014 FY originated from:

a) “Pro bono referral schemes and organisations” (including referrals, secondments, joint projects and clinics) __________%  

b) Other community legal centres (including referrals, secondments, joint projects and clinics) __________%  

c) Other sources (including direct requests, Legal Aid, internal projects and referrals from other organisations) __________%  

Please refer to Table 5 on page 44 for all responses

Q2 – Is this answer an estimate?

✔ Yes - Total: 29 firms  
✔ No - Total: 11 firms

Q3 – If your firm undertook “pro bono legal work” originating from at least one “pro bono referral scheme or organisation” in the 2014 FY, please indicate all the organisations/schemes from which you received a referral:

✔ ACT Pro Bono Clearing House - Total: 10 firms, Group A: 5 firms, Group B: 5 firms  
✔ Justice Connect (incl Homeless Persons’ Legal Clinic Victoria & Law Institute of Victoria Legal Assistance Scheme) - Total: 28 firms, Group A: 8 firms, Group B: 13 firms, Group C: 7 firms  
✔ JusticeNet SA - Total: 4 firms, Group A: 1 firm, Group B: 2 firms, Group C: 1 firm
- Law Society NT Pro Bono Clearing House - Total: 1 firm, Group A: 1 firm
- Law Society of NSW Pro Bono Scheme - Total: 7 firms, Group A: 3 firms, Group B: 3 firms, Group C: 1 firm
- Law Society of Tasmania Pro Bono Clearing House - Total: 1 firm, Group B: 1 firm
- Public Interest Advocacy Centre (Incl Homeless Persons’ Legal Service) - Total: 16 firms, Group A: 7 firms, Group B: 8 firms, Group C: 1 firm
- Queensland Public Interest Law Clearing House (Incl Homeless Persons’ Legal Clinic & Queensland Law Society Pro Bono Scheme) - Total: 22 firms, Group A: 8 firms, Group B: 8 firms, Group C: 6 firms
- WA Law Access Pro Bono Referral Scheme - Total: 10 firms, Group A: 6 firms, Group B: 3 firms, Group C: 1 firm
- Other, please specify - Total: 11 firms

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Trust Law</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LawHelp, TrustLaw, PILNET</td>
</tr>
<tr>
<td></td>
<td>StreetLaw Perth</td>
</tr>
<tr>
<td>GROUP B</td>
<td>NPBRC Social Enterprise Legal Panel</td>
</tr>
<tr>
<td></td>
<td>Cancer Council NSW</td>
</tr>
<tr>
<td></td>
<td>Consumer Action Law Centre</td>
</tr>
<tr>
<td></td>
<td>Cancer Council Legal Referral Service</td>
</tr>
<tr>
<td></td>
<td>Human Rights Law Centre</td>
</tr>
<tr>
<td></td>
<td>Salvation army (Brisbane) legal, Mission Australia (Sydney), Victorian Legal Service, Citizen’s Advice Bureau (WA)</td>
</tr>
<tr>
<td>GROUP C</td>
<td>LawHelp, Office of the Registrar of Indigenous Corporations</td>
</tr>
<tr>
<td></td>
<td>NSW Bar Association Scheme</td>
</tr>
</tbody>
</table>

**Section 4 – Recording pro bono**

Q1 – What percentage of lawyers in your firm in Australia participated in (did at least one hour of) “pro bono legal work” in the 2014 FY?

| GROUP A | 89.1% |
|         | 83.2% |
|         | 72% |
|         | 68.3% |
|         | 62% |
|         | 60% |
|         | 42.30% |
|         | 38.3% |
| GROUP B | 76% |
|         | 75% |
|         | 73% |
|         | 72.2% |
|         | 70% |
|         | 57% |
|         | 55% |
|         | 52% |
|         | 30% |
|         | 29% |
|         | 26% |
|         | 20% |
|         | 10% |
| GROUP C | 85% |
Q2 – Is this answer an estimate?

✓ Yes - Total: 16 firms
✓ No - Total: 22 firms

Q3 – If the data is readily available to you, what percentage of partners in your firm in Australia participated in (at least one hour of) “pro bono legal work” in the 2014 FY?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>68.3%</th>
<th>64.5%</th>
<th>58%</th>
<th>57%</th>
<th>34.5%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GROUP B</td>
<td>65%</td>
<td>59%</td>
<td>56%</td>
<td>55%</td>
<td>52%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>50%</td>
<td>50%</td>
<td>43%</td>
<td>30%</td>
<td>25%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8%</td>
</tr>
<tr>
<td>GROUP C</td>
<td>75%</td>
<td>60%</td>
<td>54.54%</td>
<td>43%</td>
<td>40.36%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>40%</td>
<td>40%</td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>30%</td>
<td>30%</td>
<td></td>
</tr>
</tbody>
</table>
Q4 – Is this answer an estimate?

✓ Yes - Total: 13 firms
✓ No - Total: 19 firms

Q5 – Does your firm record how many hours of “pro bono legal work” your lawyers carry out?

✓ Yes - Total: 41 firms
✓ No - Total: 0 firms

Q6 – How many hours of “pro bono legal work” did lawyers in your firm in Australia carry out in the 2014 FY?

Please refer to the definition of “pro bono legal work” in the Glossary, including the Guidance Notes, when calculating this figure.

Please refer to Chart 4 on page 23 for all responses

Q7 – If the data readily available to you, how many of these hours were undertaken by lawyers at your firm based in:

✓ ACT - Total reported: 10,456 - Group A: 5,611.7, Group B: 821.5, Group C: 4,023.1
✓ NSW - Total reported: 108,807.97 - Group A: 76,590.72, Group B: 23,990, Group C: 8,227.25
✓ NT - Total reported: 668 - Group A: 668
✓ QLD - Total reported: 42,420.5 - Group A: 29,960.4, Group B: 9,326.4, Group C: 3,133.76
✓ SA - Total reported: 329 - Group A: 133, Group C: 196
✓ TAS - Total reported: 0
✓ VIC - Total reported: 78,535.12 - Group A: 45,344.39, Group B: 20,359.7, Group C: 12,831.03
✓ WA - Total reported: 22,171.4 - Group A: 14,556.8, Group B: 3,916.7, Group C: 3,697.9

28 of 41 firms answered this question

Q8 – How many “pro bono hours per lawyer” per year (averaged across the total number of FTE lawyers in your firm) does this represent?

Please refer to Chart 6 on page 27 for all responses

Q9 – What percentage of total firm practice hours does your firm’s “pro bono legal work” (see Q6 above) represent? By this, we mean what proportion of the total number of hours’ legal work undertaken by your firm in the 2014 FY was provided on a pro bono basis?

Please refer to Chart 9 on page 32 for all responses

Q10 – Is this answer an estimate?

✓ Yes - Total: 10 firms
✓ No - Total: 12 firms
Q11 – What percentage of lawyers in your firm in Australia undertook 35 hours or more of “pro bono legal work” in the 2014 FY?

| GROUP A  | 43.4% | 27% | 18.9% | 19% | 10.6% |
| GROUP B  | 8% | 35% | 28.3% | 25% | 17% | 22% | 9% | 7% | 29% | 5% | 4% | 0% |
| GROUP C  | 55% | 17% | 20% | 17.24% | 14% | 9.2% | 0% | 7.45% | 10% | Too time consuming to find out | 14.4% | 0.03% | 0% | 8% | 1.64% | 5.3% | 5.9% |

Q12 – Is this answer an estimate?

✓ Yes - Total: 13 firms
✓ No - Total: 20 firms

Section 5 – More about your firm’s pro bono program

Q1 – What percentage of your firm’s “pro bono legal work” (by number of new files opened) in the 2014 FY was devoted to work for individuals and to organisations?

