Report on the
Fifth National Law Firm Pro Bono Survey
Australian firms with fifty or more lawyers

March 2017

Australian Pro Bono Centre
The Law Building, University of New South Wales
UNSW Sydney NSW 2052

Website: probonocentre.org.au
Tel: +61 2 9385 7381  Fax +61 2 9385 7375
Email: info@probonocentre.org.au
About the AUSTRALIAN PRO BONO CENTRE

The Australian Pro Bono 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 Australian Pro Bono 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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Executive Summary

The **Fifth National Law Firm Pro Bono Survey** is the latest addition to the Centre’s longitudinal study of the pro bono legal work of large Australian law firms.

The overall picture is one of significant growth since 2014, but signs indicate that the capacity for further growth in the pro bono practices of many large firms may be limited.

This year, the language used in the Report seeks to better reflect the fact that the data is provided by law firms, and the Centre’s role is to simply collect and analyse it. For example, the chapter headings express the collective voice of the respondent firms themselves: Who Are We?, How Much Do We Do, How Do We Partner With Others? etc.

The Report is based on data collected from 41 of the 58 firms in Australia with 50 or more full-time equivalent (FTE) lawyers as at 30 June 2016, including 19 of the 20 largest firms. Most data relates to the 2015/2016 FY, but some questions concerned the period since the last survey in 2014, and a couple of questions asked about changes occurring over the past five years.

The broader context of this Survey is a dynamic law firm sector that remains highly commercially competitive, as evidenced by 13 firms (32%) indicating they had been through a merger in the past five years, and nine firms identifying as international firms (that is, employing more lawyers overseas than in Australia).

**Growth**

The average hours of pro bono legal work per FTE lawyer in respondent firms for the 2015/2016 FY was 34.8 hours, which is a 9.7 percent increase from 2014 (31.7 hours per lawyer). Extraordinary growth was reported by the Group B size firms (201 - 449 FTE lawyers), where the pro bono hours per lawyer rose by 39.7 percent, and amongst Group C size firms (50 - 200 FTE lawyers) it rose by 26.1 percent. The Group A firms’ (450 - 1,000 FTE lawyers) average showed a small 4.6 percent decline.

One of the key drivers of this growth is the increased, and increasing, unmet legal need in work for asylum seekers and refugees. In 2016, immigration was third overall in the list of areas of law in which the most pro bono work was done, moving up from twelfth in 2014. Forty percent of firms also nominated Immigration as one of their top five areas of law and pro bono practice.

The growth in pro bono hours per lawyer was accompanied by growth in lawyer participation rates which had been trending downwards in 2014. Overall, the average lawyer participation rate was 57 percent, up from 50 percent in 2014, with the partner participation rate up from 40 percent to 46 percent.

The growth was also associated with an increase in the number of firms meeting the National Pro Bono Aspirational Target of 35 hours per lawyer per annum, with 17 firms meeting the Target in 2016, up from 12 firms meeting it in 2014.

An associated issue identified through the Survey is the rising cost of external disbursements that firms are having to pay to do their pro bono work. Seventy-eight percent of firms indicated
that they had paid for external disbursements associated with a pro bono matter during the 2015/2016 FY. Whilst amounts varied widely, four firms provided a figure of between $10,000 and $20,000, and three firms nominated $40,000 (Group A), $45,000 (Group A) and $80,000 (Group B).

Where the amounts were $40,000 or above, the expenses were mainly incurred paying for membership fees, medical reports, filing fees, search fees, travel costs, and translation and interpreter’s fees.

Limited Capacity

There were two signs that further growth in pro bono legal work may be limited by capacity. Firstly, 83 percent of firms chose “firm capacity” as the highest of the top three challenges for their pro bono program, with their next highest challenge being “insufficient expertise in relevant areas of law” at 37 percent. Secondly, whilst all firms reported internal targets as being larger or the same as in 2014, 56 percent of them indicated that their internal target was likely to remain the same for the coming year (this was up from only 23 percent of firms indicating this in 2014).

Sources of work

Direct requests remained the greatest source of pro bono work for respondent firms, with 38 percent of new matters arising this way (by number of files opened). The Survey data also showed an increasing trend towards matters being received from Community Legal Centres, with 20 percent of matters overall and 33 percent of Group B firms’ matters being received that way.

Individuals vs Organisations

Encouragingly, the data showed a proportional shift towards work being undertaken for individuals rather than for organisations, particularly in the Group A and B size firms. From being a 65 percent organisations/35 percent individuals split in 2014, in 2016 the split was 56 percent organisations/44 percent individuals, with the biggest change occurring in the Group B firms, where the split shifted from 67 percent organisations/33 percent individuals in 2014 to 50 percent organisations/50 percent individuals in 2016.

Investment in the pro bono practice

The Survey results indicate a larger investment by firms in pro bono coordination and management since 2014. Twenty-six law firms (representing 70% of all firms with pro bono coordinators or managers) reported that their pro bono program/practice coordinator/manager received some measure of payment, fee relief or billable credit specifically for carrying out the role. This was a sharp increase on 2014, where only 13 firms reported doing so, and on 2012 when only 6 firms reported doing so. Forty percent of firms with a pro bono coordinator/manager also reported that the position was now a full-time one.

However, only 39 percent of firms reported having an operational budget set up to support their pro bono practice, with just over half of these firms having increased this budget in the 2015/2016 FY.
Credit and recognition

In 2016, twenty firms (54%) reported providing some form of billable hour credit for pro bono legal work, with five of these firms having moved to recording pro bono hours as a billable category from a special non-billable category since 2014.

Whilst these figures indicate a recovery in the declining trend reported in previous Survey years in terms of firms providing billable hour credits, this remains an important issue, with 12 firms still identifying this as one of their top three issues for improvement (see ‘Looking Forward’ below).

Figures also showed a slight drop in recognition for pro bono in performance appraisals and a significant rise in recognition through other “softer” measures, such as internal awards, events and communication. Answers to a new question also revealed that 34 percent of firms took pro bono performance into account in determining bonuses.

Looking forward

Whilst firms identified management/partner support/leadership as being the single most crucial factors to the success of their pro bono program (as they did in 2014 and 2012), the three most nominated elements of best practice (from the Australian Pro Bono Best Practice Guide) where firms felt their programs could be improved were:

- broad engagement of staff and appropriate training (nominated by 15 firms);
- adequate crediting and recognition of pro bono legal work within the firm (12 firms);
- strong and deep relationships with community partners (12 firms).

The Chapter Highlights below provide a further overview of the Final Report. The raw Survey data is available in Appendix 1: Survey Results (page 78)

March 2017
Chapter Highlights

Chapter 1: Who Are we? (p. 16)

The 2016 Survey sample consisted of 41 firms, the same number as in 2014. This sample included 19 of the 20 largest firms in Australia.

In total, 58 firms had been approached to participate, having been identified as having 50 or more FTE equivalent lawyers, up from 55 in 2014.

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

- **Group A**: firms with 450 - 1,000 FTE lawyers (7 compared to 8 in 2014);
- **Group B**: firms with 201 - 449 FTE lawyers (14 being the same number as in 2014); and
- **Group C**: firms with 50 - 200 FTE lawyers (20 compared to 19 in 2014).

Thirteen out of the 41 firms (nearly a third) had been involved in a merger in the previous five years, demonstrating the ongoing dynamism of the Australian law firm market. Nine of the 41 respondent firms (22%) identified as being “international law firms” (firms that had more staff located overseas than in Australia). Six of these respondent firms (67%) reported that “more” pro bono legal work was done in their Australian offices than in their overseas offices – a testament to the relative strength of the Australian pro bono culture.

Chapter 2: How much “pro bono legal work” do we do? (p. 21)

The total number of hours of pro bono legal work reported was 371,232 hours, which is a slight decrease from 374,942 hours in 2014. However, this is largely due to one large firm not completing the survey.

The number of pro bono hours/FTE lawyer per annum was 34.8 hours per lawyer, up from 31.7 in 2014 and 29.9 in 2012. This represents a 9.7 percent increase since 2014 and is consistent with the results of the *Ninth Annual Performance Report on the National Pro Bono Aspirational Target* (October 2016), which reported that 11,185 Australian lawyers provided 402,216 hours of pro bono legal services in 2016 FY, being an average of 36 pro bono hours per lawyer. This represented an 8.3 percent increase on the pro bono hours reported by Target signatories in the 2015 FY.

By group, the overall hours of pro bono legal work per lawyer per year were as follows:

- **Group A**: 39.4 hours (2016), 41.3 hours (2014) and 38 hours (2012);
- **Group B**: 35.9 hours (2016), 25.7 hours (2014) and 20.4 hours (2012); and
- **Group C**: 22.2 hours (2016), 17.6 hours (2014) and 15.7 hours (2012).

Of the 36 respondents to the 2016 Survey that also responded to the 2014 Survey (up from 31), and provided figures on their hours of pro bono legal work per lawyer per year, 20 reported an
increase of more than 20 percent (up from 13 in 2014) between 2014 and 2016 and only two firms reported a decrease of more than 20 percent over the same period.

Of the 20 firms reporting an increase greater than 20 percent, ten were from Group B firms and ten from Group C firms.

**Participation rates**

The rise in pro bono hours/lawyer was accompanied by an increase in participation rates. Overall, the average lawyer participation rate was 57 percent, up from 50 percent in 2014, and the partner participation rate was 46 percent, up from 40 percent in 2014. The highest percentage of lawyers undertaking more than 35 hours per lawyer per year was reported by a Group A firm, with a figure of 46.8%.

**Percentage of total practice hours**

The hours of pro bono legal work expressed as a percentage of total practice hours reported by respondent firms ranged from 0.5 to 5.3 percent, delivering an average of 2.36 percent (up from 2.27 percent in 2014).

**Chapter 3: What type of pro bono legal work do we do? (p. 33)**

**Areas of law and practice**

The areas of law and practice nominated as the top five areas of law and practice in which firms spent time providing pro bono legal services were Employment Law, Commercial Agreements, Immigration, Governance and Deductible Gift Recipient Status (DGR) (in descending order). The area of law that has shown the most significant change since 2014 is Immigration, which is now third on the list of areas of law and practice most often nominated by Survey Respondents, compared to twelfth in 2014. Sixteen firms nominated Immigration as one of their top five areas of law and practice. Only six firms did so in 2014, similar to 2012 and 2010.

Other notable changes included an increase in the number of firms taking on Discrimination matters and a drop in those firms undertaking Intellectual Property matters.

As in 2014 and 2012, Family Law (not including Family Violence) and Criminal Law were the top two areas where the highest number of firms reported rejecting the most requests for assistance. But interestingly, Immigration, Debt and Employment law matters were the next three highest in the rejection list, which seemingly indicates the continuing unmet legal demand in these areas.

**Clients: organisations or individuals?**

Data showed an encouraging shift towards a greater percentage of work being undertaken for individuals as opposed to work for organisations, particularly in the Group A and B size firms. From being a 65 percent organisations/ 35 percent individuals split in 2014, in 2016 the split was 56 percent organisations/ 44 percent individuals, with the biggest change being in the Group B
firms, where the split went from 67 percent organisations/33 percent individuals in 2014 to 50 percent organisations/50 percent individuals in 2016.

Chapter 4: How do we partner with others? (p. 42)

Sources of pro bono legal work

Direct requests were the largest source of work and amounted to 38 percent of the total number of requests, with work sourced from pro bono referral schemes and organisations next at 26% (27% in 2014) and community legal centres at 20 percent (18% in 2014 and 16% in 2012).

The historical data reveals a gradual trend where the percentage of matters being sourced from pro bono referral schemes and organisations has gradually fallen, whilst the percentage of matters being sourced from community legal centres has risen. This trend is most evident in Group B firms, where 32 percent of work was sourced in 2016.

Secondments

Nineteen of the 41 respondents (46%) to this question indicated that they had provided secondees, as compared to 18 firms (44%) in 2014:

- 10 firms (53%) were providing more secondments than two years ago;
- 5 firms (26%) were providing approximately the same amount of secondments as they were two years ago; and
- 4 firms (21%) were providing fewer secondments than two years ago.

Several firms reported an increasing demand for secondment assistance, and in some cases, senior assistance for transformational projects.

Working with in-house counsel

Sixteen firms (39%) had worked with the in-house lawyers of a corporate or government client on a pro bono matter or project in the 2016 FY. This is an increase from 27 percent of firms in 2014.

Chapter 5: How do we plan for pro bono? (p. 50)

Crucial factors

The highest number of respondents (19 out of 40) nominated “management and partner support and leadership” as the single most crucial factor to the success of their firm’s pro bono program. This is consistent with responses to this question in 2014 (15 out of 37) and 2012 (12 out of 34).

Staff engagement and enthusiasm was identified as the second most crucial factor (10 out of 40), followed by culture (4 out of 40).
Challenges

The top challenge identified by respondents, by a significant margin, was firm capacity. This challenge was selected by 34 firms (83%), a significant increase on 2014. “Insufficient expertise in relevant areas of law” (37%) and “concern about conflict of interest with fee paying clients” (24%) made up the balance of the top three challenges, as they did in 2014, 2012 and 2010.

Best practice

Thirty-seven out of 41 firms (90%) indicated that they found the *Australian Pro Bono Best Practice Guide* either “useful” or “very useful.”

The three most nominated elements (from the Guide) where firms felt their programs could be improved were:

- broad engagement of staff and appropriate training (nominated by 15 firms);
- adequate crediting and recognition of pro bono legal work within the firm (12 firms); and
- strong and deep relationships with community partners (12 firms).

Pro bono target for the firm

Most respondents (26 firms or 63%) indicated that their firm set some sort of overall target for its pro bono program in the 2016 financial year, a decrease when compared to 2014 (76%) and 2012 (75%).

Forty-four percent of firms indicated that the figure was “larger” than in 2014, with the other 56 percent of firms indicating that their target remained the same, in contrast to 2014, where 23 percent indicated it had remained the same and 61 percent indicated it had increased from 2012.

Eighty-five percent of firms indicated that the National Pro Bono Aspirational Target of 35 hours per lawyer per annum (either meeting or exceeding it) was the basis of their own internal pro bono target.

Operational budget

Sixty-one percent of firms indicated that they did not set, and five percent did not know if they set, an operational budget in the 2016 FY. This was particularly the case amongst Group C firms, where 80 percent of firms did not set an operational budget.

Of those firms that did set an operational budget (39%) in the 2016 FY, nine respondent firms (56%) reported that their budget had increased. Of the remaining seven firms, two (13%) reported that their budget had decreased, and four (25%) that their budget had remained the same.

External disbursements

Seventy-eight percent of firms reported paying for external disbursements in 2016, including all seven Group A firms, 12 out of the 14 Group B firms and 13 out of 20 Group B firms.
Eighteen firms (58%) provided an estimate of the cost of these disbursements which varied widely. Four firms nominated a number under $500 or noted that payments were “minimal”. Four firms nominated a figure between $10,000 and $20,000 and three firms nominated $40,000 (Group A), $45,000 (Group A) and $80,000 (Group B). The Centre was subsequently advised that these expenses were mainly incurred paying for medical reports, filing fees, search fees, travel costs, and interpreter’s fees.

Only two firms had applied to a disbursement assistance fund during the period.

**Crediting lawyer’s pro bono time**

In 2016, 21 firms provided some form of billable hour credit for pro bono legal work. This represents 54 percent of the 37 firms that required their lawyers to meet billable hour targets, and indicates a slight recovery in the declining trend reported in previous Survey years. Three firms that indicated in 2014 that they had moved away from treating pro bono hours as billable hours, have now returned to billable hour treatment. However, a special non-billable category remained the single most prevalent form of treatment (46%).

**Other recognition**

The results in this regard were generally the same as in 2014, but with two changes. There has been a slight decrease in the percentage of firms that recognise pro bono legal work as part of the performance appraisal process, from 85 percent in 2014 to 78 percent in 2016. This decrease is partially accounted for by four firms that reported doing so in 2014 but did not this time. The other change was an increase in the recognition of pro bono through other “softer” measures, such as internal awards, events and communication. In 2016, pro bono was recognised in this way by 73 percent of firms, compared to 60 percent in 2014, 45 percent in 2012, and 48 percent in 2010.

**Evaluation**

Twenty-three firms (56%) reported that they did have an evaluation system. This was similar to 2014 figures (54%). Twenty-one of these firms (91%) indicated that they had conducted an evaluation of their pro bono program since the last Survey in 2014. Chart 21 in the body of the report sets out the top three factors reported by firms that were considered in evaluations together with some comments as to the usefulness of the process.

**Chapter 6: How do we approach the relationship between pro bono and corporate social responsibility? (p. 63)**

Thirty-three firms (80%) reported having a corporate social responsibility (CSR), community engagement (CE) or community services (CS) program.

Most respondents indicated that their pro bono and CSR, CE or CS programs were separately managed, an increase when compared to 2012 when the question was last asked.
Individual firms’ answers as to the relationship between their pro bono and CSR, CE or CS programs are set out in full in the body of the report.

Chapter 7: How do we coordinate our pro bono program? (p. 65)

Pro bono coordinators

In 2016, 37 respondents (90%) reported that their firm had a pro bono coordinator or manager (a person whose primary responsibility is to coordinate their firm’s pro bono legal work), compared to 38 out of 41 firms (93%) in 2014.