“Pro bono legal work” for individuals _____________%

“Pro bono legal work” for organisations _____________%
**Q2 – Is this answer an estimate?**

- Yes - Total: 28 firms
- No - Total: 11 firms

**Q3 – To the best of your knowledge, what were the top five areas of law and practice in which your firm in Australia spent time providing pro bono legal services in the 2014 FY (not including work undertaken by lawyers seconded to other organisations)?**

<table>
<thead>
<tr>
<th>Area of law and practice</th>
<th>Tick Top Five</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative/Constitutional</td>
<td>Total: 10 firms - Group A: 1 firm, Group B: 3 firms, Group C: 6 firms</td>
</tr>
<tr>
<td>Agreements with / Tenders to Government for pro bono clients</td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td>Animal Law</td>
<td>Total: 2 firms - Group B: 1 firm, Group C: 1 firm</td>
</tr>
<tr>
<td>Banking/Finance</td>
<td>Total: 2 firms - Group C: 2 firms</td>
</tr>
<tr>
<td>Bankruptcy</td>
<td>Total: 1 firm - Group C: 1 firm</td>
</tr>
<tr>
<td>Commercial Agreements (e.g. leases)</td>
<td>Total: 17 firms - Group A: 4 firms, Group B: 6 firms, Group C: 7 firms</td>
</tr>
<tr>
<td>Construction Law</td>
<td>Total: 2 firms - Group C: 2 firms</td>
</tr>
<tr>
<td>Consumer Law</td>
<td>Total: 4 firms - Group B: 2 firms, Group C: 2 firms</td>
</tr>
<tr>
<td>Coronial Inquiries</td>
<td>Total: 1 firm - Group C: 1 firm</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td>Debt</td>
<td>Total: 7 firms - Group A: 1 firm, Group B: 1 firm, Group C: 5 firms</td>
</tr>
<tr>
<td>Deductible Gift Receipt Status (DGR) Applications</td>
<td>Total: 15 firms - Group A: 2 firms, Group B: 5 firms, Group C: 8 firms</td>
</tr>
<tr>
<td>Discrimination</td>
<td>Total: 2 firms - Group C: 2 firms</td>
</tr>
<tr>
<td>Employment law</td>
<td>Total: 23 firms - Group A: 5 firms, Group B: 9 firms, Group C: 9 firms</td>
</tr>
<tr>
<td>Environment</td>
<td>Total: 1 firm - Group B: 1 firm</td>
</tr>
<tr>
<td>Family Law (not including Family Violence)</td>
<td>Total: 4 firms - Group A: 1 firm, Group B: 2 firms, Group C: 1 firm</td>
</tr>
<tr>
<td>Family Violence/Domestic Violence</td>
<td>Total: 2 firms - Group B: 2 firms</td>
</tr>
<tr>
<td>Fines</td>
<td>Total: 4 firms - Group A: 1 firm, Group B: 2 firms, Group C: 1 firm</td>
</tr>
<tr>
<td>Governance</td>
<td>Total: 22 firms - Group A: 4 firms, Group B: 9 firms, Group C: 9 firms</td>
</tr>
<tr>
<td>Housing / Tenancy</td>
<td>Total: 8 firms - Group A: 2 firms, Group B: 4 firms, Group C: 2 firms</td>
</tr>
<tr>
<td>Human Rights</td>
<td>Total: 8 firms - Group A: 2 firms, Group B: 3 firms, Group C: 3 firms</td>
</tr>
<tr>
<td>Immigration</td>
<td>Total: 6 firms - Group A: 1 firm,</td>
</tr>
</tbody>
</table>
Area of law and practice | Tick Top Five
--- | ---
Incorporations | Group B: 2 firms, Group C: 3 firms
Insurance | Total: 2 firms - Group C: 2 firms
Intellectual Property | Total: 12 firms - Group A: 5 firms, Group B: 3 firms, Group C: 4 firms
Personal Injury | Total: 1 firm - Group B: 1 firm
Privacy / Freedom of Information | Total: 5 firms - Group B: 2 firms, Group C: 3 firms
Powers of Attorney/ Guardianship | Total: 0 firms
Professional Negligence | Total: 0 firms
Royal Commissions | Total: 0 firms
Social Security | Total: 0 firms
Superannuation | Total: 0 firms
Tax (other than DGR) | Total: 4 firms - Group A: 2 firms, Group C: 2 firms
Town Planning / Local Government | Total: 0 firms
Trusts | Total: 2 firms - Group C: 2 firm
Victims Compensation | Total: 2 firms - Group A: 1 firm, Group B: 1 firm
Wills / Probate / Estate | Total: 9 firms - Group A: 1 firms, Group B: 3 firms, Group C: 5 firms
Other, please specify: | Total: 6 firms

GROUP A
- Property

GROUP B
- Legal Education
- Contracts review for artists

GROUP C
- QPILCH
- Dispute Resolution, Property
- Property related matters

Q4 – To the best of your knowledge, in which areas of law or practice in the 2014 FY was your firm required to reject the most requests for assistance (for reasons other than means or merit)? Please tick the top five.

Area of law and practice | Tick Top Five
--- | ---
Administrative/Constitutional | Total: 2 firms - Group B: 2 firms
Agreements with / Tenders to Government for pro bono clients | Total: 2 firms - Group A: 1 firm, Group C: 1 firm
Animal Law | Total: 0 firms
Banking/Finance | Total: 4 firms - Group A: 1 firm, Group B: 1 firm, Group C: 2 firms
Bankruptcy | Total: 0 firms
Commercial Agreements (e.g. leases) | Total: 4 firms - Group A: 1 firm, Group B: 1 firm, Group C: 2 firms
Construction Law | Total: 2 firms - Group B: 1 firm, Group C: 1 firm
Consumer Law | Total: 3 firms - Group A: 1 firm, Group C: 2 firms
<table>
<thead>
<tr>
<th>Area of law and practice</th>
<th>Tick Top Five</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coronial Inquiries</td>
<td>Total: 2 firms - Group B: 1 firm, Group C: 1 firm</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>Total: 12 firms - Group A: 2 firms, Group B: 5 firms, Group C: 5 firms</td>
</tr>
<tr>
<td>Debt</td>
<td>Total: 6 firms - Group A: 2 firms, Group B: 1 firm, Group C: 3 firms</td>
</tr>
<tr>
<td>Deductible Gift Receipt Status (DGR) Applications</td>
<td>Total: 9 firms - Group A: 5 firms, Group B: 3 firms, Group C: 1 firm</td>
</tr>
<tr>
<td>Discrimination</td>
<td>Total: 5 firms - Group A: 3 firms, Group B: 1 firm, Group C: 1 firm</td>
</tr>
<tr>
<td>Employment law</td>
<td>Total: 7 firms - Group A: 3 firms, Group B: 2 firms, Group C: 2 firms</td>
</tr>
<tr>
<td>Environment</td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td>Family Law (not including Family Violence)</td>
<td>Total: 19 firms - Group A: 4 firm, Group B: 7 firms, Group C: 8 firms</td>
</tr>
<tr>
<td>Family Violence/Domestic Violence</td>
<td>Total: 5 firms - Group B: 2 firms, Group C: 3 firms</td>
</tr>
<tr>
<td>Fines</td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td>Governance</td>
<td>Total: 3 firms - Group B: 3 firms</td>
</tr>
<tr>
<td>Housing / Tenancy</td>
<td>Total: 2 firms - Group A: 1 firm, Group B: 1 firm</td>
</tr>
<tr>
<td>Human Rights</td>
<td>Total: 3 firms - Group B: 1 firm, Group C: 2 firms</td>
</tr>
<tr>
<td>Immigration</td>
<td>Total: 8 firms - Group A: 2 firms, Group B: 3 firms, Group C: 3 firms</td>
</tr>
<tr>
<td>Incorporations</td>
<td>Total: 4 firms - Group A: 1 firm, Group B: 2 firms, Group C: 1 firm</td>
</tr>
<tr>
<td>Insurance</td>
<td>Total: 5 firms - Group B: 1 firm, Group C: 4 firms</td>
</tr>
<tr>
<td>Intellectual Property</td>
<td>Total: 3 firms - Group A: 1 firm, Group C: 2 firms</td>
</tr>
<tr>
<td>Personal Injury</td>
<td>Total: 7 firms - Group A: 1 firm, Group B: 2 firms, Group C: 4 firms</td>
</tr>
<tr>
<td>Privacy / Freedom of Information</td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td>Powers of Attorney/ Guardianship</td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td>Professional Negligence</td>
<td>Total: 2 firms - Group A: 1 firm, Group B: 1 firm</td>
</tr>
<tr>
<td>Royal Commissions</td>
<td>Total: 1 firm - Group A: 1 firm</td>
</tr>
<tr>
<td>Social Security</td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td>Superannuation</td>
<td>Total: 1 firm - Group B: 1 firm</td>
</tr>
<tr>
<td>Tax (other than DGR)</td>
<td>Total: 3 firms - Group A: 2 firms, Group C: 1 firm</td>
</tr>
<tr>
<td>Town Planning / Local Government</td>
<td>Total: 4 firms - Group B: 2 firms, Group C: 2 firms</td>
</tr>
<tr>
<td>Trusts</td>
<td>Total: 2 firms - Group B: 2 firms</td>
</tr>
<tr>
<td>Victims Compensation</td>
<td>Total: 4 firms - Group A: 2 firms, Group B: 1 firm, Group C: 1 firm</td>
</tr>
<tr>
<td>Wills / Probate / Estate</td>
<td>Total: 9 firms - Group A: 3 firms, Group B: 2 firms, Group C: 1 firm</td>
</tr>
</tbody>
</table>
### Area of law and practice

<table>
<thead>
<tr>
<th>Area of law and practice</th>
<th>Tick Top Five</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other, please specify:</strong></td>
<td>Group B: 4 firms, Group C: 2 firms</td>
</tr>
<tr>
<td><strong>GROUP A</strong></td>
<td>Total: 4 firms</td>
</tr>
<tr>
<td>Property</td>
<td></td>
</tr>
<tr>
<td>Senior rights – commercial litigation</td>
<td></td>
</tr>
<tr>
<td><strong>GROUP B</strong></td>
<td></td>
</tr>
<tr>
<td>We received few ad hoc queries from individuals who we are unable to represent</td>
<td></td>
</tr>
<tr>
<td><strong>GROUP C</strong></td>
<td></td>
</tr>
<tr>
<td>Litigation</td>
<td></td>
</tr>
</tbody>
</table>

**Q5** – Has your firm worked with the in-house counsel of a corporate client on a pro bono matter or project in the 2014 FY?