Fifteen firms had a coordinator who performed the role on a full-time basis, representing 40% of the 37 firms that reported having a coordinator, compared to 12 out of 38 (32%) in 2014, and 12 out of 35 (34%) in 2012.

As to the seniority of the pro bono coordinator/manager, 19 firms indicated that this was a Partner, 11 a Special Counsel or Senior Associate, 2 Associates and 4 “others”.

Twenty-six respondents (70% of all firms with pro bono coordinators) reported that their coordinators received “some measure of payment, fee relief or billable credit specifically for acting in the role”. This was a sharp increase compared to 2014, when only 13 out of 38 firms (34%) with a pro bono coordinator provided their coordinator with fee relief. This represents an even more significant increase compared to 2012 where only six out of 35 firms (17%) provided credit.

Pro Bono Committees

In 2016, 29 firms indicated that they had a Pro Bono Committee. These numbers are similar to those reported by firms in 2014.

Dedicated pro bono lawyers

In 2016, 24 respondents reported a total of 47.8 FTE “dedicated pro bono lawyers” and 7.45 FTE paralegals and administrative staff, totalling 55.25 FTE persons.

The 2014 and 2016 responses for this metric are not directly comparable because the 2016 Survey specifically asked firms to exclude secondees, whereas they may have been included by some firms in 2014. It is pleasing to note, however, that the 55.25 FTE reported in 2016 is only 4.95 FTE fewer than the number reported in 2014, 60.2 FTE. Given that the 2016 figure does not include most secondees, this suggests that the number of dedicated pro bono staff is likely to have increased.

Chapter 8: What has an impact on our pro bono program? (p. 71)

National Pro Bono Aspirational Target

Whilst all firms indicated that they were aware of the National Pro Bono Aspirational Target, only 35 of the 41 firms were signatories.
Of these 35 firms, 17 firms indicated that they met the Target in the 2016 FY. This is an increase in the proportion of Target signatories that met the Target in 2014 (12 out of 32 firms - 38%).

Sixty-nine percent of firms indicated that the Target had the effect of increasing the amount of pro bono work done by their firm and 54 percent indicated that it had increased their firm’s focus on the legal needs of disadvantaged people and the organisations that support them.

Twenty-one firms (51%) indicated that they did anticipate meeting the Target in the 2017 FY. Fifteen firms (37%) reported that they did not expect to meet the Target in the 2017 FY and five firms did not know (12%).

Pro bono conditions in government tender arrangements

Thirty-seven of the 41 respondents (90%) indicated that they were listed on the Commonwealth LSMUL. This was a similar number to that reported in 2014.

Seventeen of the 41 respondent firms (41%) are listed on the Victorian Panel, same as in 2014.

Firms provided various comments about their experience with the pro bono obligations contained in the Commonwealth list and the Victorian panel arrangements, which are contained in the body of the report.

Managing conflicts with corporate and government clients

Nineteen firms (46%) indicated that they had tried to clear positional conflicts. Eight firms (44%) indicated that this process had been successful, while six firms (32%) reported that it had been somewhat successful.

Seventeen firms (41%) indicated that they had not attempted to clear a “positional/commercial conflict”. Twelve of these firms (71%) reported that they had not attempted to clear a positional conflict because no conflict had arisen. One firm (6%) indicated that the Partners responsible for government work did not wish to seek clearance for potential conflicts in relation to pro bono legal work, and another firm (6%) indicated that a conflict protocol was to be prepared in the 2017 FY.
Methodology

This is the fifth 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, 2012 and 2014, and Reports from these Surveys can be found on the Centre’s website. 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.

The terms “pro bono legal work” and “pro bono hours per lawyer” 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: Definitions on page 124.

The results of this survey are compared with the results of previous Surveys in 2014, 2012, 2010 and 2008, where possible, however the evolution of the Survey questionnaire and increasing number of respondents often make this unfeasible.⁴


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 The 2008 Survey, in particular, used a significantly different questionnaire, making comparisons between answers to questions unviable. Unlike future Surveys, it also featured a selected respondent group who already had significant pro bono programs, making performance comparisons unfair.
1 Who are we?

This section provides an overview of the size, location and structure of Australian firms with 50 or more FTE lawyers that responded to the 2016 Survey.

How many firms in Australia have fifty or more FTE lawyers?

Since 2010, the number of firms in Australia with 50 or more full time equivalent (FTE) lawyers has continued to grow, from 39 in 2010 to 51 in 2012 and 55 in 2014. In 2016 this trend continued. The Centre identified 58 firms with 50 or more FTE lawyers as at 30 June.\(^5\) Of these 58 firms, 41 responded to the Survey, the same number that responded in 2014. In 2012, 36 of the 51 firms that were identified as having 50 or more FTE lawyers responded to the Survey, and in 2010, 29 out of 39 firms responded.

As in 2010, 2012 and 2014, respondent firms in 2016 fell naturally into three groups based on size:

- **Group A**: 7 with 450 - 1,000 FTE lawyers (compared to 8 in 2014, 9 in 2012, and 9 in 2010).
- **Group B**: 14 with 201 - 449 FTE lawyers (compared to 14 in 2014, 11 in 2012, 6 in 2010).
- **Group C**: 20 with 50 - 200 FTE lawyers (compared to 19 in 2014, 16 in 2012, 14 in 2010).

Nineteen of the 20 largest law firms in Australia (by FTE lawyers) responded to the Survey. Of the 17 firms that did not respond, one firm would have been placed in Group A, two would likely have been placed in Group B\(^6\) and 14 would have been placed in Group C. Thirty-six out of the 41 firms that completed the Survey (88%) also completed the previous Survey in 2014.

Please see Table 1 on the next page, which compares the number of firms to previous Surveys in 2014, 2012 and 2010.

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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 Law Partnership Survey (7 June 2016); The Australian’s The Australian Partnership Survey (15 July 2016); the Centre’s own data, primarily obtained through reports provided on the National Pro Bono Aspirational Target in 2016 and 2015; online research; and direct requests for information. Nine further firms that the Centre identified as having close to 50 FTE lawyers were invited to complete the Survey, with a note explaining that they need not complete the Survey unless our calculations were incorrect and they had 50 or more FTE lawyers at 30 June 2016.

\(^6\) It is difficult to be sure whether these two firms would have been in Group B or Group C, as we only have overall lawyer numbers (rather than FTE lawyer numbers). It is likely, however, that they would be in Group B.
Table 1: Firms with 50 or more FTE lawyers

<table>
<thead>
<tr>
<th></th>
<th>2016</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>58</td>
<td>55</td>
<td>51</td>
<td>39</td>
</tr>
<tr>
<td>Respondent firms*</td>
<td>41</td>
<td>41</td>
<td>36</td>
<td>29</td>
</tr>
<tr>
<td>• Group A (450 - 1,000 FTE lawyers)</td>
<td>7 (of 8)</td>
<td>8</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>• Group B (201 - 449 FTE lawyers)</td>
<td>14 (of 16)</td>
<td>14</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>• Group C (50 - 200 FTE lawyers)</td>
<td>20 (of 34)</td>
<td>19</td>
<td>16</td>
<td>14</td>
</tr>
</tbody>
</table>

* Please note that a number of firms have moved between Groups A, B and C since the last Survey in 2014.

How many lawyers do we have?

Altogether, the 41 firms that responded to the 2016 Survey employed 10,745 FTE lawyers in Australia. This represents 22.6 percent of all lawyers in private practice in Australia.\(^7\)

Despite there being the same number of respondent firms in 2016 and 2014 the number of FTE lawyers at respondent firms decreased by nine percent. This was partially attributable to three firms (one Group A and two Group B) that completed the Survey in 2014 choosing not to complete the Survey in 2016.

This follows a trend first identified in the 2014 Survey. In that year there was only a three percent increase on the figures compared to 2012 (11,460), despite the number of respondent firms increasing by five in 2014. This was primarily attributable to a significant number of firms (primarily in Groups A and B) reducing in size over that period.

This pattern was repeated in 2016. Twenty-three of the 36 firms (64%) that completed the Survey in both 2016 and 2014 had reduced in size since the previous Survey. Further, the 30 firms that completed the Survey in 2016, 2014 and 2012 had reduced in size as a group by 786.9 FTE lawyers (8%).

See Appendix 1: Survey Results, Section 1, Q4 on page 79 for all responses.

Where are we located?

Twenty-seven firms provided information on where their lawyers in Australia were located. The responses in 2016 were similar to those obtained in 2014 (the first time this question was asked).

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\(^7\) The Law Society of NSW’s 2014 Law Society National Profile Final Report (April 2015) surveyed all Australian State and Territory Law Societies and found that there were 66,211 practising solicitors as at October 2014, of whom 47,569 were in private practice.
Most of the lawyers at respondent firms were based in New South Wales (40.4%, compared to 40.5% in 2014), followed by Victoria (30.7%, compared to 29.2% in 2014), Queensland (15.0%, compared to 16.6% in 2014), Western Australia (9.5%, compared to 8.7% in 2014), the Australian Capital Territory (2.2%, compared to 3.7% in 2014), South Australia (1.9%, compared to 1.2% in 2014) and the Northern Territory (0.22%, compared to 0.13% in 2014). No lawyers were reported to be located in Tasmania (compared to 0.02% in 2014).

In 2016, 39 firms (95%) had more than one office, compared to 38 (93%) in 2014. As in previous years, most respondents reported that their largest (or only) Australian office was located in New South Wales or Victoria. The largest (or only) office of the six remaining firms were located in other States or Territories, compared to five in 2014 and 2012, and three in 2010.

Twenty-five firms reported that their largest office was located in New South Wales (compared to 24 in 2014), eleven in Victoria (the same in 2014), two in Queensland (compared to three in 2014), two in South Australia (zero in all previous Survey years), one in the Australian Capital Territory (the same in 2014) and one in Western Australia (the same in 2014).

See Appendix 1: Survey Results, Section 1, Q3 & Q5 on pages 78-79 for all responses.

What if we are an international firm or going through a merger?

Managing the pro bono program can be more complicated when an Australian practice joins with another firm (locally or internationally). However, there can be benefits for pro bono. Parts of the firm with a stronger pro bono culture can provide leadership, expertise and focus to parts where the culture and program may be less developed or less sophisticated. Lawyers from across the firm can find new opportunities in new locations and areas of law to provide pro bono assistance, with the advantage of local knowledge.
“International law firms”

Nine respondents to the 2016 Survey indicated that their firm was an “international law firm”, which was defined in the Survey as a law firm with more staff located overseas than in Australia. Three were in Group A, four in Group B and two in Group C.8

Six of these nine respondents (67%) reported that “more” pro bono legal work was done in their Australian offices than in their overseas offices. Two respondents reported that the amount of pro bono legal work performed by their firm was “approximately the same”, and only one firm’s Australian offices performed “less” pro bono legal work than its overseas counterparts. This highlights the relative strength of the Australian pro bono culture.

The only firm that reported that its Australian office/s are doing less than their overseas offices is a Group C firm whose Australian operation is much smaller, and whose Australian office/s have only recently been established. For all responses from international law firms please see Chart 2 below.

When asked about challenges that respondents’ face when managing an Australian pro bono program as part of an international firm, three firms noted that they did not face any challenges. The issue most often noted was referred to by three of the other six firms: conflict checking. One firm noted that there is an “increased chance of more conflicts (because more clients) and

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8 In 2014, there were eight international firms, seven of whom also completed the 2016 Survey. Comparisons to Surveys pre-2014 are difficult and misleading, as in those Surveys we 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. Answers to the questions that followed (about whether the Australian offices undertook more work than the overseas offices, and the challenges faced) naturally fell into two categories: those faced by firms that are part of larger international firms, and those faced by local firms with one or more small offices located outside Australia. While the Centre retains a strong interest in the work of Australian firms’ satellite offices, the Centre now chooses to focus on the issues faced by “international law firms”, which are defined as law firms with more staff located overseas than in Australia.
conflicts take longer to clear.” This was a common view in the 2016 FY and in previous Survey years.

See Appendix 1: Survey Results, Section 11, Q1-3 on page 107-108 for all responses.

Law firm mergers

Responses to the Survey in previous years indicated that the process of melding two (or more) pro bono policies and programs into a new structure can take a long time. In 2016, firms were asked if they had “joined/merged with another firm (domestic or international) in the last five years.” Thirteen firms (32%) had done so, including nine that answered questions on this topic in the 2014 Survey.9

Respondents that had been through a merger were asked what the impact of the merger had been, particularly in relation to culture and policies.

Five firms (38%) indicated that the merger had had little effect, at least currently. A further five firms (38%) reported varying levels of impact, but all positive. The other three firms gave answers which indicated that the merger had presented new opportunities, together with challenges.

See Appendix 1: Survey Results, Section 11, Q4-5 on page 108-109 for all responses.

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9 The first Survey that included questions about mergers was in 2012, where ten of the 36 respondent firms (28%) had joined or merged with another firm 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, so we asked whether they had merged in the previous four years. Twelve of 41 firms (29%) had done so. In this Survey, we chose to ask about the previous “five years”, as this represents a figure we can continue to use in future Surveys, and still allow a large enough time period to capture ongoing experiences.
2 How much “pro bono legal work” do we do?

Measuring and recording “pro bono legal work” is the first step towards assessing whether a firm’s pro bono program is meeting its objectives and effectively assisting the firm’s lawyers to fulfil their professional responsibility to address unmet legal need.10

Measuring “pro bono legal work” involves

- defining it;
- recording how many pro bono hours are undertaken; and
- calculating the percentage of lawyers that have participated in the firm’s pro bono program.

What is “pro bono legal work”?

A pro bono policy should include a definition of “pro bono legal work” aligned with the Centre’s definition of “pro bono legal services” used in the Statement of Principles for the National Pro Bono Aspirational Target. This definition should be one of the criteria against which requests for assistance are assessed, particularly in relation to “grey areas”. 11

This definition of “pro bono legal work” continues to be the primary definition used by large law firms in Australia, and based on the responses to the 2016 Survey, it is used by 38 out of 41 respondent firms (93%). Of the remaining three firms, one used a definition substantially the same as the Centre’s definition, another used the Victorian Government Legal Services Panel definition12 and one did not advise whether they have their own definition.

By comparison, in 2014, 39 out of 41 respondents (95%) reported using the Centre’s definition. In 2012, 34 out of 36 respondents (94%) did so, and in 2010, it was 24 out of 29 respondents (83%).

See Appendix 1: Survey Results, Section 2, Q1-2 on pages 79-80 for all responses.

10 For more information, see The Australian Pro Bono Best Practice Guide – element 12 and Australian Pro Bono Centre, The Australian Pro Bono Manual (3rd ed), Sydney, LexisNexis, 2016: Chapter 1.1: Planning pro bono for the firm and Chapter 1.2: Defining pro bono legal work.
11 See The Australian Pro Bono Best Practice Guide – element 5. The Centre’s definition of pro bono legal work, the attached guidance notes and a separate definition of “pro bono hours per lawyer” were provided to all Survey respondents and can also be found in Appendix 2: Definitions, page 124.
12 For more information on the Victorian Government Legal Services Panel and its definition of pro bono see Do Pro bono conditions in government tender arrangements affect our work? page 73.
How many pro bono hours per lawyer do we do?

Best practice in pro bono requires setting, and being accountable, internally and externally for a firm-wide minimum “hours per lawyer per year” target for pro bono legal work, and incorporating this target into the firm’s pro bono policy.

“Hours per lawyer per year” provides the best way of measuring and comparing firms’ pro bono contributions, as opposed to referring to the total number of pro bono hours each firm provides, or the financial value of those hours. An hour is a fixed constant across all firms and it takes into account a firm’s overall size. It also avoids the complexity of attempting to calculate the financial value of each hour of pro bono legal work by each lawyer at the firm.

Finally, the imperative to engage in pro bono legal work is considered a professional responsibility of every individual lawyer. It exists irrespective of the lawyer’s area of practice, clients, or the size or nature of the lawyer’s firm. Measuring pro bono legal work by hours, rather than financially, makes pro bono referable to that individual responsibility.

Firms were asked to report the number of “pro bono hours per lawyer per year” that their lawyers performed in the 2016 FY. 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. Forty out of 41 firms provided this information.

In 2016, the overall number of pro bono hours per lawyer reported by respondents was 34.8 hours. This figure, which is very close to the 35 hours per lawyer that signatories to the National Pro Bono Aspirational Target aspire to undertake, represents a significant increase on figures reported in previous Surveys. In 2016, all signatories to the Target reported performing more than 35 hours (36 hours) per lawyer per year for the first time in 5 years.

This figure is an increase of 3.1 hours per lawyer since 2014 (31.7 hours), an increase of 4.9 hours since 2012 (29.9 hours) and 5.8 hours since 2010 (29 hours). As always, however, figures varied greatly between firms, from 4 hours per lawyer (a Group B firm) to 71 hours per lawyer (a Group C firm).

Overall average pro bono hours per lawyer per year reported by firms in Groups A, B and C are shown in Table 2 on the next page. The average “pro bono hours per lawyer” reported by Groups A and B exceeded the Target figure of 35 hours per lawyer. These figures also illustrate the substantial increase in the contributions of Group B firms, and a significant number of firms in Group C:

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15 For more information on using “pro bono hours per lawyer per year” in planning a pro bono program, see The Australian Pro Bono Manual - 1.8.1 Targets for pro bono legal work.
16 For more information, see “Pro bono hours per lawyer per year” in Appendix 2: Definitions, page 124.
17 For more information see Are we signatories to the National Pro Bono Aspirational Target? page 71.
18 See The Ninth Annual Performance Report on the National Pro Bono Aspirational Target.
Table 2: Pro bono hours per lawyer per year

<table>
<thead>
<tr>
<th>Hours of pro bono legal work per lawyer per year</th>
<th>2016</th>
<th>2014</th>
<th>2012</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Group A (450 - 1,000 FTE lawyers)</td>
<td>34.8 (+9.8%)</td>
<td>31.7</td>
<td>29.9</td>
<td>29</td>
</tr>
<tr>
<td>• Group B (201 - 449 FTE lawyers)</td>
<td>39.4 (-4.6%)</td>
<td>41.3</td>
<td>38</td>
<td>41.5</td>
</tr>
<tr>
<td>• Group C (50 - 200 FTE lawyers)</td>
<td>22.2 (+26.1%)</td>
<td>17.6</td>
<td>15.7</td>
<td>27.2</td>
</tr>
</tbody>
</table>

Four respondents (10%) reported performing 50 or more hours of pro bono legal work per lawyer in 2016 (one from Group A, two from Group B and one from Group C) and a further 14 respondents (35%) reported performing between 35 - 50 hours per lawyer (five from Group A, five from Group B and four from Group C).

Overall, 18 respondents (45%) provided 35 or more hours of pro bono legal work per lawyer in 2016 FY, a significant increase compared to the 29 percent of firms that achieved this result in 2014. For the pro bono hours per lawyer per year reported by each respondent firm see Chart 3 on the next page.
Change in individual firms’ reported pro bono hours per lawyer from 2014 to 2016

Thirty-six firms that completed the 2016 Survey also completed the 2014 Survey. Of these, 20 (56%) reported an increase of more than 20 percent in the “pro bono hours per lawyer” performed compared to 2014 (ten from Group B and ten from Group C). Two (6%) reported a decrease of more than 20 percent, including one from Group B and one from Group C. By comparison, in 2014 only 13 (42%) of the 31 respondents who had reported in both 2014 and 2012 reported an increase of more than 20 percent, and four (13%) reported a decrease of more than 20 percent.
Proportion of lawyers individually meeting the Target

The professional obligation to undertake pro bono legal work rests with the individual lawyer, rather than the law firm. In recognition of this, the Centre asked all firms to report on the proportion of lawyers at their firm who undertook 35 or more hours of pro bono legal work in the 2016 FY, whether their firm was a signatory to the Target or not. Thirty-six firms responded to this question, compared to 33 firms in 2014.\textsuperscript{19}

On average, respondents indicated that 18 percent of lawyers at their firms undertook 35 hours or more of pro bono legal work, compared to 15 percent in 2014. The three respondents that reported the highest proportions were a Group A firm (47%), a Group C firm (46%) and a Group A firm (36%).

All seven Group A respondents answered this question, averaging 27 percent of the lawyers at their firm meeting the Target (compared to 24% in 2014), 12 Group B respondents reported an average of 19 percent (16% in 2014) and 17 Group C respondents averaged 14 percent (12% in 2014).

See Appendix 1: Survey Results, Section 4, Q8-9 on pages 90-91 for all responses.

How many hours of pro bono were provided in total?

While “pro bono hours per lawyer” is the preferred metric for measuring a firm’s pro bono contribution, the total hours of pro bono legal work can provide a picture of the pro bono legal contribution of large law firms as a whole.

Forty out of 41 respondents provided information on their firm’s total hours of pro bono legal work. In the 2016 FY, respondents performed a total of 371,232 hours of pro bono legal work. This equates to 206 FTE lawyers doing pro bono legal work full-time for a year.\textsuperscript{20} For the total hours of pro bono legal work reported by each respondent, see Chart 5 on the next page.

This figure is only slightly lower (less than 1%) than that reported in 2014 (374,942 hours) - an impressive result, given that the number of lawyers performing this pro bono legal work decreased by nine percent over the same period (see How many lawyers do we have? on page 17). This figure is still significantly higher than the total hours reported in 2012 and 2010 (343,058 hours and 322,343 hours respectively).

Fluctuations in the sizes of individual firms over the years is one of the reasons “hours of pro bono legal work per lawyer per year” is a much better metric for evaluating the change in each law firm’s pro bono performance (see Chart 4: Change in Pro Bono Hours Per Lawyer - 2014 to 2016 on the previous page).

\textsuperscript{19} Of the 36 respondents, 11 (31%) indicated that their answer to this question was an estimate.

\textsuperscript{20} This figure is calculated based on a 37.5 hour working week for 48 weeks per year.
Chart 5: Total pro bono hours - individual firms

**Group A**
(7 firms)

- Firm 1: 37517
- Firm 2: 36993
- Firm 3: 29795
- Firm 4: 27012
- Firm 5: 26440
- Firm 6: 16270
- Firm 7: 5258

**Group B**
(14 firms)

- Firm 8: 24477
- Firm 9: 19454
- Firm 10: 19013
- Firm 11: 11767
- Firm 12: 9548
- Firm 13: 9398
- Firm 14: 9359
- Firm 15: 7983
- Firm 16: 7733
- Firm 17: 7650
- Firm 18: 7562
- Firm 19: 6936
- Firm 20: 4077
- Firm 21: 1500
- Firm 22: 7896
- Firm 23: 6686
- Firm 24: 4300
- Firm 25: 4133
- Firm 26: 3834
- Firm 27: 3700
- Firm 28: 2281
- Firm 29: 1956
- Firm 30: 1515
- Firm 31: 1425
- Firm 32: 1274
- Firm 33: 1115
- Firm 34: 1060
- Firm 35: 979
- Firm 36: 793
- Firm 37: 729
- Firm 38: 694
- Firm 39: 688
- Firm 40: 490
How much of this work was provided “without charge”?

Pro bono legal work is defined by the Centre as “Giving legal assistance for free or at a substantially reduced fee...”21 For the first time, the Centre asked firms to calculate the percentage of their pro bono legal work (by number of new files opened) that was provided “without charge” to the client.22 Of the 35 respondents that answered this question, 24 (69%) advised that all of their work was provided without charge. Eight more firms (23%) provided at least 90 percent of their work without charge. The three remaining respondents (9%) were from Group C.

The Group averages for the provision of pro bono legal work “without charge” were:

- Group A: 99 percent;
- Group B: 97.1 percent; and
- Group C: 93.1 percent.

See Appendix 1: Survey Results, Section 4, Q12-13 on pages 91-92 for all responses.

Pro bono as a percentage of total billable hours

As in previous years, firms were asked to calculate the percentage of their total billable hours that pro bono legal work represented.23

Twenty-seven out of 41 respondents (66%) reported on the proportion of total firm practice hours that their firm’s pro bono legal work represented.24 The average proportion was 2.36 percent.

Six (22%) of the 27 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, and one firm was making a contribution above 5 percent.

See Appendix 1: Survey Results, Section 4, Q10-11 on page 91 for all responses.

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21 For the full definition of pro bono legal work see Appendix 2: Definitions, page 124.
22 Thirteen of 36 firms (36%) that responded to this question indicated that their answers were estimates.
23 Measuring pro bono hours as a percentage of total billable hours is the approach taken in the US as part of the Law Firm Pro Bono Challenge®. For more information on the Law Firm Pro Bono Challenge® see http://www.probonoinst.org/projects/law-firm-pro-bono/law-firm-pro-bono-challenge/. Please note that the definition of “pro bono legal services” is different to the definition used by the Centre - see the Pro Bono Institute publication “What Counts”.
24 Of the 27 respondents that answered this question, eight (30%) indicated that their answer was an estimate.
How many lawyers participate in pro bono?

Best practice in pro bono includes encouraging lawyers to participate in the firm’s pro bono program and ensuring it is straightforward for them to do so. There should be a clear understanding throughout the firm that all lawyers are expected and encouraged to do pro bono legal work, while recognising it is not compulsory.

As in previous Surveys, the Centre asked firms to report on their “pro bono participation rate.” This term, which was used in all previous Surveys, and which is also used in the National Pro Bono Aspirational Target, refers to the percentage of lawyers at their firm who had performed at least one hour of pro bono legal work in the 2016 FY.

Participation rates varied greatly among respondents from 7.5 percent (a Group B firm) to 90 percent (two Group C firms). Seven respondents reported a participation rate of more than 80 percent, compared to three in the 2014 Survey. The average participation rate across all firms was 57 percent, which for the first time since 2010 was an increase on the result of the previous Survey year – 50 percent in 2014. This rise was reported by firms in each of Group A, B and C. The increase in participation rates in Group C was similar to the increase in Group B, due to a number of impressive individual results.

Please see Chart 6 below, which compares average participation rates to previous Surveys in 2014, 2012 and 2010. See next page for Chart 7, which shows all firms’ results.

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28 Forty out of 41 firms (98%) responded to this question. In 2014, 38 of 41 firms (93%) answered. In 2012, it was 31 out of 36 firms and in 2010 it was 25 out of 29 firms (both 86%).
29 Of the 40 respondents, 15 (37.5%) indicated that their answer was an estimate.
Chart 7: Pro bono participation rates - individual firms

Pro bono participation rate (% of lawyers who provided at least 1 hour of pro bono legal work in 2016 FY)

Group A (7 firms)
- Firm 1: 85%
- Firm 2: 85%
- Firm 3: 81%
- Firm 4: 76%
- Firm 5: 64%
- Firm 6: 63%
- Firm 7: 48%

Group B (14 firms)
- Firm 8: 89%
- Firm 9: 78%
- Firm 10: 74%
- Firm 11: 70%
- Firm 12: 68%
- Firm 13: 68%
- Firm 14: 67%
- Firm 15: 58%
- Firm 16: 58%
- Firm 17: 57%
- Firm 18: 35%
- Firm 19: 20%
- Firm 20: 15%
- Firm 21: 8%

Group C (19 firms)
- Firm 22: 90%
- Firm 23: 90%
- Firm 24: 85%
- Firm 25: 74%
- Firm 26: 66%
- Firm 27: 65%
- Firm 28: 63%
- Firm 29: 63%
- Firm 30: 61%
- Firm 31: 60%
- Firm 32: 50%
- Firm 33: 50%
- Firm 34: 50%
- Firm 35: 40%
- Firm 36: 38%
- Firm 37: 26%
- Firm 38: 25%
- Firm 39: 24%
- Firm 40: 14%
Change in individual firms’ participation rate from 2014 to 2016

Of the 33 firms that responded to this question in both 2014 and 2016, eleven (33%) reported a significant (more than 20%) increase in their participation rate (two from Group A, six from Group B and three from Group C). A further two firms (6%) reported a significant (more than 20%) decrease (both from Group B).

Chart 8: Change in pro bono participation rates - 2014 to 2016

% Change in pro bono participation rate from 2014 FY to 2016 FY

Group A (7 firms)
-3.0%
-4.6%
-7.8%
18.1%
5.8%

Group B (13 firms)
-6.3%
-10.0%
-20.5%
-23.1%
-7.8%
-4.6%
-3.0%
-20.5%
-23.1%

Group C (13 firms)
-15.3%
-5.7%
-1.5%
1.8%
9.6%
2.6%
1.8%
5.9%
3.3%
2.6%
2.5%
0.6%
0.0%

60.0%
50.0%
42.9%
35.7%
98.4%
250.0%
88.5%
100.0%
Partner participation

The participation of senior staff in pro bono legal work is another good indicator of the depth and sophistication of a firm’s pro bono culture. Respondents were asked to report on the pro bono participation by their Partners (or equivalent). That is, the percentage who had performed at least one hour of pro bono legal work in the 2016 FY. The 36 firms that answered this question reported an average Partner participation rate of 46 percent (compared to the 60 percent of all lawyers participating in pro bono at these same firms).  

Similar to the trend observed in the overall participation rate, this was an increase on the average in 2014 (40%), the first time this question was asked. The majority of this increase can be attributed to firms in Group C, which on average reported a significant increase in partner participation rates when compared to 2014 (48%, compared to 31% in 2014). This increase in the average was primarily due to a number of impressive individual firm results, including four firms that reported a Partner participation rate higher than their overall lawyer participation rate.

In contrast, the average Partner participation rate in firms in Group A (53%) and Group B (40%) decreased slightly compared to their averages in 2014 (56% and 45% respectively).

The number of firms reporting particularly high Partner participation rates increased, with one Group C firm reporting a figure of 80 percent and one Group A firm reporting 79 percent (the highest figure in 2014 was 75%). Seven firms reported a partner participation rate of over 60 percent, compared to five in 2014.

See Appendix 1: Survey Results, Section 4, Q3-4 on pages 88-89 for all responses.

30 Of the 36 respondents, 13 (41%) indicated that their answer was an estimate.
3  What type of pro bono legal work do we do?

The types of pro bono legal work that a law firm undertakes are influenced by a number of factors, including where the firm’s expertise lies, where the work comes from, the capacity of the firm to do the work, the firm’s strategic interests and the focus areas of its pro bono program, and where the firms assesses that it can most effectively address unmet legal need.

Who do we help?

By assisting organisations, law firms can harness their commercial 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 can potentially divert limited pro bono resources away from providing services focussed on access to justice for individuals.

Firms were asked to calculate the proportion of pro bono legal work that they carried out for individuals and for organisations in the 2016 FY.³¹

On average, 44 percent of pro bono legal work in the 2016 FY was undertaken for individuals. This was a significant increase on the average percentage in 2014 (35%) and 2012 (37%). The responses in relation to the proportion of pro bono legal work performed for individuals ranged widely - from zero percent (one firm from Group B and one from Group C) to 98 percent (a Group B firm).

When individual firm responses are analysed across the 2016, 2014 and 2012 Surveys, it is clear that in most cases, pro bono programs in their nascent stages focus heavily on providing assistance to organisations. This work is often a natural match for the firm’s areas of expertise, can be undertaken in the firm’s own offices and is easy to obtain. As a firm’s pro bono program becomes more sophisticated (and particularly, as its pro bono hours per lawyer and participation rate figures rise) it often then chooses to focus more of its resources towards providing access to justice to individual clients.³²

For overall and Group A, B and C averages see Chart 10 on the next page.

³¹ Forty of 41 Survey respondents answered this question, of whom 26 (65%) indicated that their answer was an estimate.

³² For more information on this issue see The Australian Pro Bono Manual — Chapter 1.6: Identifying needs & sources of pro bono legal work.
Respondents from Group A firms reported that 53 percent of the pro bono legal work they performed was for individuals, significantly more than in 2014 and 2012 (both 44%). Four out of seven Group A respondents reported performing more work for individuals than for organisations, with one firm reporting that they performed 70 percent of their work for individuals.

Respondents from Group B firms reported that of the pro bono legal work they performed, an average of 50 percent was for individuals, a significant increase compared to 2014 (33%) and 2012 (40%). Seven out of 14 firms performed more work for individuals than for organisations, including two that provided more than 90 percent.

Respondents from Group C firms also reported an increase, with 37 percent of their pro bono legal work performed for individuals (compared to 31% in 2014 and 32% in 2012). Six out of 19 firms performed more pro bono legal work for individuals than for organisations (a further two
reported performing an equal amount for each), including two firms that performed 80 percent of their work for individuals.

See Appendix 1: Survey Results, Section 5, Q1-2 on pages 92-93 for all responses.

In what areas of law and practice do we provide the most pro bono assistance?

Firms were asked to nominate the top five areas of law and practice on which they spent time providing pro bono legal services in the 2016 FY (not including work undertaken by lawyers seconded to other organisations). As in previous Surveys, firms could select from 37 options, or they could answer “other” and specify an area not covered.

The areas of law most nominated by firms were similar to those nominated in previous Surveys, and relate in some way to undertaking work for not-for-profit organisations (see also Who do we help? page 33). Employment Law, an area of law that can involve work for organisations or for individuals, was again the most popular area of law, nominated by 23 law firms (the same as in 2014). Other areas in the top five most nominated include Commercial Agreements (22 firms, compared to 17 in 2014), Governance (15 firms, compared to 22 in 2014) and Deductible Gift Recipient Status (DGR) Applications (11 firms, compared to 15 in 2014). Three of these areas of law were also in the top five most nominated in 2016.

The area of law that has shown the most significant increase since the 2014 Survey is Immigration, which is now third on the list of areas of law and practice most often nominated by Survey Respondents, compared to being twelfth in 2014. Sixteen firms nominated Immigration as one of their top five areas of law and practice. Only six did so in 2014, similar to previous Surveys.

Please see Chart 11 on the next page, which lists all areas of law nominated and compares to previous Surveys in 2014, 2012 and 2010.