- **Yes** – please go to section 6 - Total: 11 firms - Group A: 5 firms, Group B: 3 firms, Group C: 3 firms
- **No** – please continue to the next question - Total: 23 firms - Group A: 3 firms, Group B: 11 firms, Group C: 9 firms
- **Don’t know** – please continue to the next question - Total: 7 firms - Group C: 7 firms

**Q6** – Has your firm discussed with corporate client/s any potential opportunities for pro bono partnerships in the 2014 FY?

- **Yes** - Total: 17 firms - Group A: 3 firms, Group B: 7 firms, Group C: 7 firms
- **No** - Total: 11 firms - Group B: 4 firms, Group C: 7 firms
- **Don’t know** - Total: 3 firms - Group C: 3 firms

### Section 6 – Budgeting and setting targets for pro bono legal work

**Q1** – Did your firm set an overall target or budget for its “pro bono legal work” in the 2014 FY? Please circle all that apply.

- **YES** - it represented a maximum or capped amount of hours to be provided in the year - Total: 0 firms
- **YES** - it represented a minimum amount of hours to be provided in the year - Total: 3 firms - Group A: 1 firm, Group B: 1 firm, Group C: 1 firm
- **YES** - it represented a nominal target for the amount of hours to be provided in the year (i.e. a set number of hours aimed for by the firm) - Total: 15 firms - Group A: 4 firms, Group B: 4 firms, Group C: 7 firms
- **YES** - it represented a maximum or capped amount of funds (i.e. a capped dollar amount or capped percentage of gross billables/net revenue etc) - Total: 6 firms - Group A: 1 firm, Group B: 3 firms, Group C: 2 firms
- **YES** - it represented a minimum amount of funds (i.e. a minimum dollar amount or minimum percentage of gross billables/net revenue etc) - Total: 0 firms
- **YES** - it represented a targeted amount of funds (i.e. a set dollar amount or percentage of gross billables/net revenue etc aimed for by the firm) - Total: 4 firms - Group B: 1 firm, Group C: 3 firms
- **NO** – please go to section 7 - Total: 9 firms - Group B: 3 firms, Group C: 6 firms
- **DON’T KNOW** – please go to section 7 - Total: 0 firms
- **Other, please specify** - Total: 4 firms

**GROUP A**

A nominal average per lawyer - more than the NPBRC target

We set a budget so as not to exceed our budgeted pro bono budget. We always go a bit over.

**GROUP B**

We have an internal aspirational target but no set limit. We do not have a heavy focus on hours during our budget/strategy sessions.

We are in the process of formalising a national pro bono co-ordination policy and role which will include an aspirational target.
Q2 - Is this figure larger, smaller or the same as it was two years ago?

- **Larger** - Total: 19 firms - Group A: 5 firms, Group B: 4 firms, Group C: 10 firms
- **Smaller** - Total: 1 firm - Group C: 1 firm
- **Same** - Total: 7 firms - Group A: 3 firms, Group B: 3 firms, Group C: 1 firm
- **Don’t know** - Total: 4 firms - Group B: 3 firms, Group C: 1 firm

Section 7 – Crediting and recognising individual lawyers’ pro bono legal work

Q1 – Are lawyers in your firm required to meet billable hour targets and/or financial targets?

- Yes, both billable hour targets and financial targets – please continue to the next question - Total: 32 firms - Group A: 4 firms, Group B: 13 firms, Group C: 15 firms
- Yes, billable hour targets only – please continue to the next question - Total: 7 firms - Group A: 4 firms, Group B: 1 firm, Group C: 2 firms
- Yes, financial targets only – please continue to the next question - Total: 1 firm - Group C: 1 firm
- No - please go to question 4 - Total: 1 firm - Group C: 1 firm

Q2 – How is “pro bono legal work” treated in your office for the purposes of lawyers’ billable hours and/or financial targets?

- Pro bono hours are treated as billable hours for the purposes of lawyers’ billable hours targets (and financial targets, if applicable) - Total: 15 firms - Group A: 4 firms, Group B: 7 firms, Group C: 4 firms
- Pro bono hours are treated as billable hours for the purposes of lawyers’ billable hours targets (and financial targets, if applicable) but are capped at a certain number of pro bono hours per week/month/year - Total: 1 firm - Group A: 1 firm
- Pro bono hours are treated as billable hours for the purposes of lawyers’ billable hours targets but are given a lower or negligible value for the purposes of lawyers’ financial targets - Total: 1 firm - Group B: 1 firm
- Pro bono hours are treated as non-billable hours but are recorded as a special non-billable (e.g. pro bono) category (and have a lower or negligible value for the purposes of lawyers’ financial targets, if applicable) - Total: 16 firms - Group B: 4 firms, Group C: 12 firms
- Pro bono hours are treated as non-billable hours and are not recorded as a special non-billable category (and have a lower or negligible value for the purposes of lawyers’ financial targets, if applicable) - Total: 2 firms - Group B: 1 firm, Group C: 1 firm
- Pro bono hours are not recorded at all - Total: 0 firms
- Other, please specify - Total: 5 firms

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Pro bono time is chargeable and counts towards lawyers’ target hours and bonuses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>We have billable files that are treated as billable hours for the purposes of lawyers billable targets. We also have non billable pro bono projects that are a special non billable category that do not count for billable targets but are a recognised firm contribution in performance reviews.</td>
</tr>
<tr>
<td></td>
<td>Pro bono hours are treated as non-billable hours but are recorded as a special non-billable (Pro Bono) category. Any approved pro bono hours</td>
</tr>
</tbody>
</table>
may be recognised for the purposes of assessing whether an individual has met their financial performance targets and eligibility for incentive payments.

| GROUP B | Pro bono hours are treated as billable hours for the purposes of bonus target calculations |
| GROUP C | Recorded as pro bono - no impact on financial targets |

Q3 – If your firm has more than one Australian office, is this a consistent practice across your entire firm in Australia (all offices and practice groups)?

- **Yes** - Total: 32 firms - Group A: 8 firms, Group B: 12 firms, Group C: 12 firms
- **No** - Total: 2 firms - Group B: 1 firm, Group C: 1 firm
- **Don’t know** - Total: 1 firm - Group B: 1 firm
- **Not applicable** - Total: 5 firms - Group C: 5 firms

Q4 - Does your firm recognise and/or reward the “pro bono legal work” of your lawyers in any of the following ways? Please circle all that apply

- **In lawyers’ performance appraisals** - Total: 34 firms - Group A: 7 firms, Group B: 12 firms, Group C: 15 firms
- **When considering promotion or advancement** - Total: 17 firms - Group A: 4 firms, Group B: 5 firms, Group C: 8 firms
- **In salary reviews** - Total: 11 firms - Group A: 2 firms, Group B: 3 firms, Group C: 6 firms
- **Awards and other internal events and communication** - Total: 23 firms - Group A: 4 firms, Group B: 12 firms, Group C: 7 firms
- **Other, please specify** - Total: 6 firms

| GROUP A | Pro bono leadership stickers on door name plates
| GROUP B | Providing chargeable hours credit for pro bono work
| GROUP C | Informal recognition

**GROUP B**

- The process is not formalised enough but we are working towards it

**GROUP C**

- Award is given to one staff member at the Christmas Party
- No fixed recognition /consideration - Simply another aspect of contributing to the Firm

Section 8 – Secondments

Q1 – Did your firm provide pro bono secondments in the 2014 FY?