See Appendix 1: Survey Results, Section 5, Q3 on pages 93-95 for all responses.
Chart 11: Top five areas of law and practice in 2016, 2014, 2012 & 2010

% of firms that ranked matters in this practice area as among the top five most accepted in:

- **2016 FY**
- **2014 FY**
- **2012 FY**
- **2010 FY**
Areas of focus for pro bono programs

Firms were also asked whether they focus their “…. pro bono program on specific area/s of law or practice, or types of clients?” and for further details on this focus.

Thirty-five firms responded to this question, with 29 firms indicating that they do have a specific focus and providing details on this. Six firms (one in Group A and five in Group C) advised that their program does not have a specific focus.

As you would expect, while there are certain areas of law and client groups that recur, responses vary widely.

All responses (other than those that may identify the respondent) can be found in Appendix 1: Survey Results, Section 2, Q14 on pages 83-84.

In what areas of law and practice did we not assist?

After firms were asked to nominate the top five areas of law and practice on which they spent time providing pro bono legal services in the 2016 FY (see Chart 11 on the previous page) the Centre then asked firms to nominate the top five areas of law or practice in which their firms rejected the most requests for assistance (for reasons other than means or merit).

There are many reasons as to why a firm may reject a request for pro bono assistance, including the firm’s internal policies, or lack of expertise, or simply due to receiving a large number of requests without having enough lawyers to assist.

In every Survey since 2008, Family Law and Criminal Law have been the highest- and second-highest nominated rejected areas of law, respectively. The 2016 Survey was no exception, with 16 firms (compared to 19 in 2014) nominating Family Law and 12 nominating Criminal Law (the same as in 2014).

Large law firms traditionally specialise in general civil law, and have little internal expertise in family law and criminal law. 33

Immigration (11 firms), Debt (9 firms) and Employment Law (7 firms) were the next three most-nominated areas of law. It is notable that Immigration and Employment Law have been consistently identified by respondents in 2016, 2014, 2012 and 2010 as areas of law where pro bono assistance is frequently provided but also frequently rejected. This suggests that in these areas, while many requests are accepted, unmet legal need remains high.

Please see Chart 12 on the next page, which lists all rejected areas of law nominated and compares to previous Surveys in 2014, 2012 and 2010.

See Appendix 1: Survey Results, Section 5, Q4 on pages 95-97 for all responses.

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33 For more information on these issues see the Centre’s report *Pro bono legal services in family law and family violence: Understanding the limitations and opportunities* (October 2013).
Chart 12: Top five most rejected areas of law and practice in 2016, 2014, 2012 & 2010

% of firms that ranked matters in this practice area as among the top five most rejected in:

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

% of firms that nominated area of law and practice

2016 FY
2014 FY
2012 FY
2010 FY
Where do we provide pro bono assistance?

Firms were asked to report on the number of hours of pro bono legal work provided by lawyers based in each state and territory in the 2016 FY. As in 2014, the figures provided by respondent firms were very similar to the overall proportion of their lawyers based in each state and territory (see Chart 1: Lawyers (FTE) by State/Territory on page 18): New South Wales (42.0%), followed by Victoria (31.8%), Queensland (11.7%), Western Australia (10.5%), the Australian Capital Territory (2.5%), the Northern Territory (0.3%), South Australia (0.9%) and Tasmania (0.2%).

See Appendix 1: Survey Results, Section 4, Q6 on pages 89 for all responses.

Pro bono assistance for clients in RRR areas

Most of the offices of large law firms are located in the capital cities of states and territories, and this is where most pro bono legal work is provided by lawyers at these firms. Given the high levels of unmet legal need and the challenges of providing legal services in regional, rural and remote (RRR) areas, firms were asked to provide information regarding the pro bono legal work that they undertake in these areas.

Twenty respondent firms (49%) reported undertaking pro bono legal work which was focussed on RRR areas, an increase compared to 2014 (17 firms, or 41%), 2012 (16 firms, or 44%) and 2010 (13 firms, or 45%).

The proportion of these firms’ pro bono contribution that was focussed on RRR areas varied greatly from 0.24 percent (two Group B firms) to 40 percent (a Group C firm). The average of the reported figures was 15 percent, with nine of the 20 firms (45%) reporting 5 percent or less.

A wide variety of work was undertaken from within firms’ offices and on an outreach basis, including face to face assistance, secondments, joint projects and clinics. For descriptions of the pro bono legal work undertaken please see Appendix 1: Survey Results, Section 13, Q7 on page 78.

It is difficult for lawyers at law firms to provide pro bono assistance in locations far from their offices, which are most often located in the capital cities of states and territories. Twelve of the 20 respondents (60%) indicated that their firm provided at least some of this assistance on an

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34 It is worth noting that many firms do not keep these records. On this basis, the Centre only asked for responses to this question from respondents who had the data readily available to them. Only 24 firms provided these figures. This was the second Survey in which this question was asked.

35 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.

36 The question read “Does your firm do pro bono legal work focussed on regional, rural and remote (RRR) areas? By this, we mean both work for clients located in RRR areas and work for client organisations that primarily serve 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.”

37 Sixteen out of 20 respondents (80%) indicated that their answers were estimates.
outreach basis.\(^{38}\) This was an increase on the figures reported in 2014, where eight of the 17 respondent firms had done so. In 2012, 12 out of 16 respondents had conducted some of this work on an outreach basis.

Only four firms (20\%) had used video conferencing to communicate with their RRR-based clients and partner organisations in the 2016 FY. Each respondent had found this method of communication effective, although one firm noted that “... availability for remote organisations is patchy.” One firm thought it was effective “…to a limited extent” but their experience was “limited.”\(^ {39}\)

See Appendix 1: Survey Results, Section 13, Q1-9 on pages 112-114 for all responses.

**Pro bono for international clients**

Despite increasing globalisation in the Australian legal sector, the number of firms undertaking international pro bono legal work\(^ {40}\) has not markedly changed over the past six years. In 2016, 16 respondents (39\%) reported that their Australian lawyers undertook international pro bono legal work, close to the figures from 2014 (34\%), 2012 (33\%) and 2010 (41\%). Of these 16 respondents, six were from Group A firms, eight were from Group B firms and two were from Group C firms.

The proportion of these firms’ pro bono contribution that was devoted to international pro bono legal work ranged from 0.24 percent (a Group B firm) to 10 percent (a Group B firm and Group C firm).\(^ {41}\) As in all previous Surveys, the majority of firms reported that less than five percent of new pro bono files opened were for international pro bono legal work. In this Survey ten firms fell within this range, the same as in 2014.\(^ {42}\)

A wide variety of work was undertaken by these firms, from within their offices and on an outreach basis, including face to face assistance, secondments, joint projects and clinics. For descriptions of the pro bono work undertaken, please see Appendix 1: Survey Results, Section 14, Q7 on page 116-117.

\(^{38}\) Of the 12 respondents, eleven (92\%) indicated that their answer was an estimate.

\(^{39}\) For more information on this issue please refer to Pro Bono Legal Services via Video Conferencing: Opportunities and challenges, a paper presented by the Centre at the National Rural Law and Justice Conference in 2015.

\(^{40}\) For the purposes of the Survey, “international pro bono legal work” is defined as “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, or judicial assistance. It could take the form of pro bono legal work conducted:
- outside Australia, by lawyers who are provided from, or supervised by, 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.”

\(^{41}\) In previous Surveys, the responses had ranged even higher, due to one or two outlier firms per year providing particularly high proportions of their work, above 10\%. In 2014 there were two respondents in this category (providing 38\% and 18\%), in 2012 there was one (35\%) and in 2010 there were three (20\% x2 and 15\%)

\(^{42}\) Of the 16 respondents, 12 firms (75\%) indicated that their answer was an estimate.
It is costly for Australian lawyers to travel overseas to provide pro bono legal assistance, and many firms may find that it does not represent the most efficient allocation of their limited pro bono resources. Only five of these 16 firms (31%) 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).”

This figure was less than in 2014 (6 out of 14 firms - 43%) and 2012 (6 out of 12 firms - 50%). Four of the five firms that did perform outreach work devoted two percent or less of their pro bono legal work to international pro bono legal work.

Unlike in previous years, where most firms provided a small proportion of their international pro bono legal work on an outreach basis (in most cases, less than 5%), this year three of the four firms that reported figures advised that they performed 100 percent of their international pro bono legal work on an outreach basis. The remaining firm provided 50 percent.

See Appendix 1: Survey Results, Section 14, Q1-7 on pages 115-117 for all responses.

43 Of the four respondents that provided figures, three indicated that their answer was an estimate.
4 How do we partner with others?

It is widely acknowledged that the majority of law firms’ pro bono legal services to individuals and organisations is dependent on their ability to partner with others. Relationships with community legal organisations are often central to firms’ pro bono legal programs. It is best practice to foster these relationships to source pro bono legal work and also to gain an insight into areas of unmet legal need.44

This section examines how firms partner with others in relation to sourcing their work, seconding lawyers to other organisations, and even working on pro bono projects with the in-house lawyers of their commercial clients.

Where do we source our pro bono legal work?

Firms were asked to calculate (by number of files opened in the 2016 FY) the respective sources of their pro bono legal work in percentage terms.45 Thirty-eight firms answered this question.46

The responses received in 2016 were very similar to those obtained in 2014 and 2012.47 On average, the highest percentage of pro bono legal work was received through Direct requests (38%).48

The balance of pro bono legal work was sourced from:

- Pro bono referral schemes and organisations: 26 percent in 2016 (compared to 27% in 2014 and 31.5% in 2012);
- Community legal centres: 20 percent in 2016 (compared to 18% in 2014 and 16% in 2012),
- Aboriginal and Torres Strait Islander Legal Services (ATSILS): 5 percent;49

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46 Of the 38 respondents to this question, 31 (82%) indicated that their answer was an estimate.
47 It is not possible to compare the responses provided to this Survey question to the responses in 2010. This is because in 2010 firms were asked to rank the top three sources of pro bono legal work, rather than report on the volume of pro bono legal work sourced from particular partners.
48 A comparison with the 2014 results in relation to Direct requests, Legal Aid, and Aboriginal and Torres Strait Islander Legal Services is not possible because in that Survey they comprised part of the general “Other” category. If the responses from all of the sources that were previously captured in the “Other” category are combined they total 54 percent, as compared to 55 percent in 2014.
49 Ibid.
Legal Aid: 2 percent;\textsuperscript{50} and 
Other sources: 10 percent.\textsuperscript{51}

For overall and Group A, B and C averages see Chart 13 below.

\begin{itemize}
  \item The historical data reveals a gradual movement in the balance between sources of pro bono legal work. Since 2012, the proportion of matters being sourced from pro bono referral schemes and organisations has begun to gradually drop, and the proportion of matters being sourced from community legal centres is gradually rising. This trend is most evident in Group B firms where the proportion of matters sourced:
    \begin{itemize}
      \item from community legal centres has increased from 23 percent in 2014 to 33 percent in 2016; and
      \item from pro bono referral organisations and schemes has decreased from 27 percent in 2014 to 22 percent in 2016.
    \end{itemize}
\end{itemize}

\textit{See Appendix 1: Survey Results, Section 3, Q1-2 on pages 86-87 for all responses.}

\textsuperscript{50} Ibid.
\textsuperscript{51} Ibid.
Do we work with pro bono referral organisations and schemes?

As at 7 March 2017, of the 41 firms that responded to the Survey in 2016:

- Twenty-four are members of Justice Connect (in 2014 there were 25), comprised of:
  - 6 out of 7 Group A firms;
  - 10 out of 14 Group B firms; and
  - 8 out of 20 Group C firms.

- Twenty-four are members of LawRight (formerly QPILCH) (same in 2014), comprised of:
  - 7 out of 7 Group A firms;
  - 10 out of 14 Group B firms; and
  - 7 out of 20 Group C firms.

- Six are members of JusticeNet SA (in 2014 there were five), comprised of:
  - 4 out of 7 Group A firms;
  - 1 out of 14 Group B firms; and
  - 1 out of 20 Group C firms.

New and innovative approaches to pro bono delivery

As pro bono practices mature, firms often have an opportunity to reflect on the way they deliver pro bono legal services and innovate to maximise the impact of their programs.

This year, firms were asked if they were delivering pro bono legal assistance in any new or innovative ways compared to when the last Survey was conducted (2014).

Thirteen firms indicated that they were. The responses included:

- developing new practice areas, such as advising on social impact bonds;
- developing an “app”;
- undertaking outreach in RRR areas by telephone;
- establishing a new partnership with a local community legal centre or other community legal organisation;
- working in a new clinic;
- establishing a dedicated pro bono team for the first time;
- creating a new collaborative project with other pro bono coordinators to address a specific area of unmet legal need; and
- offering secondments more widely throughout the firm.

See Appendix 1: Survey Results, Section 17, Q3 on page 121 for all responses.
- Fifteen take referrals from Law Access WA,\(^{52}\) comprised of:
  - 6 out of 7 Group A firms;
  - 6 out of 14 Group B firms; and
  - 3 out of 20 Group C firms.

Thirty-seven respondent firms had received referrals from at least one pro bono referral scheme or organisation in the 2016 FY. The sources of their referrals can be found in *Chart X* below.

<table>
<thead>
<tr>
<th>Pro Bono Referral Scheme</th>
<th>Group A: 8 firms (450 - 1,000 FTE lawyers)</th>
<th>Group B: 14 firms (201 - 449 FTE lawyers)</th>
<th>Group C: 19 firms (50 - 200 FTE lawyers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justice Connect</td>
<td>7</td>
<td>12</td>
<td>9</td>
</tr>
<tr>
<td>LawRight (formerly QPILCH)</td>
<td>7</td>
<td>8</td>
<td>5</td>
</tr>
<tr>
<td>Law Access Pro Bono Referral Scheme (WA)</td>
<td>6</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Public Interest Advocacy Centre</td>
<td>6</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>JusticeNet SA</td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Law Society of NSW Pro Bono Scheme</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>ACT Pro Bono Clearing House</td>
<td>4</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Tasmania Pro Bono Clearing House</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law Society NT Pro Bono Clearing House</td>
<td>2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Fifteen firms also nominated “other” pro bono referral schemes and organisations (and other legal services) from whom they received referrals in the 2016 FY – for a full list see *Appendix 1: Survey Results*, Section 3, Q3 on pages 87-88.

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\(^{52}\) The list of firms that accept referrals from Law Access is kept confidential. Law Access provided information on the understanding that no firm would be identified by the Centre, within this Report or elsewhere.
How do we offer secondments?

Many firms find secondments to be an effective and rewarding model for providing pro bono assistance. Secondees often develop skills and maturity through the secondment experience. The firm also benefits from having seconded lawyers bringing back enhanced legal, communication and managerial skills to the firm, in addition to specific subject matter knowledge from practising in an otherwise unfamiliar area.  

In 2016, as in previous years, firms were asked if they provided secondments during the 2016 FY. Nineteen of the 41 respondents (46%) to this question indicated that they had, as compared to 18 firms (44%) in 2014 and 19 firms (53%) in 2012.

Similarly to 2014, in 2016 these 19 firms comprised of:

- all seven Group A firms;
- eight out of 14 (57%) Group B firms; and
- four out of 20 (20%) Group C firms.

When asked to comment on any noticeable trends identified since 2014, a number of firms commented on the increasing demand for secondment assistance from community partners. One firm indicated that these requests are also often for “senior legal staff” to assist with “transformational projects.”

Number of partner organisations

For the first time, respondents were asked:

- how many organisations they seconded lawyers to; and
- if the secondment arrangement was formalised in writing.

Of the 19 firms that provided secondments, 4 firms (21%) provided secondments to only one organisation and 15 firms (79%) provided secondments to more than one organisation. For firms that provided secondments to more than one organisation, the number of organisations to which secondments were provided ranged from two to 17, with an average of five.

Seventeen of the 19 firms that provided secondments indicated that they entered into a written agreement with the placement organisation. One firm was unsure whether the arrangements had been formalised in writing, and another firm had only entered into a written agreement with respect to one of the organisations with which it had a secondment arrangement.

Quantity of secondments

As in previous years, firms were asked if they were providing more, less or approximately the same amount of secondments (measured in hours) compared to two years ago (2014 FY). The responses indicated that:

- 10 firms (53%) were providing more secondments than two years ago;  

53 For more information on secondments, see The Australian Pro Bono Manual – Chapter 2.3 Secondments.
• 5 firms (26%) were providing approximately the same amount of secondments as they were two years ago; and
• 4 firms (21%) were providing fewer secondments than two years ago.

In each of the 2012, 2014 and 2016 Surveys, more than half of respondents whose firms provided secondments reported that they provided more secondments in that year than they did two years earlier. Less than a quarter of these respondents reported providing fewer secondments (measured in hours).

It is notable, however, that Group A firms have not followed this trend over the same period. This was particularly pronounced in 2016, where six of seven Group A firms (86%) reported providing the same or fewer secondments than two years earlier. In 2014, 50 percent of Group A respondents gave one of these answers, and 78 percent did so in 2012.

**Structure of secondments**

For the first time, firms were asked to report on the structure of their secondments in relation to part-time or full-time arrangements, and their duration. The 19 firms that indicated that they provided secondments, provided full-time and part-time secondments in the following proportions (see Chart 16 on the next page):
The most common duration of full-time secondments was six months. The most common form of part-time secondments was one day a week, for a period ranging from two to six months.

See Appendix 1: Survey Results, Section 8, Q1-8 on page 100-103 for all responses.

Do we partner with in-house lawyers?

Approximately 25 percent of Australian lawyers work as in-house lawyers, either within corporations or government. This represents over 16,500 lawyers, a number which continues to grow.54 In-house lawyers possess expertise and skills which they can use to assist disadvantaged and marginalised individuals and the organisations that assist those people. It is only in recent years that in-house lawyers in Australia have started to become involved in pro bono legal work in a more structured way.

The Centre asked respondents to report on their pro bono legal work performed in partnership with in-house lawyers.55

Sixteen firms (39%) had worked with the in-house lawyers of a corporate or government client on a pro bono matter or project in the 2016 FY. This is an increase from 27 percent in 2014. Of these firms, ten (62.5%) indicated that, during the course of their relationship, both parties had initiated a matter, project or discussion. Of the remaining five firms, two (12.5%) reported that the discussion was initiated by the firm, and four (25%) reported that the discussion was initiated by the client.

Twenty-five firms (61%) had not, or did not know, if they had worked with in-house counsel. Only six of these firms (24%) had discussed potential opportunities for working together on pro bono projects or matters.

The nature of the pro bono matters or projects that respondent firms had undertaken in partnership with in-house lawyers included:

- preparing reports on a particular area of human rights law;
- providing training to other lawyers;
- participating in a clinic at the firm’s offices; and
- major research projects.

See Appendix 1: Survey Results, Section 12, Q1-4 on page 109-110 for all responses.
5 How do we plan for pro bono?

Planning for pro bono legal work allows a pro bono program to effectively address the unmet legal needs on which it is focused.

The key elements for developing a plan for a pro bono program include:  

- understanding the factors which are key to its success;  
- being aware of the likely challenges the program will face;  
- setting a target for pro bono legal work;  
- setting an operational budget for the pro bono program, taking into account the firm’s approach to disbursements;  
- determining how the time lawyers spend on pro bono legal work will be credited and recognised; and  
- incorporating an evaluation of the program into the plan.

Which factors are key to the success of our pro bono programs?

Like all practice areas within a firm, pro bono practices face internal and external challenges. In order to ensure the practice is sustainable, it is vital for firms to understand the factors which make their program successful and those which make it vulnerable.

Firms were asked to identify the single most crucial factor to the success of their firm’s pro bono program. Forty firms responded to this question and a number of firms identified more than one factor.

The highest number of respondents (19 out of 40) nominated management and Partner support and leadership as the single most crucial factor to the success of their firm’s pro bono program, as did the highest number of respondents in 2014 (15 out of 37) and 2012 (12 out of 34).  

This is consistent with the first element of The Australia Pro Bono Best Practice Guide:  

_The firm’s leaders should provide consistent, unambiguous, visible and ongoing support for the firm’s pro bono program as the separate and distinct core of the firm’s corporate responsibility or community engagement strategy._  

Staff engagement and enthusiasm was identified as the second most crucial factor (10 out of 40), followed by culture (4 out of 40).

See Appendix 1: Survey Results, Section 17, Q1 on pages 118-120 for all responses.

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56 See further _The Australian Pro Bono Manual — Chapter 1.1: Planning Pro Bono for the Firm._

57 In 2014, this question was asked in slightly different terms: “What are the most crucial factors in the success of your firm’s pro bono program?”

58 _The Australian Pro Bono Best Practice Guide — element 1._
What are the challenges we face?

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 were identical to those provided in the 2014, 2012, and 2010 Surveys.

The top challenge identified by respondents, by a significant margin, was firm capacity. This challenge was selected by 34 firms (83%), a significant increase from 2014. This was also the challenge nominated by the most firms in 2014 (62%), 2012 (42%), and 2010 (66%).

“Insufficient expertise in relevant areas of law” (37%) and “concern about conflict of interest with fee paying clients” (24%) were the next two most often nominated challenges, as they were in 2014, 2012 and 2010.

A number of challenges particularly affected Group A firms, Group B firms or Group C firms. For example, six of the seven firms that selected “lack of management or Partner support within the firm” were from Group C.

“Pro bono hours do not count as billable hours or financial targets” remained of particular concern to respondents from Group C firms (7 firms, or 35% of all Group C firms), where this treatment is most prevalent. No respondents from Group A firms and only two from Group B firms (14% of Group B firms) nominated this as a challenge.

As touched on above, this year saw a significant increase in the number of firms nominating “firm capacity” as a challenge. This increase is largely the result of an increase in Group B firms nominating “firm capacity” from 57 percent of Group B firms in 2014 to 93 percent in 2016.

See Appendix 1: Survey Results, Section 17, Q2 on page 120-121 for all responses.

Best practice pro bono and areas for improvement

In 2016, firms were asked to comment on the usefulness of The Australian Pro Bono Best Practice Guide, published by the Centre in May 2016. Thirty-seven out of 41 firms (90%) indicated that they found the Guide either “useful” or “very useful.”

Firms were also asked to nominate three of the ten elements of a best practice program, drawn from the Guide, which they felt their firm could most improve. The results echoed the key factors for success and challenges identified above.

The three most nominated elements where firms felt their programs could be improved were:

- broad engagement of staff and appropriate training (nominated by 15 firms);
- adequate crediting and recognition of pro bono legal work within the firm (12 firms); and
- strong and deep relationships with community partners (12 firms).

Both “broad engagement” and “adequate crediting” were nominated by 50 percent of Group C firms. 

See Appendix 1: Survey Results, Section 17, Q5-6 on pages 122-123 for all responses.

Do we set internal targets for our pro bono legal work?

Best practice requires setting, and being accountable, internally and externally for a firm-wide minimum “hours per lawyer per year” target for pro bono legal work.60

In the context of this Survey, the term “target” is different to the term “budget”: a “target” refers to a firm’s goal in relation to pro bono performance or output, while the term “budget” is used to refer to the operational costs or expenses that are incurred by a firm in relation to its pro bono program.61

Firms were asked whether they set an overall target for pro bono legal work in the 2016 FY.62 All respondents answered this question, and four respondents selected two options. Most respondents (26 firms or 63%) indicated that their firm set some sort of overall target for its pro bono program in the 2016 FY, a decrease when compared to 2014 (76%) and 2012 (75%).

When firms were asked whether they set a target for pro bono legal work, they were also asked about the form that this target took, in particular:

• whether it was expressed as a maximum, minimum or set value; and
• whether the metric used was an hours/hours per lawyer or financial value.

Chart 17 on the next page outlines the responses to this question:

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61 See The Australian Pro Bono Manual – Chapter 1.8: Setting targets and budgets for pro bono legal work and programs.
62 In previous Surveys, firms were asked if their firm set an overall “target or budget.” Arising out of the consultation undertaken as part of the development of the Australian Pro Bono Manual it became evident that not all firms used these terms interchangeably.
Respondents were also asked to compare the size of their target to its size two years ago. Of the 27 firms that responded to this question, 12 firms (44%) indicated that the figure was “larger” than in 2014. No firm indicated that the size of the target was “smaller” than in 2014. The other 15 firms (56%) indicated that their target remained the same as compared to 7 firms (23%) in 2014.

For the first time this year, respondents that indicated they set a target that represented a number of hours or hours per lawyer were also asked to report on the size of that target, with reference to the Centre’s National Pro Bono Aspirational Target of 35 hours per lawyer per year.

Of the 27 respondents that reported on this question:

- 10 out of 27 (37%) indicated that the target they set represented more than 35 hours of pro bono legal work per lawyer;
- 13 out of 27 (48%) indicated that the target they set represented 35 hours of pro bono legal work per lawyer;
- 3 out of 27 (11%) indicated that the target they set was less than 35 hours of pro bono legal work per lawyer; and
- one respondent (4%) indicated that the target was set as a number of hours for the firm to provide as a whole rather than pro bono hours per lawyer.

These results demonstrate the respondent firms’ commitment to pro bono legal work and the role of the National Pro Bono Aspirational Target as a benchmark for Australian firms. An
impressive 85 percent of firms use meeting, and even exceeding, the Target as the basis for their own internal pro bono targets.

See Appendix 1: Survey Results, Section 6, Q1-3 on page 97-98 for all responses.

Do we create an operational budget for our pro bono legal program?

Each firm should recognise the actual cost of running its pro bono program and set an annual operational budget for it, in the same way that a budget is set for any other practice group.63

In 2016, firms were asked for the first time64 whether their firm “set an annual operational budget for its pro bono program in 2016 FY.” All 41 respondents answered this question and the responses can be found in Chart 18 below.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don’t Know</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>8</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>16</td>
<td>0</td>
</tr>
</tbody>
</table>

**Chart 18: Did firms set an operational budget for their pro bono programs in the 2016 FY?**

It is concerning that such a large number of firms (56%) did not set, or did not know if they set (5%) an operational budget in the 2016 FY. This was particularly the case amongst Group C firms where 80 percent of firms did not set an operational budget.

An operational budget not only provides a management tool for the pro bono program; it also ensures that the pro bono program is treated in the same way as other practices in the firm – particularly in relation to the resources allocated to operating the program. It is a key element

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63 See The Australian Pro Bono Best Practice Guide – element 8 and The Australian Pro Bono Manual – Chapter 1.8: Setting targets and budgets for pro bono legal work and programs policy.

64 In 2014, while respondents were asked about “budgets,” this was in the context of quantifying pro bono output rather than operational expenses. For further discussion regarding the “target” and “budget” terminology see Do we set internal targets for our pro bono legal work? (page 52).
of best practice that pro bono legal work is undertaken to the same standard as commercial legal work. In order to do this the pro bono program must be appropriately resourced.

Of those firms that did set an operational budget in the 2016 FY, the majority of respondents (9 firms) reported that their budget had increased (56%). Of the remaining seven firms, two (13%) reported that their budget had decreased, four (25%) reported that their budget had remained the same, and one (6%) did not know.

See Appendix 1: Survey Results, Section 6, Q4-5 on page 98 for all responses.

How do we manage external disbursements in pro bono matters?

Formulating a policy on managing disbursements in pro bono matters is an important part of planning a pro bono program. The approach taken to allocating and accounting for disbursements may impact on either the pro bono budget, or the budgets of the teams working on the matter. Some law firms have the capacity to absorb these costs, but many do not. In some cases, potential disbursements can affect the decision on whether to take on a matter in the first place.

In 2016, firms were asked if they paid for any external disbursements, and if they did, to then nominate three of nine listed options (including an “other” option) where they incurred the most costs.

Thirty-two out of 41 firms (78%) reported paying for external disbursements, and if they did, to then nominate three of nine listed options (including an “other” option) where they incurred the most costs.

“Search costs” (22 out of 31 firms - 69%) and “filing fees” (17 out of 31 firms - 55%) were nominated by more firms than any other disbursements as one of the top three categories of firms where their firms incurred the most costs. “Travel and accommodation” (14 out of 31 firms - 45%) were also nominated as one of the top three categories of firms where their firms incurred the most costs.

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67 Disbursements are often categorised as “internal disbursements” and “external disbursements.” Internal disbursements include costs that draw on the firm’s own resources, such as photocopying and postage costs. External disbursements relate to third party expenses, such as barrister’s fees, filing fees, search costs and travel costs.
68 A direct comparison between the responses in 2014 and 2012 is not possible because of the different questions that were asked in those years. In 2014 firms were asked to select the top three disbursements (from a predetermined list of options) which were a “constraint” to the delivery of pro bono legal services. In 2012 firms were asked to indicate which disbursements (from a predetermined list of options) were a “barrier” to the delivery of pro bono legal services, and to also indicate which disbursements were the “three greatest barriers.”
69 In previous Surveys these categories were rarely nominated as a “constraint”. In 2014, for example, only two firms nominated search costs and five nominated filing fees. This may indicate that, while these costs add up over time, many firms consider each instance of both costs to be both manageable and a regular cost of doing pro bono.
firms - 45%) and “interpreter fees” (11 out of 31 firms - 35%) were the third and fourth most nominated disbursements.\textsuperscript{70}

**The cost of disbursements**

For the first time, firms were asked to “estimate the total costs of external disbursements incurred by the firm” in the 2016 FY. Only 18 firms (58%) provided a figure. The numbers provided suggest that all but two firms were providing estimates. A number of firms advised that they “can’t estimate” or that the information was “not available.”

The costs of disbursements ranged widely. Four firms nominated a number under $500 or noted that payments were “minimal” (two from Group B and two from Group C). Four firms nominated a figure that fell between $10,000 and $20,000 (one from Group A, two from Group B, one from Group C) and three firms nominated $40,000 (Group A), $45,000 (Group A) and $80,000 (Group B).

*See Appendix 1: Survey Results, Section 9, Q1-2 on pages 103-104 for all responses.*

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**Disbursement Assistance Schemes**

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.\textsuperscript{71} In 2016, firms were asked whether they had applied to a disbursement assistance scheme in the last two years.

This year the trend of fewer firms applying to disbursement assistance schemes continued. In 2016, only two firms (5%) reported that they had applied for assistance, compared to four firms (10%) in 2014, nine firms (25%) in 2012 and seven firms (24%) in 2010.

Of these two firms, one had applied to Legal Aid NSW’s Cooperative Legal Service Delivery (CLSD) program and the other to Justice Connect and the Grata Fund. Experiences with the CLSD program and Justice Connect were positive, while the Grata Fund “… required a lot of detailed information and did not determine the application prior to finalisation of the litigated matter.”

Firms that had not applied for assistance were asked why. A number nominated issues akin to those experienced with the Grata Fund. These involved the administrative burden of applying to such schemes, and the need for funds to be available earlier in the process. These echoed responses in previous Survey reports.

*See Appendix 1: Survey Results, Section 9, Q3-6 on pages 104-105 for all responses.*

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\textsuperscript{70} It is interesting to note that firms nominate different disbursements when asked about them in the context of a “constraint” (2014 and 2012) as opposed to a “cost incurred” (2016). In previous years, they have appeared higher (in 2014 they are the first- and second-most nominated, respectively), which may indicate that they are such significant “constraints” that they are being avoided entirely.\textsuperscript{70}

\textsuperscript{71} For more information on disbursement assistance schemes, see *The Australian Pro Bono Manual – Chapter 1.12.3: Disbursements* and *Chapter 1.12.4: Disbursement assistance.*
How do we credit lawyers’ pro bono time?

The way that pro bono time is credited plays an important role in signalling the importance of pro bono legal work to the firm. Crediting specifically refers to the way in which an individual lawyer’s hours of pro bono legal work are treated in terms of billable hour and financial targets. A best practice pro bono program credits and recognises pro bono legal work in the same manner that commercial legal work is credited and recognised within the firm.72

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 time spent on pro bono legal work:

- was treated for the purposes of meeting these targets; and
- otherwise recognised within the firm.

Of the 41 respondents:

- twenty-eight firms (68%) required their lawyers to meet billable hour and financial targets;
- nine firms (22%) required their lawyers to meet billable hour targets only;
- one firm (2%) required its lawyers meet financial targets only; and
- three firms (7%) did not require their lawyers to meet either billable or financial targets.

Pro bono time: billable hours vs non-billable hours

In 2016, 20 firms provided some form of billable hour credit for pro bono legal work.73 This represents 54 percent of the 37 firms that required their lawyers to meet billable hour targets,74 and a slight recovery in the declining trend reported in previous Survey years (46% in 2014, 66% in 2012 and 74% in 2010).


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72 The Australian Pro Bono Best Practice Guide – element 7. On crediting and recognising pro bono legal work generally, see The Australian Pro Bono Manual – Chapter 1.11: Crediting and recognising pro bono legal work.

73 The text answers provided by the five respondents that selected “other” in response to this question allowed these answers to be re-categorised.

74 These numbers exclude firms that require their lawyers to meet financial targets only.
Pro bono legal work was recognised with full billable hour credit by 14 firms in the 2016 FY, or 38 per cent of the 37 firms that require their lawyers to meet billable hour targets, compared to 40 percent in 2014, 51 percent in 2012 and 64 percent in 2010. “Full billable hour credit” refers to the treatment of pro bono hours as the same as any other billable hours for the purpose of billable hour targets and financial targets (if applicable).

The Centre was concerned by this declining trend when it was first identified in 2014. Using historical data, the Centre noted a number of firms moving away from providing full billable hour credit to instead treating pro bono legal work as a “special” category of non-billable work. This was particularly evident for Group C firms, where only 22 percent of respondents treated pro bono hours as billable hours.

While the overall figures for 2016 and 2014 are similar, the Centre does note that of the 33 firms that required their lawyers to meet billable hour and/or financial targets, and reported in both 2016 and 2014, seven firms changed the way they treated pro bono legal work. The Centre is

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### Chart 19: How is pro bono legal work treated in lawyers’ billable hours and financial targets?