- **Yes** - Please continue to the next question - Total: 18 firms - Group A: 8 firms, Group B: 8 firms, Group C: 2 firms
- **No** - Please go to section 9 - Total: 23 firms - Group B: 6 firms, Group C: 17 firms

Q2 – Is your firm providing:

- **More secondments (measured in hours) than it was two years ago?** - Total: 11 firms - Group A: 4 firms, Group B: 5 firms, Group C: 2 firms
- **Less secondments (measured in hours) than it was two years ago?** - Total: 3 firms - Group A: 2 firms, Group B: 1 firm
- **Approximately the same amount of secondments (measured in hours) as it was two years ago?** - Total: 4 firms - Group A: 2 firms, Group B: 2 firms
Q3 – Are there any other noticeable trends in the form, duration and number of secondments provided by your firm?

| GROUP A | Decreasing in number, shorter duration. Now less than 12 weeks in total.  
|         | There is marked increase in the number of requests for secondments.  
|         | It is becoming more difficult to fill secondment places as we engage a lower number of graduates and lawyers and they are more concerned about ensuring their job is secure than obtaining pro bono secondment experience. |
| GROUP B | The number of secondments has increased as we now have secondments with CLCs/PILCHs etc in every State/Territory.  
|         | We are providing more short term periodic secondments.  
|         | No. It is a small number, so difficult to discern trends.  
|         | Harder to get longer secondments. people less sure of when is the best time to take a secondment opportunity.  
|         | Less secondments and for shorter periods of time. |
| GROUP C | Shorter duration preferred |

Section 9 – Challenges for your pro bono program

Q1 – Currently, what are the top three challenges for your firm’s pro bono program?

<table>
<thead>
<tr>
<th>Constraints</th>
<th>Tick Top Three (✓)</th>
</tr>
</thead>
</table>
| Lack of information about pro bono opportunities | Total: 5 firms -  
|                                                  | Group A: 1 firm,  
|                                                  | Group B: 2 firms,  
|                                                  | Group C: 2 firms |
| Lack of management or partner support within the firm | Total: 9 firms -  
|                                                   | Group B: 5 firms,  
|                                                   | Group C: 4 firms |
| Concern about conflict of interest with fee paying clients | Total: 17 firms -  
|                                                          | Group A: 4 firms,  
|                                                          | Group B: 7 firms,  
|                                                          | Group C: 6 firms |
| Pro bono hours do not count as billable hours or financial targets | Total: 11 firms -  
|                                                              | Group B: 2 firms,  
|                                                              | Group C: 9 firms |
| Firm capacity                                      | Total: 26 firms -  
|                                                   | Group A: 5 firms,  
|                                                   | Group B: 8 firms,  
|                                                   | Group C: 13 firms |
| External economic climate                          | Total: 6 firms -  
|                                                   | Group A: 1 firm,  
|                                                   | Group B: 3 firms,  
|                                                   | Group C: 2 firms |
| Insufficient expertise in relevant areas of the law | Total: 14 firms -  
|                                                   | Group A: 3 firms,  
|                                                   | Group B: 4 firms,  
|                                                   | Group C: 7 firms |
| Ability to fund external disbursements             | Total: 3 firms -  
|                                                   | Group A: 1 firm,  
|                                                   | Group B: 1 firm,  
|                                                   | Group C: 1 firm |
### Constraints

<table>
<thead>
<tr>
<th>Constraint</th>
<th>Tick Top Three (✓)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant structural changes within the firm</td>
<td>Total: 5 firms -</td>
</tr>
<tr>
<td></td>
<td>Group A: 1 firm,</td>
</tr>
<tr>
<td></td>
<td>Group B: 2 firms,</td>
</tr>
<tr>
<td></td>
<td>Group C: 2 firms.</td>
</tr>
<tr>
<td>Already doing enough pro bono</td>
<td>Total: 1 firm -</td>
</tr>
<tr>
<td></td>
<td>Group A: 1 firm.</td>
</tr>
<tr>
<td>Too much work to build the practice</td>
<td>Total: 3 firms -</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm,</td>
</tr>
<tr>
<td></td>
<td>Group C: 2 firms.</td>
</tr>
<tr>
<td>Other, please specify</td>
<td>Total: 11 firms.</td>
</tr>
</tbody>
</table>

#### GROUP A
- Changing culture and structure of law firms
- The decrease of legal assistance sector funding
- Establishing pro bono scheme in all offices globally where there are different jurisdictions and cultures
- Lawyers are working even longer hours and have less capacity to take on pro bono work

#### GROUP B
- Answer removed to protect respondent anonymity
- Communication internally and strategic direction

#### GROUP C
- Constantly renewing the pro bono culture as staff change
- The pro bono program is new to the firm so we are still gaining traction
- Developing a strategy
- Billable hours/Financial targets are the priority
- Restructuring our program

---

**Q2** – The cost of which disbursements, if any, have been a constraint on the delivery of pro bono legal services for your firm in the 2014 FY? Please tick the top three.

<table>
<thead>
<tr>
<th>Disbursements</th>
<th>Tick Top Three (✓)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical reports and appearance fees</td>
<td>Total: 4 firms -</td>
</tr>
<tr>
<td></td>
<td>Group A: 1 firm,</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm,</td>
</tr>
<tr>
<td></td>
<td>Group C: 2 firms.</td>
</tr>
<tr>
<td>Other expert witness reports and appearance fees</td>
<td>Total: 6 firms -</td>
</tr>
<tr>
<td></td>
<td>Group B: 3 firms,</td>
</tr>
<tr>
<td></td>
<td>Group C: 3 firms.</td>
</tr>
<tr>
<td>Filing fees</td>
<td>Total: 5 firms -</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm,</td>
</tr>
<tr>
<td></td>
<td>Group C: 4 firms.</td>
</tr>
<tr>
<td>Interpreter’s fees</td>
<td>Total: 8 firms -</td>
</tr>
<tr>
<td></td>
<td>Group A: 3 firms,</td>
</tr>
<tr>
<td></td>
<td>Group B: 3 firms,</td>
</tr>
<tr>
<td></td>
<td>Group C: 2 firms.</td>
</tr>
<tr>
<td>Travel and accommodation</td>
<td>Total: 9 firms -</td>
</tr>
<tr>
<td></td>
<td>Group A: 2 firms,</td>
</tr>
<tr>
<td></td>
<td>Group B: 5 firms,</td>
</tr>
<tr>
<td></td>
<td>Group C: 2 firms.</td>
</tr>
<tr>
<td>Search costs</td>
<td>Total: 2 firms -</td>
</tr>
<tr>
<td></td>
<td>Group A: 1 firm,</td>
</tr>
<tr>
<td></td>
<td>Group C: 1 firm.</td>
</tr>
<tr>
<td>Service Description</td>
<td>Total:</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Barrister fees (advice or representation)</td>
<td>6 firms - Group B: 2 firms, Group C: 4 firms</td>
</tr>
<tr>
<td>Transcripts</td>
<td>5 firms - Group A: 1 firm, Group B: 2 firms, Group C: 2 firms</td>
</tr>
<tr>
<td>Internal disbursements (for example, telephone, photocopying, admin costs)</td>
<td>1 firm - Group C: 1 firm</td>
</tr>
<tr>
<td>Other, please specify</td>
<td>2 firms</td>
</tr>
</tbody>
</table>

**GROUP A**
- None - not a material factor

**GROUP C**
- We do not fund any disbursements

Q3 – Has your firm used or applied to any disbursement assistance scheme in the last two years?

- Yes - please continue to the next question - Total: 4 firms, Group A: 1 firm, Group B: 2 firms, Group C: 1 firm
- No - please go to section 10 - Total: 32 firms, Group A: 7 firms, Group B: 9 firms, Group C: 16 firms
- Don’t know - please go to section 10 - Total: 4 firms, Group B: 2 firms, Group C: 2 firms

Q4 – Which disbursement assistance schemes has your firm applied to?

**GROUP A**
- To the ones administered by QPILCH and Justice Connect

**GROUP B**
- Attorney General’s Department
- Law Society NSW

**GROUP C**
- Attorney-Generals

Q5 – How was your experience in dealing with the scheme/s?

**GROUP A**
- Not very useful at all

**GROUP B**
- Excellent. They were responsive and accommodating.
- Straightforward to make the application.

**GROUP C**
- Fair.

Section 10 – Evaluating your firm’s pro bono program

Q1 – Does your firm have a method for evaluating its pro bono program as a whole?