<table>
<thead>
<tr>
<th>PRO BONO HOURS are treated as:</th>
<th>2016</th>
<th>2014</th>
<th>2012</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>BILLABLE for billable hour targets (and financial targets, if applicable)</td>
<td>38%</td>
<td>40%</td>
<td>51%</td>
<td>64%</td>
</tr>
<tr>
<td>BILLABLE, but are capped</td>
<td>5%</td>
<td>2.5%</td>
<td>3%</td>
<td>5%</td>
</tr>
<tr>
<td>BILLABLE, but reduced in value for financial targets</td>
<td>11%</td>
<td>2.5%</td>
<td>11%</td>
<td>5%</td>
</tr>
<tr>
<td>NON-BILLABLE, but recorded as special non-billable with lower value for financial targets</td>
<td>46%</td>
<td>42.5%</td>
<td>20%</td>
<td>18%</td>
</tr>
<tr>
<td>NON-BILLABLE, and are not recorded as a special non-billable category</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>OTHER (not applicable in 2016)</td>
<td>7.5%</td>
<td>15%</td>
<td>11%</td>
<td>5%</td>
</tr>
</tbody>
</table>
pleased to see that five of these seven firms moved from recording pro bono hours as special non-billable hours to billable hours,\textsuperscript{75} including two Group B firms and three Group C firms.

Furthermore, three other respondent firms that indicated in 2014 that they had moved away from treating pro bono hours as billable hours, have now returned to billable hour treatment. This has contributed to the number of firms reporting that they treat pro bono hours as billable hours, increasing from 46 percent in 2014 to 57 percent in 2016. This is an encouraging result and indicates a commitment amongst firms to best practice in pro bono.

Six of the seven Group A respondents (86\%) reported treating hours of pro bono legal work as billable hours. Four of these firms provided full billable hour credit, one firm provided billable hour credit but capped the number of hours, and another firm provided billable hour credit but allocated a reduced value for the purpose of financial targets. The other Group A firm treated pro bono hours as non-billable and recorded this in a special category.

Eight of the 12 respondents from Group B firms (67\%) and seven of the 18 respondents from Group C firms (39\%) also reported treating pro bono hours as billable hours. The remaining Group B (4) and C (11) firms all treated pro bono hours as a special category of non-billable hours.

Of the 36 respondents to this question that had multiple offices in Australia, 32 respondents (89\%) 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.

\textit{See Appendix 1: Survey Results, Section 7, Q1-3 on page 99 for all responses.}

\textbf{How else do we recognise our lawyers’ pro bono work?}

Recognition is a broader concept than crediting and refers to other ways in which lawyers are rewarded or ‘recognised’ by the firm for their pro bono contributions. Firms with best practice pro bono programs recognise pro bono legal work when undertaking a lawyer’s performance assessment, advancement, and bonuses.\textsuperscript{76}

As in previous years, respondents were asked if their firm recognised or rewarded pro bono legal work in various ways. For the first time, respondents were specifically asked if pro bono legal work was recognised or rewarded when calculating bonuses. \textit{See Chart 20} on the next page.

\textsuperscript{75} Of these five respondents, two provided full billable hour credit; two firms provided billable hour credit up to a capped number of pro bono hours per week/month/year; and one firm treated pro bono hours as billable hours for the purpose of billable hour targets but reduced credit in relation to financial targets.

\textsuperscript{76} \textit{The Australian Pro Bono Best Practice Guide – element 7} and \textit{The Australian Pro Bono Manual, Chapter 1.11 – Crediting and recognising pro bono legal work.}
Compared to the 2014 results, in 2016 a smaller percentage of respondent firms recognised pro bono legal work as part of the performance appraisal process (from 85 percent in 2014 to 78 percent in 2016). This decrease is of concern because it is partially accounted for by four firms that had previously reported doing so, in 2014.

Encouragingly, the impact of this decrease was minimised by the six firms that reported recognising pro bono in performance appraisals in 2016 who had not done so in 2014 or did not report in that year. Consideration of a lawyer’s pro bono legal work in the performance appraisal process is an important way for a firm to demonstrate its commitment to pro bono. Any movement away from this approach is a departure from best practice.

The responses in 2016 also indicated a continuing increase in the recognition of pro bono through other “softer” measures, such as internal awards, events and communication. In 2016, pro bono was recognised in this way by 73 percent of firms, compared to 60 percent in 2014, 45 percent in 2012, and 48 percent in 2010.

While recognising pro bono legal work in these ways is an important part of building and maintaining a strong pro bono culture within the firm, it should not be seen as a substitute for
other more substantive forms of recognition such as through performance appraisals and the awarding of bonuses.

Of the 30 respondents that provided recognition through internal awards, three did not recognise pro bono in the performance appraisal or salary review processes.

See Appendix 1: Survey Results, Section 7, Q4 on page 100 for all responses.

How do we evaluate our pro bono program?

Firms should ensure that the objectives set out in their pro bono policy or strategic plan are met, reviewed annually and kept up to date.77

Evaluation is increasingly an area of focus for all participants in the legal assistance sector, including pro bono practices, as organisations seek to maximise impact with limited resources.78

System for evaluation

Firms were asked whether they had a system for evaluating their pro bono program as a whole. All 41 respondents answered this question, with 23 firms (56%) reporting that they did have an evaluation system. This was similar to the overall responses received in 2014 (54%), 2012 (56%) and 2010 (58%). This included three out of seven Group A firms (43%), ten out of 14 Group B firms (71%) and ten out of 20 Group C firms (50%).

For the first time, firms were asked if they had conducted an evaluation of their pro bono program since the last Survey in 2014. Twenty one of the 23 respondents to this question (91%) indicated that they had. The firms that had not were from Group B and Group C.

Factors on which evaluations are based

As in 2014, firms that indicated that they had a system for evaluating their firm’s pro bono program as a whole were then asked to indicate the three most significant factors on which they based this evaluation.79 They were provided with a list of seven suggested factors, including a free text “other” field.

The three factors selected most often by respondents were “number of pro bono hours” (18 out of 21 firms - 86%); “social impact” (13 out of 21 firms - 62%); and “client feedback” (11 out of 21 firms - 52%). All responses can be found in Chart 21 on the next page.

77 The Australian Pro Bono Best Practice Guide – element 12.
78 See The Australian Pro Bono Manual – Chapter 1.13: Evaluation for a discussion of the role of evaluation in the pro bono context. Appendix 1 provides a number of precedents to assist in developing an evaluation tool or process.
79 Six respondents selected fewer than three factors, including two that did not select any. Another respondent selected four factors, the first three of which were included.
In 2014, when this question was first asked, the three factors selected most often were “participating lawyer satisfaction” (82%); “client feedback” (55%); and “social impact” and “feedback from third parties” (both 41%). “Number of pro bono hours” was not provided as an option in 2014, however three firms entered this in the “Other, please specify” field.

**Usefulness of evaluating pro bono programs and other comments**

Firms were also asked if they found evaluating their pro bono programs useful and if they had any further comments. Of the 21 respondents to this question, 19 indicated that they found the evaluation process useful.

The reasons for this varied, but a number of key themes that emerged were:

- Evaluation assists firms to strategically plan for the future of the pro bono program. “[It’s] very useful, as it allows us to prioritise for the forthcoming year.”

- Evaluation allows firms to improve their pro bono programs. “[It is] important to continually revise and improve.”

- Evaluation helps firms to ensure that their pro bono program is delivering a real impact for the individuals and organisations that it assists. “It is important to look beyond hours to the community impact and evaluate on that basis.”

See **Appendix 1: Survey Results**, Section 10, Q1 – 5 on pages 105-107 for all responses.
6 How do we approach the relationship between pro bono and corporate social responsibility?

In some firms, the pro bono legal program and corporate social responsibility program are completely separate. In others, they are intertwined. A pro bono program should have its own objectives and budget and should be evaluated separately, as legal services are the services that lawyers are uniquely positioned to provide.  

The objectives of a firm’s corporate social responsibility (CSR), community engagement (CE) or community services (CS) program and its pro bono program reflect its values and are therefore often aligned. While aligning these programs is appropriate, a firm’s pro bono legal program should remain distinct.

This separation is important in order to preserve the different rationales for the two programs. A pro bono legal program focuses on the unique professional and ethical duty of lawyers to assist those who would not otherwise be able to access to justice. In contrast, a CSR, CS or CE program is directed at a broader contribution by the firm to the community. This can encompass volunteering, Reconciliation Action Plans and charitable giving.  

In 2016, law firms were asked about their CSR, CS or CE program for the first time since 2012. They were asked if they had a CSR, CS or CE program. Thirty-three firms (80%) reported having a program. This is the same proportion of reporting firms as in 2012 (80%).  

Firms were also asked to describe the relationship between their firm’s pro bono legal program and its CSR, CE or CS program. They were asked to report on whether the programs were “separately managed” and whether they had their own “objectives and budget.”

Most respondents indicated that their pro bono and CSR, CE or CS programs were separately managed, an increase when compared to 2012. In some cases there was a complete separation between the programs:  

82 In 2012 the question was different but had substantially the same import. It asked about the presence of a “community service program” and defined the term as “A program dedicated to community service other than pro bono legal service, such as a workplace giving program, or a charitable, volunteering or mentoring program.”
“Pro bono and community engagement are operationally distinct...”

In other cases, they were managed separately on a day to day basis, but at a strategic level there was one person responsible for both programs:

“Our CS program is managed and overseen at a strategic level by the same partner as for pro bono legal work. We have separate co-ordinators and a consultant to perform CS operational tasks and lead the day to day program.”

A number of firms that indicated that their pro bono legal and CSR, CE or CS programs were jointly managed indicated that they did in fact have separate budgets and objectives:

“The pro bono and community programs......are now managed together because we can often support pro bono clients through our community investment program. Both the community and pro bono programs have separate objectives and budgets.”

See Appendix 1: Survey Results, Section 2, Q15-16 on pages 84-86 for all responses.
7 How do we coordinate our pro bono program?

There are different approaches to coordination, but best practice dictates that, in order to develop a productive and sustainable pro bono program, there should be at least one pro bono leader of seniority to manage the practice.84

When developing a coordination structure, the other issues that should be considered include:

- whether a Pro Bono Committee is required;
- if the individual(s) who coordinate(s) the program will receive fee relief;
- the proportion of their time the coordinator will spend on pro bono legal work; and
- the number of dedicated pro bono lawyers, including rotating graduates, who will work in the team.

Do we have a Pro Bono Committee?

While not essential for every pro bono program, a pro bono committee which is made up of representatives of a broad cross section of staff, including senior Partners who can champion pro bono as a priority for the firm, can provide valuable strategic guidance to a firm’s pro bono coordinator or team.85

In 2016, 29 firms indicated that they had a Pro Bono Committee as follows:

- Group A: six out of seven firms;
- Group B: ten out of 14 firms; and
- Group C: 13 out of 20 firms.

These numbers are similar to those reported by firms in 2014. They do represent an increase when compared to previous Surveys, although the format of the question has changed which has had some impact.86

See Appendix 1: Survey Results, Section 2, Q13 on page 83 for all responses.

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84 The Australian Pro Bono Best Practice Guide – element 2.
85 See the section on pro bono committees in The Australian Pro Bono Manual – Chapter 1.9.2: Key roles and structures in detail.
86 In 2014 and 2016, firms were asked “Do you have a Pro Bono Committee?” 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.”
Who coordinates our pro bono work?

In 2016, 37 respondents (90%) reported that their firm had a pro bono coordinator or manager (a person whose primary responsibility is to coordinate their firm’s pro bono legal work), compared to 38 out of 41 firms (93%) in 2014.87

Two firms (both Group C) that had coordinators in 2014 did not have coordinators in 2016. In 2012, 35 out of 36 firms (97%) had a pro bono coordinator; in 2010 it was 17 out of 28 firms (60%); and in 2008 it was 20 out of 25 firms (80%).

The more substantial a pro bono practice, the more time and resources are required for its coordination. It is positive to see that more firms retained full-time pro bono coordinators in 2016: 15 firms had a coordinator who performed the role on a full-time basis (representing 40% of the 37 firms that reported having a coordinator), compared to 12 out of 38 (32%) in 2014, and 12 out of 35 (34%) in 2012. See Chart 22 below for the proportions of firms in Groups A, B and C with full-, part- and no coordinators.

In previous Surveys, firms were asked whether their pro bono coordinators were Partners, other solicitors or non-legal staff members. This year, in response to feedback, further questions were asked about the seniority of pro bono coordinators. The proportions of partners to non-partner solicitors and non-legal staff were similar to previous years.88 Please see Chart 23 on the next page for a breakdown of the seniority of pro bono coordinators.

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87 For a discussion about structuring the leadership and coordination of a pro bono program, see *The Australian Pro Bono Manual – Chapter 1.9: Coordinating the program*.

88 In 2014, 20 pro bono coordinators were Partners, 17 were other Solicitors and one was a non-legal staff member. However, due to the placement and wording of the question (which asked about the “person with the primary responsibility for coordination of pro bono work”), it appears that some
Thirty-five out of the 37 firms with pro bono coordinators also had more than one office in Australia. These firms were asked about coordination arrangements outside of their main or largest office. They answered the question “does your firm have pro bono coordinators in its other offices in Australia?” as follows:

- Yes - all: 15 firms (43%)
- Yes - most: 3 firms (9%)
- Yes - some: 3 firms (9%)
- No: 14 firms (40%)

Fee relief/credit for pro bono coordinators

In the early stages of a firm’s pro bono legal program, it is common for pro bono coordinators to devote significant amounts of time to the role without receiving any formal fee relief or credit. For a firm to truly support its pro bono practice it must allow those who coordinate this work to receive some measure of fee relief for their work in this role.89

It is encouraging to see a continuing and substantial increase in the number of firms providing pro bono coordinators with some form of fee relief. Twenty-six respondents (70% of all firms with pro bono coordinators) reported that their coordinators received “some measure of payment, fee relief or billable credit specifically for acting in the role.”

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89 For further information on this issue, see the section on Pro Bono Coordinators in The Australian Pro Bono Manual – Chapter 1.9.2: Key Roles and structures in detail and Chapter 1.9.3: Coordination Tasks.
This was more than in 2014, when only 13 out of 38 firms (34%) with pro bono coordinators provided their coordinators with fee relief. It represents an even more significant increase compared to 2012, when only six out of 35 firms (17%) provided credit.90

Pro bono coordinators and “pro bono legal work”

As discussed above, a pro bono coordinator’s role is complex and can bear many similarities to leading other practice areas, while also encompassing unique challenges. In *The Australian Pro Bono Manual*91 the Centre discusses the wide range of oversight, administration, planning and relationship-building tasks that pro bono coordinators are typically responsible for.

The requirements of the role can leave little room for coordinators to work directly on individual pro bono matters. Factors which may impact on the time a pro bono coordinator is able to dedicate to providing “pro bono legal services” themselves include the amount of time they have available (if they do not work in the pro bono practice full-time), the size of the firm and program, and the amount of management support the coordinator receives from other staff.

The structure and maturity of the firm’s pro bono program is also a big factor, including the balance between the firm:

- creating and/or managing large pro bono projects and partnerships of its own;
- accepting referrals of matters that have been extensively triaged by pro bono referral organisations or community legal centres; and/or
- accepting direct requests for pro bono assistance and triaging this work in-house.

The non-legal work involved in coordinating and managing a pro bono program is fundamental to its establishment and maintenance, and it is not surprising to see that many of the coordinators of the largest and most sophisticated pro bono programs devote most of their time to these tasks.

For the purposes of the Survey and the National Pro Bono Aspirational Target, the Centre’s definition of “pro bono legal services” does not include non-legal work.92 In 2016, firms were asked if coordinators “… undertake any pro bono legal work (as per the Centre’s definition, i.e. legal work for specific clients/matters).” Thirty-two of the 37 respondents (86%) indicated that their coordinators did so, compared to 2014 where 33 of the 37 respondents (89%) to this question reported that their coordinators did so. As in 2014, the responses ranged widely, from three percent to 100 percent of their time devoted to pro bono legal work.93

The reported average was 36 percent (compared to 33% in 2014); however, due to the wide range of answers, this figure is not particularly illustrative. As noted earlier, these figures are necessarily affected by the size of the firm and whether the coordinator acts full- or part-time.

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90 It should be noted that in the 2014 and 2012 Surveys, this question asked only about “… some measure of fee relief” and did not separately refer to “payment” or “billable credit”.

91 See *The Australian Pro Bono Manual – Chapter 1.9.3: Coordination Tasks* for a discussion of the wide range of oversight, administration, planning and relationship-building tasks that are typically part of a pro bono coordinator’s role.

92 See *Appendix 2: Definitions*, page 124

93 Of the 32 respondents, 23 (64%) indicated that their answer was an estimate. In 2014, 64 percent of responses were estimates.
in the role. It is also notable that any averages would be distorted by several reported figures of ‘100%', which likely resulted from a misreading of the question.

See Appendix 1: Survey Results, Section 2, Q3-10 on page 80-82 for all responses.

Do we have lawyers primarily dedicated to our pro bono program?

As pro bono programs grow, it is important to build a pro bono team that can support the coordinator and the program. Pro bono coordinators may be allocated to the program on a full- or part-time basis, and their role may focus on overall coordination of the program and management of individual projects, or solely on undertaking pro bono legal work themselves. In many if not most cases, it will be both.

Firms were asked:

Did your firm have any “dedicated pro bono lawyers” (i.e. lawyers whose key responsibility is to undertake and/or manage pro bono legal work for the firm) and other staff allocated to your firm’s formal pro bono practice at 30 June 2016?

In 2016, 24 respondents reported a total of 47.8 FTE “dedicated pro bono lawyers” and 7.45 FTE paralegals and administrative staff, totalling 55.25 FTE (see Table 3 below).

Table 3: “Dedicated pro bono lawyers” and other staff

<table>
<thead>
<tr>
<th>Group A (5 firms)</th>
<th>Group B (11 firms)</th>
<th>Group C (8 firms)</th>
<th>TOTAL (24 firms)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partners</td>
<td>2</td>
<td>4.9</td>
<td>2.05</td>
</tr>
<tr>
<td>Special Counsel94</td>
<td>2</td>
<td>2.2</td>
<td>0.4</td>
</tr>
<tr>
<td>Senior Associates</td>
<td>4.7</td>
<td>6.3</td>
<td>2.5</td>
</tr>
<tr>
<td>Associates/Lawyers</td>
<td>4.65</td>
<td>7.6</td>
<td>2.4</td>
</tr>
<tr>
<td>Graduates</td>
<td>1</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Paralegals/Administrative Staff</td>
<td>2.8</td>
<td>4.6</td>
<td>0.05</td>
</tr>
<tr>
<td>Other</td>
<td>0.1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL (all dedicated pro bono lawyers):</strong></td>
<td><strong>55.25</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

94 In 2014, “Special Counsel” were included in the “Other” category.
The 2014 and 2016 responses are not directly comparable because the 2016 results specifically exclude secondees.\(^95\) It is pleasing to note, however, that the 55.25 FTE reported in 2016 is only 4.95 FTE fewer than the number reported in 2014 (60.2 FTE). Given that the 2016 figure does not include most secondees, this suggests that the number of dedicated pro bono staff may have gone up.\(^96\)

See Appendix 1: Survey Results, Section 2, Q11 on page 82 for all responses.

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Rotation of graduates though pro bono practices

Firms were asked whether they regularly rotated graduates through their formal pro bono practice. Ten respondents indicated that this question was not applicable, as their firm does not have a formal pro bono practice and/or a graduate program.

Of the remaining 31 firms, only ten (32%) regularly rotate graduates through their formal pro bono practice: five firms (16%) responded “yes, always” and five (16%) indicated that they did “sometimes” depending on “size of intake, capacity or other factors.” Most respondents (21 firms, or 68%) reported that they did not regularly rotate graduates through their formal pro bono practice.

These numbers were slightly lower than in 2014. In 2014, this question was applicable to 31 firms. Thirteen firms (42%) rotated graduates through their formal pro bono practice. As in 2016, only five firms (16%) did so “always”, while eight (26%) did so “sometimes.” Eighteen firms (58%) answered “No” to this question.

See Appendix 1: Survey Results, Section 2, Q12 on page 82 for all responses.

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\(^95\) In the 2016 Survey, the guidance note for this question asked respondents to not include “… lawyers on secondment to other organisation/s, unless they continue as “dedicated pro bono lawyers” when they return to the firm.” For a discussion on secondees and secondments see The Australian Pro Bono Manual – Chapter 1.7.7: Secondments to community legal organisations.

\(^96\) In 2012, respondents reported 32.7 FTE dedicated pro bono lawyers. However, firms were only asked this question after having first indicated that they had a “formal pro bono practice.” This means that it is not possible to directly compare the 2016 and 2014 figures.
What has an impact on our pro bono program?

A wide range of external factors impact on the pro bono program of a large law firm, including:

- whether the firm is a signatory to the Centre’s National Pro Bono Aspirational Target;
- which government or commercial panel arrangements the firm participates in; and
- the firm’s policies for managing potential conflicts between pro bono clients and corporate/government clients.

Are we signatories to the National Pro Bono Aspirational Target?

The National Pro Bono Aspirational Target was established in 2007. It is a voluntary target that law firms, incorporated legal practices, solicitors and barristers can choose to sign up to. By signing up to the Target, participants agree to aspire to providing at least 35 hours of pro bono legal work per lawyer per year.97

As at 30 June 2016, the National Pro Bono Aspirational Target had 144 signatories made up of 104 firms and practices, and 40 individual solicitors and barristers. This included 39 firms with 50 or more FTE lawyers, who were also invited to respond to the 2016 Survey. Thirty-five of these 39 firms did so, representing 91 percent of all lawyers that worked at Survey respondent firms. This is similar to the number of lawyers in 2014 (87%) and more than the number of lawyers in 2012 (60%) and 2010 (54%).

In both 2016 and 2014, all 41 respondent firms indicated that they were aware of the Target, an increase from 97 percent in 2012 and 90 percent in 2010.

As in previous Survey years, signatories to the Target performed better against key pro bono metrics (see Table 4 on the next page):

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97 The Target is contained in a Statement of Principles. For more information, see http://probonocentre.org.au/provide-pro-bono/aspirational-target/. For more information on the performance of all signatories to the Target please refer to the Centre’s Ninth Annual Performance Report on the National Pro Bono Aspirational Target, released in October 2016. The Target Report provides separate breakdowns of responses provided by firms that have 50 or more FTE lawyers.
Table 4: Pro bono performance of Target Signatories compared to non-signatories

<table>
<thead>
<tr>
<th></th>
<th>2016</th>
<th>2014</th>
<th>2012</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target Sigs</td>
<td>34.8</td>
<td>34.6</td>
<td>36.6</td>
<td>37.8</td>
</tr>
<tr>
<td>Non-Sigs</td>
<td>12.5</td>
<td>14.5</td>
<td>20.1</td>
<td>18.6</td>
</tr>
<tr>
<td>Hours of pro bono legal work per lawyer&lt;sup&gt;98&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participation rate</td>
<td>58%</td>
<td>54%</td>
<td>59%</td>
<td>66%</td>
</tr>
<tr>
<td>Non-Sigs</td>
<td>56%</td>
<td>33%</td>
<td>43%</td>
<td>42%</td>
</tr>
</tbody>
</table>

While the difference between the average participation rates reported by signatory firms and those reported by non-signatory firms has decreased, the fact that signatory firms undertook significantly more hours of pro bono legal work per lawyer demonstrates the strong pro bono culture among firms that are Target signatories.

An impressive 17 respondent firms met the Target of 35 hours of pro bono legal work per lawyer in the 2016 FY. These firms, all of which were Target signatories, represent 49 percent (17 out of 35 firms) of respondents that were also Target signatories, compared to 38 percent in 2014 (12 out of 32 firms) and 45 percent in 2012 (9 out of 12 firms). In 2010, seven out of 13 respondents that were Target signatories (54%) met the Target.

Respondent firms that were Target signatories in 2016 were also asked to identify the “effects” of the Target on their pro bono legal work. The results are outlined in Chart 24 on the next page:

<sup>98</sup> In 2016FY, signatories had the option of reporting hours of “pro bono work of a legal nature” undertaken by their paralegals. Eleven firms reported their paralegal hours which amounted to 3,442 hours. Ten firms also reported that 110.6 FTE paralegals that undertook this work. This amounted to 23.8 hours per FTE paralegal.
For the first time, all respondent firms (not just Target signatory firms) were asked to report whether they anticipated reaching “an annual average of at least 35 pro bono hours per lawyer per year during 2017 FY.”

Twenty-one firms indicated that they did anticipate meeting the Target in the 2017 FY. Of these 21 firms, 20 (95%) were signatories to the Target and 17 firms (81%) reported meeting the Target in the 2016 FY.

Fifteen firms (37%) reported that they did not expect to meet the Target in the 2017 FY and five firms did not know (12%). None of these 20 firms had met the Target in 2016 FY and, 15 were Target signatories.

See Appendix 1: Survey Results, Section 16, Q1-9 on page 118 for all non-confidential responses.

Do pro bono conditions in government tender arrangements affect our work?

The inclusion of pro bono conditions in government tender arrangements was a key recommendation of the Productivity Commission’s Access to Justice Arrangements Inquiry Report:

“The Queensland, New South Wales and Western Australian Governments should consider adopting the National Pro Bono Aspirational Target, tied to
There are currently three Australian jurisdictions that include pro bono conditions in their tender arrangements for the purchase of legal services from law firms. They are the Commonwealth, Victoria and New South Wales (introduced on 1 July 2016).

Under these arrangements, government departments, agencies and other bodies are required to purchase legal services from a predetermined panel or list of firms. In order for firms to be included on the panel or the list, they must meet certain pro bono related criteria. While the arrangements adopted in each jurisdiction vary, governments in two of the three jurisdictions base their pro bono conditions on the Centre’s National Pro Bono Aspirational Target of at least 35 hours of pro bono legal work per lawyer per year. See Are we signatories to the National Pro Bono Aspirational Target? (page 71) for further discussion of its impact.

In 2016, firms were asked about their participation on the Legal Services Multi-Use List (LSMUL) and the Victorian Government Legal Services Panel (Victorian Panel), the two tender arrangements that include pro bono conditions and were in place at the time of the Survey.

**Participation in the LSMUL and Victorian Panel**

Thirty-seven of the 41 respondents (90%) indicated that they were listed on the Commonwealth LSMUL, similar to the number in 2014 (36 firms - 88%), and a marked increase on the number in 2012 (23 firms - 64%) and 2010 (16 firms - 55%).

Seventeen of the 41 respondent firms (41%) were listed on the Victorian Panel, the same number as in 2014 (17 firms - 41%) and similar to the number in 2012 (16 firms - 44%).

**Firm comments on government tender arrangements**

Firms were asked to comment separately on the form and operation of the Commonwealth and Victorian government tendering processes, as they relate to the requirement to report on pro bono legal work.

**LSMUL**

Eight firms provided comments on the operation of the LSMUL. Two firms recognised the importance of the LSMUL to pro bono culture commenting that it is:

“[a] very important means of promoting a pro bono culture.”

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100 For more information please refer to [https://www.ag.gov.au/LegalSystem/LegalServicesCoordination/Pages/default.aspx](https://www.ag.gov.au/LegalSystem/LegalServicesCoordination/Pages/default.aspx).


102 The LSMUL did not come into operation until 2012. The figures from 2010 refer to the system that preceded and which also included pro bono conditions.

103 All of these firms were also listed on the LSMUL.
“... the gold requirement. It helps push and engage internal stakeholders who are not necessarily orientated towards altruism.”

Two firms indicated that they preferred the Victorian Panel arrangements to the LSMUL because the:

- LSMUL’s focus on hours was “too narrow”; and
- Victorian process was more “thorough” in terms of reporting.

One firm queried whether there was adequate weight given to the Target as part of the process given that it was “rarely” mentioned during the process or debrief, and the fact that the LSMUL only requires firms to become signatories to the Target, rather than meet it.

Two firms also made the comment that they would like to see paralegal time counted for the purpose of LSMUL reporting. The reason given by one firm was that this “would be a more accurate account of what resources a firm is allocating to pro bono legal work.” The Centre undertook a consultation in relation to this issue in June 2014 and decided that the definition of “pro bono legal services” should remain unchanged and paralegal hours could be captured but not be counted.104

**Victorian Panel**

Five firms provided comments on the operation of the Victorian Panel. Comments on the reporting process adopted as part of the Victorian Panel arrangements covered the field. One firm indicated that “on the whole, it’s a good process,” while another stated that “reporting was too complex.”

An acceptance of the role of the Panel within the context of Victoria’s well-established pro bono culture was also acknowledged, with one firm indicating that the Panel was a “very important means of promoting a pro bono culture” and another noting that the Panel’s pro bono conditions were a “part of doing business” in Victoria.

As in previous years, a lack of consistency between the tender pro bono conditions in different jurisdictions was also noted by one firm.

*See Appendix 1: Survey Results, Section 15, Q1-2 on pages 117-118 for all responses.*

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104 In June 2014, the Centre consulted with pro bono coordinators on whether the definition of ‘firm’s lawyers’ should be changed to permit work undertaken by a paralegal to be counted for the purposes of the Target. This consultation was prompted by a number of mid-sized law firms raising the issue, primarily on the basis that this would reflect the commercial practice of billing clients for paralegal time spent undertaking work that is legal in nature.

The result of the consultation process was that the Centre decided to maintain the current Target metric without any change to include paralegal hours. However, the Centre amended the Law Firm Reporting and Incorporated Legal Practice Reporting forms to provide firms and practices with the option of reporting paralegal hours separately, taking effect on 1 July 2014.
Pro bono requirements in a commercial tender context

In the Survey, firms were only asked about pro bono requirements in the context of government tenders and panels. It is also common for large corporations, such as banks, to obtain external legal advice through panel or tender arrangements. It is becoming increasingly common for these processes to incorporate questions about a firm’s pro bono program.

The Centre’s upcoming publication, *Pro bono legal work – A guide for in-house lawyers*, will encourage corporations, within their panel terms, to ask their panel law firms to adopt the National Pro Bono Aspirational Target.

How do we manage conflicts with corporate and government clients?

Most firms have clearly outlined policies in relation to managing potential conflicts – both legal (direct conflicts) and commercial (indirect conflicts). Commercial conflicts are the more contentious of the two types of conflict and often arise in a pro bono context.  

For the first time, firms were asked if they had attempted to clear “positional/commercial conflicts for potential government or corporate clients in the 2016 FY.” All firms responded to this question. Nineteen firms (46%) indicated that they had tried to clear positional conflicts. Eight firms (44%) indicated that this process had been successful, while six firms (32%) reported that it had been somewhat successful.

Seventeen firms (41%) indicated that they had not attempted to clear a “positional/commercial conflict”. Twelve of these firms (71%) reported that they had not attempted to clear a positional conflict because no conflict had arisen. One firm (6%) indicated that the Partners responsible for government work did not wish to seek clearance for potential conflicts in relation to pro bono legal work, and another firm (6%) indicated that a conflict protocol was to be prepared in the 2017 FY. The remaining three firms (18%) did not provide any details on why they had not sought to clear any perceived conflict.

In the context of conflicts, firms were asked for the first time whether they thought it would be useful for other Australian governments to adopt the approach taken by Victoria’s Department of Justice in employing a Pro Bono Coordinator. In Victoria, part of the Pro Bono Coordinator’s role is to facilitate the clearing of positional or commercial conflicts in matters where a firm

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105 For further discussion regarding overcoming and managing commercial conflicts, see *The Australian Pro Bono Manual – Chapter 2.2.2: Conflicts of interest.*

106 Five of the 18 firms did not clearly respond to this element of the question.

107 The remaining five respondents indicated that this question was not relevant or that they did not know.

108 Responses to this question included “no conflict has arisen”, “there have not been any such conflicts”, and “our pro bono client has generated very little conflict to our commercial client base.”
which represents the Victorian government is also seeking to represent a client on a pro bono basis in an action against the Victorian government.

The Productivity Commission explained the Coordinator’s role as follows:

> Where there is a potential conflict of interest, firms contact a nominated officer within the Department of Justice (Vic DoJ 2010) who will relay the concern in a generalised form (so as not to unnecessarily expose the potential pro bono client) to the relevant agency or department. The relevant agency then determines whether any conflict would prevent pro bono delivery. The coordination role performed by the Department of Justice provides important ‘distance’ for the firms, allows the nature of the concern to be relayed to the relevant agency in an anonymous form (preventing any risk of the agency ‘retaliating’ against the potential pro bono client), and fit naturally with the centralised tender arrangements for government legal services. ¹⁰⁹

All 41 firms responded to this question, and their responses can be found in Chart 25 below:

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**Chart 25: Government Pro Bono Coordinators**

“How useful do you think it would be for governments in Australia to adopt the approach taken by Victoria’s Department of Justice in employing a Pro Bono Coordinator, one of whose roles is to be a central contact point to clear conflicts for firms wishing to assist pro bono clients against government departments?”

- Very useful: 23 firms
- Somewhat useful: 10 firms
- Not useful: 3 firms
- Don’t know: 5 firms

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See Appendix 1: Survey Results, Section 12, Q5-6 on page 110-112 for all responses.

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Appendix 1: Survey Results

This appendix contains the questionnaire for the 2016 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 “pro bono legal work” and “pro bono hours per lawyer” for the benefit of the respondents. These terms were highlighted in the questionnaire, and here appear in bold, black type, for example “pro bono legal work.” Definitions can be found in Appendix 2: Definitions on page 124.

Section 1 – About you and your firm

Q1 – What is your position in your firm (in relation to its pro bono program – e.g. Pro Bono Coordinator, Pro Bono Committee chair)?

Individual answers removed to protect respondent anonymity.

Q2 – Does your firm have more than one office?

✓ Yes - Total: 39 firms - Group A: 7 firms, Group B: 14 firms, Group C: 18 firms
✓ No - Total: 2 firms - Group C: 2 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: 24 firms - Group A: 7 firms, Group B: 7 firms, Group C: 10 firms
✓ NT - Total: 0 firms
✓ QLD - Total: 2 firms - Group C: 2 firms
✓ SA - Total: 2 firms - Group C: 2 firms
✓ TAS - Total: 0 firms
✓ VIC - Total: 11 firms - Group B: 6 firms, Group C: 5 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 2015/2016 financial year (2016 FY)?