- Yes – please continue to the next question - Total: 22 firms - Group A: 6 firms, Group B: 6 firms, Group C: 10 firms
- No – please go to question 3 - Total: 17 firms - Group A: 2 firms, Group B: 8 firms, Group C: 7 firms
- Don’t know – please go to question 3 - Total: 2 firms - Group C: 2 firms

Q2 – Please circle the three most significant factors on which you base that evaluation:

- Social impact? - Total: 9 firms - Group A: 4 firms, Group B: 2 firms, Group C: 3 firms
- Client feedback? - Total: 12 firms - Group A: 4 firms, Group B: 4 firms, Group C: 4 firms
- Feedback from third parties (for example, pro bono referral schemes or organisations)? - Total: 9 firms - Group A: 3 firms, Group B: 3 firms, Group C: 3 firms
- Participating lawyer satisfaction? - Total: 18 firms - Group A: 5 firms, Group B: 6 firms, Group C: 7 firms
- Whether the program has assisted the firm in meeting its commercial goals? - Total: 3 firms - Group C: 3 firms
Q3 – Do you have any further information on your evaluation methods, if any, or any comments?

**GROUP B**

- Feedback from the CEO/COO particularly on possible strategic focus of the program
- We are in an expansion phase and concentrating on pro bono hours as the main target
- The data collected for Department of Justice in Victoria and Aspirational Targets allows at least quantitative evaluation.
- We are planning an external evaluation undertaken by an independent third party during FY15.
- We realise we fall far short in this area but are taking steps to improve including developing a national policy, appointing a full time pro bono resource, conducting an internal survey, streamlining our overall approach and engaging the National Pro bono Resource Centre as required.
- We measure social impact once we have feedback as set out above

**GROUP C**

- The PB Programme is monitored and administered by a CSR Committee, which determines the direction + structure + review of the overall PB Programme.
- Staff provide feedback to the firm’s pro bono committee on their involvement in pro bono legal work and community programs. We also seek feedback from organisations with whom we have worked in these capacities. The pro bono committee takes the feedback into account when considering future opportunities for involvement.
- We are in the very early stages of developing our pro bono program and we hope to be in a position to evaluate through feedback as we progress.

---

**Section 11 – Law firm mergers**

Q1 – Has your firm joined/merged with another firm (domestic or international) in the last four years?

- Yes – please continue to the next question - Total: 12 firms - Group A: 5 firms, Group B: 4 firms, Group C: 3 firms
- No – please go to section 12 - Total: 29 firms - Group A: 3 firms, Group B: 10 firms, Group C: 16 firms

Q2 – How has this affected the pro bono legal program at your firm?

For example, have your firm’s pro bono policies been modified as a result of the consolidation? Did one firm have a stronger pro bono culture? How has this been resolved?

Please refer to Table 2 on page 16 for all responses

**Section 12 – International law firms**

Q1 – Is your firm an “international law firm”?

---

<table>
<thead>
<tr>
<th>✓ Other, please specify</th>
<th>Total: 8 firms</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GROUP A</strong></td>
<td></td>
</tr>
<tr>
<td>Achievement of goals in the annual action plan</td>
<td></td>
</tr>
<tr>
<td>Whether the firm met its targets in assisting individual clients and clients in our target areas</td>
<td></td>
</tr>
<tr>
<td><strong>GROUP B</strong></td>
<td></td>
</tr>
<tr>
<td>The reach of our program both nationally and internationally</td>
<td></td>
</tr>
<tr>
<td>Working toward achieving the aspirational target</td>
<td></td>
</tr>
<tr>
<td><strong>GROUP C</strong></td>
<td></td>
</tr>
<tr>
<td>Whether the pro bono program goals are met</td>
<td></td>
</tr>
<tr>
<td>Hours recorded. Currently restructuring program</td>
<td></td>
</tr>
</tbody>
</table>

---
For the purposes of this survey, “international law firm” refers to a firm with more lawyers overseas than in Australia.

✓ Yes – please continue to the next question - Total: 8 firms - Group A: 4 firms, Group B: 3 firms, Group C: 1 firm
✓ No – please go to section 13 - Total: 33 firms - Group A: 4 firms, Group B: 11 firms, Group C: 18 firms

Q2 - Do lawyers in your firm’s overseas offices conduct “pro bono legal work” under the same pro bono policy as the lawyers in your Australian offices?

✓ Yes - Total: 4 firms - Group A: 1 firms, Group B: 2 firms, Group C: 1 firm
✓ No - Total: 4 firms - Group A: 3 firms, Group B: 1 firm
✓ Don’t know - Total: 0 firms

Q3 - Do your Australian offices perform more or less “pro bono legal work” per lawyer (on average) than your firm’s overseas offices?

✓ More - Total: 4 firms - Group A: 2 firms, Group B: 2 firms
✓ Less - Total: 1 firms - Group C: 1 firm
✓ About the same - Total: 1 firm - Group B: 1 firm
✓ Don’t know - Total: 2 firms - Group A: 2 firms

Q4 – Are there any challenges faced by your firm’s Australian office/s when managing its pro bono program, as part of an international firm? If so, please briefly identify these.

For example, these may include culture, conflict policy or remote management.

Please refer to Table 3 on page 19 for all responses

Section 13 – Pro bono legal work in regional, rural and remote areas

Q1 – Does your firm do “pro bono legal work” focussed on “regional, rural and remote (RRR) areas”?

This includes “pro bono legal work” for clients located in “RRR areas” and client organisations that primarily serve “RRR areas”.

✓ Yes – please continue to the next question - Total: 17 firms - Group A: 6 firms, Group B: 8 firms, Group C: 3 firms
✓ No – please go to question 14 - Total: 23 firms - Group A: 2 firms, Group B: 6 firms, Group C: 15 firms
✓ Don’t know – please go to question 14 - Total: 1 firm - Group C: 1 firm

Q2 – What percentage of your firm’s overall “pro bono legal work” (by number of new files opened) in the 2014 FY was focused on “RRR areas”?

Please refer to Chart 28 on page 77 for all responses

Q3 – Is this answer an estimate?

✓ Yes - Total: 13 firms
✓ No - Total: 4 firms

Q4 – Does your firm provide any of this “pro bono legal work” on an outreach basis?

By this, we mean was any of this work carried out by your firm’s lawyer/s who had travelled to a “RRR areas” (for example, through face to face assistance, secondments, joint projects or clinics)?
Q5 – What percentage of your work that was focussed on “RRR areas” was provided on an outreach basis?

Please refer to Chart 28 on page 77 for all responses

Q6 – Is this answer an estimate?

- Yes - Total: 6 firms
- No - Total: 2 firms

Q7 – What type of work has your firm undertaken? For example, has the work been provided via on site clinics, referrals from RRR CLCs or NFPs, secondments to RRR CLCs, referrals from RRR offices of your firm, developing a project independently etc?

Please refer to Table 8 on page 78 for all responses

Section 14 – International Pro Bono

Q1 – Did your firm in Australia do “international pro bono legal work” in the 2014 FY?

- Yes – please continue to the next question - Total: 14 firms - Group A: 6 firms, Group B: 5 firms, Group C: 3 firms
- No – please go to question 8 - Total: 26 firms - Group A: 2 firms, Group B: 9 firms, Group C: 15 firms
- Don’t know – please go to question 8 - Total: 1 firm - Group C: 1 firm

Q2 – What percentage of your firm in Australia’s overall “pro bono legal work” (by number of new files opened) in the 2014 FY was focused on “international pro bono legal work”?

Please refer to Chart 29 on page 80 for all responses

Q3 – Is this answer an estimate?

- Yes - Total: 8 firms
- No - Total: 6 firms

Q4 – Does your firm provide any of this “international pro bono legal work” on an outreach basis?

By this, we mean was any of this work carried out by your Australian lawyers who had travelled overseas (for example, through face to face assistance, secondments, joint projects or clinics)?

- Yes – please continue to the next question - Total: 6 firms - Group A: 1 firm, Group B: 4 firms, Group C: 1 firm
- No – please go to question 7 - Total: 8 firms - Group A: 5 firms, Group B: 1 firm, Group C: 2 firms

Q5 – What percentage of your firm’s “international pro bono legal work” was actually carried out outside of Australia?

Please refer to Chart 29 on page 80 for all responses

Q6 – Is this answer an estimate?
Q7 – Please briefly describe the type of “international pro bono legal work” your firm has undertaken:

*Please refer to Table 9 on page 81 for all responses*

Q8 – Do you anticipate that your firm will do any work through the Centre for Asia Pacific Pro Bono in the next 12 months?

- **Yes** - please go to section 15 - Total: 4 firms - Group A: 1 firm, Group B: 3 firms
- **No** – please continue to the next question - Total: 20 firms - Group A: 5 firms, Group B: 8 firms, Group C: 7 firms
- **Don’t know** – please continue to the next question - Total: 11 firms - Group A: 2 firms, Group B: 3 firms, Group C: 6 firms
- **I am not aware of the Centre for Asia Pacific Pro Bono** – please go to section 15 - Total: 6 firms - Group C: 6 firms

Q9 – What are the reasons for this?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>We have expressed interest but no opportunities have been identified.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Focus is primarily local</td>
</tr>
<tr>
<td></td>
<td>No contact, visibility.</td>
</tr>
<tr>
<td></td>
<td>They refer very little</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>Any pro bono work we may undertake will depend on the tasks involved (eg we could not represent individuals in court matters) and whether it will require any financial outlay (eg whether we may need to pay travel and other expenses which might limit what we may be able to do).</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Enough unmet need in Australia</td>
</tr>
<tr>
<td></td>
<td>Lack of expertise and capacity</td>
</tr>
<tr>
<td></td>
<td>We prefer to focus on Australian matters and feel we can resource them better. It also does not align with business aims, ie we are an Australian only firm.</td>
</tr>
<tr>
<td></td>
<td>We have not worked with this organisation but may do so in the future.</td>
</tr>
<tr>
<td></td>
<td>We do not have a formalised program in place yet</td>
</tr>
<tr>
<td></td>
<td>Not part of our focus</td>
</tr>
<tr>
<td></td>
<td>Currently focused on local projects and building greater internal support for pro bono</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP C</th>
<th>Will depend on the firms adopted PB Policy in 2014 (Q4) + firm capacity to undertake same.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No relationship</td>
</tr>
<tr>
<td></td>
<td>No existing relationship/awareness of the organisation.</td>
</tr>
<tr>
<td></td>
<td>International work is not the focus of this pro bono practice</td>
</tr>
<tr>
<td></td>
<td>The pro bono program is new to the firm and we are still deciding which areas we will focus on and where we will source pro bono matters</td>
</tr>
<tr>
<td></td>
<td>Not a priority for us</td>
</tr>
<tr>
<td></td>
<td>Not enough information with current pro bono activities</td>
</tr>
</tbody>
</table>
Section 15 – Government Tender Arrangements for legal services

Q1 – Is your firm on the Commonwealth legal services multi-use list (LSMUL) or the Victorian Government Legal Services Panel?

- Yes, both - Total: 17 firms - Group A: 7 firms, Group B: 7 firms, Group C: 3 firms
- Yes, the Commonwealth legal services multi-use list (LSMUL) only - Total: 19 firms - Group A: 1 firm, Group B: 6 firms, Group C: 12 firms
- Yes, the Victorian Government Legal Services Panel only - Total: 0 firms
- No - Total: 5 firms - Group B: 1 firm, Group C: 4 firms

Q2 – Do you have any comments in relation to the form and operation of the Commonwealth and/or Victorian government tendering processes, as they relate to the requirement to report on “pro bono legal work”?

Commonwealth:

| GROUP A | The Commonwealth should put pressure on all States to introduce these requirements so that there is consistency across States. |
| GROUP B | Measurements other than hours are not respected, which is difficult when lawyers do not time record. Helpful to acknowledge pro bono contributions without making it mandatory. Would be useful to have one repository (rather than each dept/panel asking for information). I wonder how significant the impact is of the pro bono hours firms achieve and their government client portfolio |
| GROUP C | Pro bono contribution is a relevant assessment criteria for the Commonwealth tendering process. [firm] is supportive. Pro Bono work is rarely if ever mentioned in post tender debriefs and therefore there is a question over how beneficial it is in meeting the target as against Firms who do not meet the target |

Victorian:

| GROUP A | We support the requirement in Victoria and its impact on the business case for pro bono. |
| GROUP B | Recognises importance of pro bono. System was overly complicated but OK now we have gone through the process a number of times. |
| GROUP C | We have never been asked to report on pro bono as part of the panel |

Q3 – Do you believe that the pro bono conditions included in the tender arrangements by the Commonwealth and Victorian governments are useful in encouraging law firms to undertake “pro bono legal work”?

| GROUP A | Yes |
| GROUP B | Extremely useful |

Yes, absolutely. Have resulted in a greater level of commitment for those undertaking pro bono, and increased participation as a whole.

Yes - definitely

Yes the requirements are useful. We strongly support them and encourage other governments to introduce similar schemes.

Yes it emphasises the importance of pro bono work.

Yes
No, they are quite onerous as a form of reporting and we do the work anyway, ie it is not an incentive to do pro bono. In other commercial settings, we understand the benefit.

Yes
Yes
Yes
Yes
Yes, very

GROUP C

Yes
Yes
Yes. It acts as an incentive to undertake pro bono & acts as a useful tool to leverage partner/management support for PB.

No, although the pro bono conditions are a consideration, it is not the main reason for us to undertake pro bono legal work as a firm.

Yes for some Firms but it appears to us it does not for other Firms as there is no follow up or account taken of it

Yes
Yes
Yes
No

We believe that these pro bono conditions do encourage law firms to undertake pro bono legal work. The conditions ensure that the governments are partnering with firms who are aligned in their commitment to providing pro bono legal services.

Section 16 – The National Pro Bono Aspirational Target

Q1 – Are you aware of the “National Pro Bono Aspirational Target” of at least 35 “hours per lawyer per year”?  

✓ Yes – please continue to the next question - Total: 41 firms - Group A: 8 firms, Group B: 14 firms, Group C: 19 firms
✓ No – please go to question 8. More information on the “National Pro Bono Aspirational Target”, including a list of current signatories, can be found on our website (www.nationalprobono.org.au) - Total: 0 firms

Q2 – Is your firm a signatory to the “National Pro Bono Aspirational Target”?  

✓ Yes – please continue to the next question - Total: 33 firms - Group A: 7 firms, Group B: 12 firms, Group C: 14 firms
✓ No – please go to question 8 - Total: 8 firms - Group A: 1 firm, Group B: 2 firms, Group C: 5 firms

Q3 – Do you wish to report on your performance on the “National Pro Bono Aspirational Target” in the 2014 FY in conjunction with this survey?  

PLEASE NOTE – reporting on the Aspirational Target in conjunction with this survey will mean identifying your firm to the Centre and forgoing the anonymity of your survey responses. However, any identifiable information will be kept confidential by the Centre. For the purposes of publication, all responses will be de-identified.

For your convenience, the Centre will use some of your survey responses for the purposes of reporting on the Target. This is limited to data you have provided to questions on the number of full-time

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64 One Group C firm answered ‘Yes’ in error, as only one office of their firm is a Signatory to the Target.
equivalent lawyers in your firm, total pro bono hours provided in the 2014 FY, average pro bono hours per lawyer per year, and the participation rate of your lawyers.

If you do not wish to report on the Target in conjunction with this survey, the Centre will contact you separately.

✓ Yes, I wish to report – please continue to the next question
✓ No, I do not wish to report – please go to question 8

As reporting on the National Pro Bono Aspirational Target is confidential, the responses to questions 3-7 are not included in this Appendix. The “Seventh Annual Performance Report on the National Pro Bono Aspirational Target” can be found on our website (www.nationalprobono.org.au), in ‘Our Publications’ → ‘Reports, Guides Speeches etc’

Q4 – What is the name of your firm?

Q5 – Did you meet the Target in the 2014 FY?

✓ Yes
✓ No

Q6 - Do you expect your firm to meet the Target in the next financial year?

✓ Yes
✓ No
✓ Don’t know

Q7 - What effect (if any) has being a signatory to the Target had on the “pro bono legal work” undertaken by your firm? Please circle all that apply

✓ The Target led to an increase in the pro bono legal work done by the firm
✓ The Target increased the firm’s focus on the legal needs of disadvantaged people and the organisations that assist those people
✓ The Target had no effect
✓ The Target decreased the amount of pro bono legal work done by the firm
✓ Other, please specify

If you answered questions 4-7 above please SKIP QUESTION 8 and go to section 17

Q8 – Do you anticipate that your firm will reach an annual average of at least 35 “pro bono hours per lawyer” per year during the 2015 FY?65

✓ Yes - Total: 18 firms - Group A: 8 firms, Group B: 5 firms, Group C: 5 firms
✓ No - Total: 19 firms - Group B: 8 firms, Group C: 11 firms
✓ Don’t know - Total: 3 firms - Group B: 1 firm, Group C: 2 firms

Section 17 – What else can you tell us?

Q1 – What are the most crucial factors in the success of your firm’s pro bono program?

<table>
<thead>
<tr>
<th>GROUP A</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Clear goals, strategic plan and philosophy</td>
</tr>
<tr>
<td>- Staffing resources with pro bono expertise</td>
</tr>
<tr>
<td>- Management and partner support</td>
</tr>
</tbody>
</table>

65 The answers provided here combine answers to both this question (Q8) and Q6.
- Ensuring that time spent on pro bono matters is billable
- Willingness of lawyers to assist with pro bono matters
- Lawyers with specialist expertise available to assist with pro bono matters.

**Leadership buy-in**

Integration into our legal practice, so that pro bono work is just normal work for all of our lawyers.

High level support, constant reiteration of that support using a wide range of mechanisms including our internal training and mentoring programs, ensuring pro bono is embedded in all the firm’s processes and communications, having a wide variety of work to do and making sure it is well spread through the firm, having high calibre internal leaders.

Targeting cause areas, and long term multi-faceted partnerships with a select (few) number of community legal organisations and charity/non-profit partners in those cause areas.

- Pro Bono criteria approved by the Firm’s Board applied consistently across the Firm
- Professional management of the pro bono program
- Focus on assisting disadvantaged and marginalised people and in areas of unmet legal need
- Pro bono work being treated in the same manner as commercial work

**Access to interesting and challenging public interest matters.** Partner support - we have great partner support here but the Cth and Vic Gov reporting requirements assist in respect of the few who are less supportive. Monitoring of matters to ensure quality is high and risk issues minimised. The variety of both clinic style work and commercial work for charities so all lawyers are interested in participating.

**GROUP B**

Enthusiastic, capable coordinators lawyers willing to undertake the work recognition of pro bono work as counting towards achieving KPIs, albeit as a special non billable category

A strong pro bono support / management structure is required to attract and coordinate high impact, interesting and important pro bono work. Equally important is a culture that supports pro bono, stemming from management and partners. We also have a strong reputation for pro bono which attracts lawyers wishing to undertake pro bono work.

Capacity and interest of lawyers to undertake pro bono work in conjunction with other fee earning work

Referral flow and lawyer engagement

Partner & management support and encouragement National engagement throughout our offices Pro bono being incorporated into lawyers KPIs

Fee recognition for PB hours in calculation of performance

Diversity and impact of case work, with cases developed internally or as a result of referrals.

Good relations with Justice Connect and Human Rights Law Centre

The most successful aspects of our program are in areas that there is a true champion - a senior person who is willing to take responsibility and develop the relationship. We have also looked at different means of assisting existing clientèle e.g. providing CLE style workshops on relevant topics to youth off the streets clients.

A dedicated full time resource

Broad participation firm support integrity and clear ideas, direction and strategy ownership by our people

Senior leader support

Continuing to embed a culture of community participation and giving back, with strong
**GROUP C**

Our great lawyers: they are excellent and have a genuine desire to use their skills to contribute to the community.

Implementation of a PB Policy + a PB programme which provides budget relief for the PB Coordinator + which includes non-billable PB hours in budgets for fee earners.

The firm has hired a pro bono coordinator that will establish a pro bono program over the coming year.

**Identifying pro bono clients**
- Access to discrete pro bono case work (i.e. not litigation)
- Capacity and resourcing

**Finding work that fits in with expertise and capacity of lawyers.**

Support of the Board of Partners and a dedicated senior solicitor responsible for all pro bono matters

Awareness of the program across all levels of the firm. We also require a steady supply of pro bono matters to meet demand within the firm.

Support from the Managing Partner and other partners (top down approach); The firm’s values, including respect and collegiality, have applicability to the pro bono program and are a driving force behind the pro bono work and community involvement; Enthusiasm of staff, particularly junior solicitors, to become involved in pro bono work.

- Partner encouragement and support
- Qualitative improvements for the causes and clients we support

**Awareness of work, spread of work across the firm, focusing on our specialisms**

Self-representation service run by QPILCH

Enthusiasm of lawyers, particularly junior lawyers. Selecting the right projects and partners to work with.

To have dedicated staff employed to work on pro bono matters as a full-time role

**Continuing Partner Support** Encouraging team support Satisfaction to Participants

- Continued partner support
- Clear policy development
- Prospective organisations identified, approved and contacted

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**Q2 – What is the greatest threat to the success of your firm’s pro bono program?**

**GROUP A**

The possibility that our pro bono culture will be diluted through globalisation and the changing face of law firms.

Lack of capacity

The decrease of legal assistance sector funding.

Lack of capacity

Capacity of lawyers to assist given economic pressures and lower numbers of lawyers. Impact of pro bono contribution on partner performance if it is not adequately rewarded.

**GROUP B**

Lack of visible high level partner support lack of resources for running the program

Lack of certainty due to structural and cultural changes in the firm. Lack of capacity as billable hours increase.

Lack of capacity

Cuts to the access to justice sector

Lack of partner & management support and encouragement

Limited opportunities in our areas of expertise
Competitors failing to cooperate with us in cutting edge and high profile matters, despite our attempts to foster collaborative work environments.

Maintaining it as a priority against paid work

We have seen a decrease in average hours as there has been a contraction in our number of lawyers and we no longer have any secondments. The general sentiment has been that people want to assist but are more nervous about perception and being open and available to billable work.

Lack of cultural change and resources

Lack of leadership support to allow for financial underpinnings challenge of growth

Limited capacity

Distraction from the strategic goals set can arise, as a result of external pressures in sustaining the business of private sector legal practice.

Resistance from the partners internally due to increased economic pressures on their commercial practice

GROUP C

Sourcing enough suitable work

Lack of higher level management support + lack of partner promotion of the PB programme amongst other partners of the firm.

The firm’s capacity to undertake pro bono work

Professional liability and administration costs

Lack of resources and availability of interesting but not all consuming pro bono work.

Firm capacity

A lack of steady supply of matters. Time constraints on our lawyers who are already time poor.

Need for greater structure. The structure of the pro bono program has not developed at the same rate at which the firm has expanded over the last decade or so; Need to develop a strategy to ensure clear direction for pro bono program, and ultimate impact on community.

No obvious threats. It’s absolutely inextricably linked to the firm’s culture and identity

Conflict with trying to get billable work done

The growing pressure to reach impossible billing targets, while counting pro bono hours as non-billable.

No specific program set up

The demands of being a lawyer meeting firm financial targets - billable hours - billings

Little perceived threats given the firm’s commitment to meeting the aspirational target.

Q3 – Is there anything else that would be useful for us to know about your firm’s pro bono program?

GROUP A

We did not report on the Target as we were not a signatory until July 2014. We will report in the future.

Our Pro Bono practice has become one of 14 National Practice Groups, with our Pro Bono Partner one of 14 NPG Leaders, sitting at the “management table” in firm decision-making.

GROUP B

That while there is great commitment to undertake pro bono work, there are limiting factors which means assessment against other firms may not provide an accurate picture of our commitment.

We are in a building and expansion phase and have a plan to develop the program to achieve the national aspirational target by the end of 2016

We only conduct litigation. We think this is a positive contribution, given DGR and tax work is over represented. The risks, unpredictability and costs of litigation are not always fully respected among those who measure pro bono. There is a strong focus on
hours as the only real measurement. This means that the impact of litigation is sometimes undermined and the relative scarcity of the resource goes unnoticed.

We are already talking to you about it

Our pro bono program is a significant part of a broader community engagement program, which also includes philanthropic giving.

The structure of pro bono at our firm is changing.

**GROUP C**

It is in its infancy of being implemented as a functional structured programme. To date, it had been ad-hoc. We anticipate the PB Policy + structures to be functional by the end of 2014.

Developing/evolving: currently reviewing in an effort to improve program

It is difficult to commit to large pro bono matters

The firm’s pro bono program has only just begun operating formally and within an established structure. Accordingly, we have a long way to go towards meeting the aspirational Target. However, we believe positive steps are being taken, including becoming a signatory to the Target and aligning the firm with charitable organisations such as ... de-identified... (an indigenous micro-financing organisation). We have also commenced discussions with Justice Connect regarding membership and sourcing pro bono matters.

We are currently developing a strategy for the pro bono program and have consulted with a number of other firms for guidance. We have found this approach to be particularly beneficial and we are grateful for other firms sharing their knowledge in this respect. We would encourage other firms seeking guidance in developing their pro bono programs to take a similar approach.

Team members enjoy doing QPILCH - self rep work & QCAT attendances - being exposed to wider community

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**Section 18 – What can we do to help you?**

**Q1** – How interested would your firm be in a new edition of the *Australian Pro Bono Manual*?


- **Very interested** - Total: 18 firms - Group A: 3 firms, Group B: 7 firms, Group C: 8 firms
- **Somewhat interested** - Total: 16 firms - Group A: 2 firms, Group B: 5 firms, Group C: 9 firms
- **Not interested** - Total: 5 firms - Group A: 2 firms, Group B: 1 firm, Group C: 2 firms
- **Don’t know** - Total: 2 firms - Group B: 1 firm, Group C: 1 firm

**Q2** – How useful do you think it would be for the Centre to create a standardised template for a pro bono client feedback form?

- **Very useful** - Total: 7 firms - Group B: 4 firms, Group C: 3 firms
- **Somewhat useful** - Total: 27 firms - Group A: 5 firms, Group B: 7 firms, Group C: 15 firms
- **Not useful** - Total: 5 firms - Group A: 3 firms, Group B: 2 firms
- **Don’t know** - Total: 2 firms - Group B: 1 firm, Group C: 1 firm

**Q3** – How useful do you think it would be for the Centre to develop qualitative tools for the assessment and evaluation of the impact of pro bono projects and programs?

- **Very useful** - Total: 22 firms - Group A: 4 firms, Group B: 10 firms, Group C: 8 firms
- **Somewhat useful** - Total: 17 firms - Group A: 2 firms, Group B: 4 firms, Group C: 11 firms
- **Not useful** - Total: 2 firms - Group A: 2 firms
- **Don’t know** - Total: 0 firms
Q4 – Is there anything that the National Pro Bono Resource Centre can do to help your firm with its “pro bono legal work” or to assist the pro bono sector in general?

| GROUP A | Head a global discussion on best practice in pro bono.  
Pro bono needs legal assistance service providers to survive. We would be greatly assisted if the NPBRC would consider the impact of the decreases in LAS funding on pro bono, and take a consultative and informed public position on this. Too often, pro bono is seen as the solution to funding cuts; however a smaller and increasingly stretched + under-funded LAS sector impacts our ability to source and obtain pro bono legal work where the unmet need is the greatest.  
A reason for us resisting the introduction of a pro bono target was the sense that in places where it existed such as the USA, that the firms/pro bono press appeared to spend a lot of time arguing about what pro bono work counts for the target. This seemed like a poor use of time. The recent ‘discussion’ between the Centre and the firms in relation to some paralegal time being included was a worry, I’d hate to think we are entering a new phase in Australia i.e. arguing about what counts, and what does not. For our part we thought the statement issued by the Centre made a lot of sense for a lot of firms.  
Work to enable pro bono practices to access free interpreter services in the same manner that CLCs access such services to enable pro bono practices to assist more clients from NESB. |

| GROUP C | That last idea is a great one - very difficult to evaluate the impact  
No  
Access/facilitation of pro bono partners  
Greater guidance in sourcing a steady flow of pro bono matters.  
It would be beneficial to have an online forum in which lawyers undertaking pro bono work, nationwide, could share successes and failures and provide guidance to others interested in undertaking similar work.  
It already provides an invaluable assistance - it helps to institutionalise and reinforce the importance of pro-bono public interest law work  
Keep reporting on what is happening elsewhere, your newsletter etc |

Q5 - Are you willing to identify your firm? Identifying your firm can help us check on any apparent inconsistencies in your survey, and means that we will not contact you with reminders to complete the survey.  

All information provided will be kept strictly confidential and we will not identify your firm by name in the report.  

*Answers removed to protect respondent anonymity*
Appendix 2: Glossary of Terms

The following glossary was provided to all survey respondents, and contains definitions of key terms. These terms were highlighted throughout the questionnaire, and were hyperlinked to the appropriate definition if completed online.

"Pro bono legal work"
For the purposes of this survey, pro bono legal work is time spent by lawyers (including law graduates not yet admitted to practice):

5. Giving legal assistance for free or at a substantially reduced fee to:—
   a. individuals who can demonstrate a need for legal assistance but cannot obtain Legal Aid or otherwise access the legal system without incurring significant financial hardship; or
   b. individuals or organisations whose matter raises an issue of public interest which would not otherwise be pursued; or
   c. charities or other non-profit organisations which work on behalf of low income or disadvantaged members of the community or for the public good;
6. Conducting law reform and policy work on issues affecting low income or disadvantaged members of the community, or on issues of public interest;
7. Participating in the provision of free community legal education on issues affecting low income or disadvantaged members of the community or on issues of public interest; or
8. Providing a lawyer on secondment at a community organisation (including a community legal organisation) or at a referral service provider such as a Public Interest Law Clearing House.

The following is NOT regarded as pro bono work for the purposes of this statement:

7. giving legal assistance to any person for free or at a reduced fee without reference to whether he/she can afford to pay for that legal assistance or whether his/her case raises an issue of public interest.
8. free first consultations with clients who are otherwise billed at a firm’s normal rates;
9. legal assistance provided under a grant of legal assistance from Legal Aid;
10. contingency fee arrangements or other speculative work which is undertaken with a commercial expectation of a fee;
11. the sponsorship of cultural and sporting events, work undertaken for business development and other marketing opportunities; or
12. time spent by lawyers sitting on the board of a community organisation (including a community legal organisation) or a charity.
**Guidance Notes**

- Many firms have Community Service and Corporate Social Responsibility programs under which their lawyers and non-lawyers provide a broad range of community service work. Examples of this include literacy and mentoring work, and volunteering to provide services at community organisations. These programs may also involve the firm donating to charities. These activities do not fall within the definition of pro bono legal work and should not be reported.

- For the purposes of calculating hours of “pro bono hours per lawyer per year”, please average the number of FTE lawyers on the first day and last day of the financial year:

  \[
  \text{(FTE lawyers at 1 July + FTE lawyers at 30 June)} \div 2
  \]

- “Lawyers” includes law graduates not yet admitted to legal practice and thus their pro bono hours should be reported. It does not include paralegals, and their pro bono hours should not be reported.

- Time recorded for the purpose of delivering pro bono legal services should be treated in the same way that work performed for commercial clients is treated. In this respect, each signatory firm’s policies for the treatment of travel time should apply to their pro bono legal work.

- Pro bono legal services may include international pro bono legal services, that is pro bono legal work undertaken:
  - outside Australia, by lawyers who are supervised by, or provided from, an office based in Australia
  - for clients based outside Australia, by lawyers based in Australia; or
  - for organisations based in Australia where the work concerns an initiative outside Australia.

  In this context references to “community” in the definition of “pro bono legal services” include communities outside of Australia.

"**Dedicated Pro Bono Lawyer**"

A lawyer engaged on a full-time or permanent part-time basis whose key responsibility is to undertake and/or manage pro bono legal work for the firm.

“**International Pro Bono Legal Work**”

International Pro Bono Legal Work is pro bono legal work focussed outside of Australia, and in response to both need and disadvantage within a recipient country. It may include the provision of direct legal advice and representation, assistance with law reform or other systemic legal issues, legal training and education, and judicial assistance.

“**National Pro Bono Aspirational Target**”

The National Pro Bono Aspirational Target is a voluntary target of at least 35 pro bono hours per lawyer per year. For more information see the National Pro Bono Resource Centre’s website at [www.nationalprobono.org.au](http://www.nationalprobono.org.au).
“Pro bono hours per lawyer per year”
This figure is arrived at by taking the number of hours of “pro bono legal work” undertaken by your firm’s lawyers and dividing it by the total number of full time equivalent (FTE) lawyers working at your firm. For example, if your firm had undertaken 1,000 hours of pro bono legal work and employed 100 FTE lawyers it would have achieved 10 pro bono hours per lawyer per year.

It should be noted that for the purposes of this survey and of the Aspirational Target “lawyer” can refer to law graduates not yet admitted to practice, so their work can be included, but does not refer to paralegals or law clerks. To calculate the number of lawyers employed by your firm in the 2014 FY, please average the number of FTE lawyers on the first day and last day of the financial year

\[
\frac{\text{(FTE lawyers at 1 July + FTE lawyers at 30 June)}}{2}
\]

“Pro bono referral scheme or organisation”
Includes Justice Connect, Justice Net SA, QPILCH and/or any professional association pro bono referral scheme (for example the Law Society of NSW Pro Bono Scheme).

“Regional, rural and remote (RRR) areas”
“Regional” refers to a regional city or large town that is outside of the state capital, but is a large centre in its own right. “Rural” refers to a small town that is dependent on rural industries, or the area outside of such a town. A “remote area” is far from the nearest regional centre or small town. It may be difficult as well as time-consuming to reach the area from the nearest population centre by road.