“Full-time equivalent” (FTE) is a method of counting lawyers while taking into account part-time roles. For example, a person working four days per week would be classed as 0.8 FTE. Three lawyers who each work two days per week would count for 1.2 FTE (0.4 x 3).

To calculate this number, please average the number of FTE lawyers on the first day and last day of the 2016 FY, i.e.:

\[
\text{(FTE lawyers at 1 July 2015 + FTE lawyers at 30 June 2016)} \div 2 = \text{FTE lawyers}
\]

Individual answers removed to protect respondent anonymity. There are:

- 7 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’)
- 20 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: 136.5 - Group A: 70, Group B: 58, Group C: 8.5
- NSW - Total reported: 2,551.49 - Group A: 1096.1, Group B: 816.99, Group C: 638.4
- NT - Total reported: 14 - Group A: 11, Group B: 3
- QLD - Total reported: 947.26 - Group A: 437.8, Group B: 240.46, Group C: 269
- SA - Total reported: 121 - Group A: 0, Group B: 25, Group C: 96
- TAS - Total reported: 0
- VIC - Total reported: 2,239.948 - Group A: 727.6, Group B: 720.81, Group C: 791.538
- WA - Total reported: 599.9 - Group A: 325.1, Group B: 81.45, Group C: 193.35

27 of 41 respondents answered this question

Q6 – Did your firm complete the last National Law Firm Pro Bono Survey, in 2014?

- Yes - Total: 39 firms - Group A: 7 firms, Group B: 14 firms, Group C: 18 firms
- No - Total: 2 firms - Group C: 2 firms
- Don’t know - Total: 0 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 [Appendix 2: Definitions], for the purposes of this survey?

- Yes – please go to question 3 - Total: 38 firms - Group A: 7 firms, Group B: 14 firms, Group C: 17 firms
- No – please continue to the next question - Total: 3 firms - Group C: 3 firms

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

<table>
<thead>
<tr>
<th>GROUP C</th>
<th>The term pro bono, comes from the Latin pro bono publico meaning ‘for the public good’. Under the Victorian government legal services guidelines, the Victorian Attorney General has interpreted pro bono work to include the provision of any services by lawyers or other staff based in Victoria which will enhance access to justice for disadvantaged persons or organisations and/or promote the public interest, including circumstances where a firm:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) without fee or without expectation of a fee, or at a reduced fee, advises and/or represents a client in cases where:</td>
</tr>
<tr>
<td></td>
<td>(i) a client has no other access to the courts and the legal system; and/or</td>
</tr>
</tbody>
</table>

79
(ii) the client’s case raises a wider issue of public interest;
(b) is involved in free community legal education and/or law reform;
(c) is involved in the giving of free legal advice and/or representation to charitable
and community organisations;
(d) provides staff (legal or other) on secondment to a community organisation; or
(e) provides financial or ‘in kind’ assistance (e.g. equipment, sponsorship, etc.) to a
community organisation.

While this definition will provide guidance as to the sort of work that can properly be
referred to as ‘pro bono’, it is not proposed that it be adopted by the firm as an
exhaustive or rigid definition. The policy is not concerned with work performed for
clients or prospective clients for a reduced fee or no fee. The work, performed for the
purpose of practice development and marketing, is not pro bono work. Similarly, work
performed for employees of the firm, acquaintances, friends, families etc. is not
pro bono work.

Pro bono work includes work for a client who would not otherwise have access to justice
and whose case has legal merit in matters which involve significant issues of public
interest for non-profit organizations working to promote human rights, social justice
and/or the arts. [The firm’s] pro bono work is generally carried out without expectation
of payment by the client, although in each case a specific agreement will be reached in
relation to external disbursements. In some cases there may be an agreement for a
reduced fee to be paid by the client. Pro bono work does not include matters
commenced on a speculative, conditional or ‘no win, no pay’ basis or work done at no
cost or reduced fee which is not consistent with the definition, for example: for friends
or arising from a lawyer’s personal connections to schools, clubs or cultural organisations
or where linked to the firm’s promotion of its commercial services, including where this
involves ‘free’ advice. Sponsorship

2 of 3 respondents that answered “No” at Q1 answered this question

Q3 – Does your firm have a primary pro bono coordinator (i.e. someone whose primary responsibility
is to coordinate the firm’s pro bono legal work)?

✓ Yes – please continue to the next question - Total: 37 firms - Group A: 7 firms, Group B: 11 firms,
Group C: 19 firms
✓ No – please go to question 11 on the next page - Total: 4 firms – Group B: 3 firms, Group C: 1
firm

Q4 – Is that person:

✓ A Partner? - Total: 16 firms - Group A: 3 firms, Group B: 2 firms, Group C: 11 firms
✓ A Special Counsel? - Total: 6 firms - Group A: 1 firms, Group B: 2 firms, Group C: 3 firms
✓ A Senior Associate? - Total: 3 firms - Group B: 1 firm, Group C: 2 firms
✓ An Associate/Lawyer? - Total: 2 firms - Group B: 1 firm, Group C: 1 firm
✓ A non-legal staff member? – Total: 1 firm - Group B: 1 firm
✓ Other? (please specify) – Total: 9 firms - Group A: 3 firms, Group B: 4 firms, Group C: 2 firms

Five of nine “Other” responses were assessed to be equivalent to other levels of seniority and were added
to those numbers in the body of the Report (page 67). Each of these responses is marked in the table of
“Other” responses below:

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>[Answer removed to protect anonymity] [Equivalent to Special Counsel]</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Director</td>
</tr>
<tr>
<td></td>
<td>Director</td>
</tr>
<tr>
<td>GROUP B</td>
<td>A National Manager who is a lawyer probably at the Senior Associate level [Equivalent to Senior Associate]</td>
</tr>
</tbody>
</table>
We have a dedicated pro bono team made up of a Partner, Special Counsel and Senior Associate, the combination of which is equivalent of 1.5 FTE lawyers level [Equivalent to Partner]

[Answer removed to protect anonymity] [Equivalent to Partner]

Two partners [Equivalent to Partner]

<table>
<thead>
<tr>
<th>GROUP C</th>
<th>Executive Counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pro-bono co-ordinator</td>
</tr>
</tbody>
</table>

37 of 37 respondents that answered “Yes” at Q3 answered this question

Q5 – Do they:
- Perform the role full time? - Total: 15 firms - Group A: 5 firms, Group B: 8 firms, Group C: 2 firms
- Perform the role part time? - Total: 22 firms - Group A: 2 firms, Group B: 3 firms, Group C: 17 firms

37 of 37 respondents that answered “Yes” at Q3 answered this question

Q6 – Do they receive some measure of fee relief, payment or billable credit for acting in the role?
- Yes - Total: 26 firms - Group A: 6 firms, Group B: 10 firms, Group C: 10 firms
- No - Total: 11 firms - Group A: 1 firm, Group B: 1 firm, Group C: 9 firms

37 of 37 respondents that answered “Yes” at Q3 answered this question

Q7 – Does this person undertake any pro bono legal work (as per the Centre’s definition i.e. legal work for specific clients/matters)?
- Yes – please continue to the next question - Total: 33 firms - Group A: 7 firms, Group B: 10 firms, Group C: 16 firms
- No – please go to question 10 - Total: 4 firms - Group B: 1 firm, Group C: 3 firms

37 of 37 respondents that answered “Yes” at Q3 answered this question

Q8 – What percentage of the time that this person spends in this role was spent undertaking pro bono legal work in the 2016 FY?

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<tr>
<th>GROUP A</th>
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<th>GROUP B</th>
<th>Partner (20%); Special Counsel (100%), Senior Associate (100%)</th>
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<th>GROUP C</th>
<th>50 hours [sic]</th>
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<td>50%</td>
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</table>
33 of 33 respondents that answered “Yes” at Q7 answered this question

Q9 – Is this answer an estimate?

- Yes - Total: 23 firms
- No - Total: 10 firms

33 of 33 respondents that answered “Yes” at Q7 answered this question

Q10 – Does your firm have pro bono coordinators in its other offices in Australia, if applicable?

- Yes, all - Total: 15 firms - Group A: 5 firms, Group B: 4 firms, Group C: 6 firms
- Yes, most - Total: 3 firms - Group A: 1 firm, Group B: 2 firms
- Yes, some - Total: 3 firms - Group A: 1 firm, Group C: 2 firms
- No - Total: 14 firms - Group B: 5 firms, Group C: 9 firms
- Not applicable - Total: 2 firms - Group C: 2 firms

37 of 37 respondents that answered “Yes” at Q3 answered this question

Q11 – Did your firm have any “dedicated pro bono lawyers” (i.e. lawyers who key responsibility is to undertake and/or manage pro bono legal work for the firm) and other staff allocated to your firm’s formal pro bono practice at 30 June 2016? If so, please count these below (full-time equivalent).

This does not include lawyers on secondment to other organisation/s, unless they continue as “dedicated pro bono lawyers” when they return to the firm.

- Partners - Total reported: 8.95 FTE
- Special Counsel - Total reported: 4.6 FTE
- Senior Associates - Total reported: 13.5 FTE
- Associates/Lawyers - Total reported: 14.65 FTE
- Graduates - Total reported: 5.0 FTE
- Paralegals/Administrative Staff - Total reported: 7.45 FTE
- Other, please specify - Total reported: 1.1 FTE

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<thead>
<tr>
<th>GROUP A</th>
<th>Consultant</th>
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<tr>
<td>GROUP C</td>
<td>National Pro Bono Manager</td>
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</tbody>
</table>

33 of 41 respondents had “dedicated pro bono lawyers” at their firms and provided numbers in answer to this question

Q12 – Does your firm regularly rotate graduates through its formal pro bono practice?

- Yes, always - Total: 5 firms - Group A: 1 firms, Group B: 2 firms, Group C: 2 firms
- Sometimes (depends on size of intake, capacity or other factors) - Total: 5 firms - Group A: 1 firm, Group B: 3 firms, Group C: 1 firms
- No - Total: 21 firms - Group A: 4 firms, Group B: 7 firms, Group C: 10 firms
- Not applicable (our firm does not have a formal pro bono practice or does not have a graduate program) - Total: 10 firms - Group B: 3 firms, Group C: 7 firms
Q13 – Does your firm have a Pro Bono Committee?

- **Yes** - Total: 29 firms - Group A: 6 firms, Group B: 10 firms, Group C: 13 firms
- **No** - Total: 12 firms - Group A: 1 firm, Group B: 4 firms, Group C: 7 firms

Q14 - Does your firm focus its pro bono program on specific area/s of law or practice, or types of clients? If so, please list these areas.

| GROUP A | (i) Those struggling to obtain access to justice (including those suffering homelessness / severe poverty, and those affected by mental illness and disability); (ii) Refugees / internally displaced persons; (iii) Indigenous peoples; (iv) Those affected by family or domestic violence; (v) Those lacking access to education; and (vi) LGBTI people
|         | * Low-income and disadvantaged people, and the NFPs which support them
|         | * Clients in RRR communities
|         | Disadvantaged youth, homelessness, alleviation of poverty, access to justice
|         | Human Rights, Alleviating disadvantage, Protecting the natural environment
|         | No
|         | Our program has 4 focus areas: Reconciliation, Disability & Health, Homelessness and Global Rule of Law and our pro bono practice is directed at relevant legal issues.
|         | We have three focus areas: 1. Indigenous Australians; 2. Regional, Rural and Remote communities; 3. People with a cognitive impairment, mental illness or other disability

| GROUP B | [Answer removed to protect anonymity]
|         | Bankruptcy, Consumer Law, Debt, Family Law
|         | Marginalised and disadvantaged people who cannot access govt legal services with a focus on indigenous people, PWD, Refugees, Human rights and discrimination
|         | As we are predominantly an insurance firm (85% of our business), there are some limitations to the type of pro bono work we are eligible to take on without conflicts involving insurance.
|         | Indigenous organisations
|         | Youth (including Education), Health, Poverty, Environment, Arts
|         | People Seeking Asylum, Aboriginal and Torres Strait Islanders
|         | Women and children
|         | Refugees, elder abuse, seniors law, not for profit organisations.
|         | - Supporting access to justice for those experiencing disadvantage
|         | - Matters in the public interest
|         | - Women and older Australians experiencing family violence
|         | - Aboriginal and Torres Strait Islander people and organisations
|         | - Human rights
|         | As at 30 June, the work must have a local social impact (i.e. within Australia).

| GROUP C | Acting for Charities and not for profit organisations, advising on set up, governance and contested estates
|         | Asylum seekers; Refugee & humanitarian visa applicants (both visa applications and litigation) Not for profit organisations
|         | Banks; Charities/not for profit; Commercial & professional services; Construction & materials; Education; Financial services; Government; Healthcare; Industrial engineering; Insurance; Media; Private clients/individuals; Real estate; Retail
|         | Homeless Persons Legal Centre; Asylum Seeker Centre; large charities and not for profit organisations
|         | Indigenous Organisations, Women in Need, Mental Health
|         | It is being created now. In line with CSR. Looking at youth, current issues, reform and advocacy, homelessness
<table>
<thead>
<tr>
<th>Migration, Family, Employment</th>
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<tbody>
<tr>
<td>No</td>
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<tr>
<td>No.</td>
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<tr>
<td>Not for profit charities</td>
</tr>
<tr>
<td>Social enterprises</td>
</tr>
<tr>
<td>We tend to focus on Governance and structuring advice and Migration.</td>
</tr>
<tr>
<td>Womens Legal Service, QPLICH-QCAT, State and Federal level, NFP organisations such as Bicycle QLD, Heart Foundation and registered charities. Areas of Practice: Litigation, commercial, corporation, tax, administration, family and estates.</td>
</tr>
<tr>
<td>Yes, we primary focus on commercial, governance and occasional test case, human rights litigation for primarily Indigenous, Environmental and cultural/religious causes, particularly [religion] causes.</td>
</tr>
</tbody>
</table>

**35 of 41 respondents answered this question**

**Q15 – Does your firm have a corporate social responsibility (CSR), community engagement (CE) or community service (CS) program?**

- **Yes** - Total: 33 firms - Group A: 6 firms, Group B: 11 firms, Group C: 16 firms
- **No** - Total: 8 firms - Group A: 1 firm, Group B: 3 firms, Group C: 4 firms

**Q16 – Please describe the relationship between your firm’s pro bono legal program and its CSR, CE or CS program. Are they separately managed? Does your pro bono program have its own objectives and budget?**

**GROUP A**

- CSR is split across [Procurement]; [Diversity]; [Reconciliation Action Plan] Committee; and [Pro Bono]. Pro bono program has its own objectives and budget.
- Our Pro Bono practice is part of our legal practice, & is not part of our communities programs. PB and CSR are aligned, but not the same. Our charitable foundation priorities programs & projects that facilitate access to justice and the provision of legal services for people who are disadvantaged.
- Pro Bono and community engagement are operationally distinct but thematically aligned along the focus areas referred to in Q14 above to maximise impact.
- Pro bono and community investment are fully integrated.
- The pro bono practice and CR program are separately managed, but both report to a global partner who oversees both pro bono and CR. We see CR as an engagement program which can provide support to pro bono, and assist in providing holistic support to our key community partners. We see pro bono as a separate stand-alone legal practice.
- The programs are jointly managed by a community engagement board and the director of community engagement. There is a team reporting to the Director, that has responsibility for the four aspects of the program - pro bono, RAP, sustainability and philanthropy. The program has overarching goals, while each aspect has its separate goals. There are four budgets but accountability is joint, so that savings in one can enable more spend in another.

**GROUP B**

- Broadly speaking, the firm considers that responsible business includes pro bono legal work at its core, non-legal community investment, managing its environmental sustainability, and supporting its people and ensuring their wellbeing. The pro bono and community programs were managed separately until 1 July 2016. They are now managed together because we can often support pro bono clients through our community investment program. Both the community and pro bono programs have separate objectives and budgets.
- Fully combined and integrated.
<table>
<thead>
<tr>
<th><strong>GROUP C</strong></th>
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<tbody>
<tr>
<td>[Firm’s] pro bono and CSR initiatives are run by the same team headed by Partner, [Partner name]. They are managed and reported on separately and each has their own initiatives and goals.</td>
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</tr>
<tr>
<td>It is separately managed. The Pro Bono Practice has its own objectives and budget.</td>
<td></td>
</tr>
<tr>
<td>Our pro bono program has its own objectives but it does not yet have its own budget.</td>
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<tr>
<td>Pro Bono and CSR program are both managed by the Pro Bono partner. They operate alongside each other and complement one another, with the CSR program developing a culture of community engagement across the firm which then ties into the pro bono operations.</td>
<td></td>
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<tr>
<td>Pro bono is separately managed and has its own objectives. The relationship is best represented by the four pillars of pro bono, environment awareness, community involvement/fundraising and CSR.</td>
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<tr>
<td>Pro bono sits within CSR. They are managed together.</td>
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<tr>
<td>Separately managed with different objectives</td>
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<tr>
<td>The 2 are quite separate, with separate managers and budgets. Our CE program is strong, but involves all of our staff giving their time in ways that do not constitute giving of legal advice</td>
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<tr>
<td>The Corporate Social Responsibility (CSR) program includes the pro bono work done by professional staff within the firm. The CSR does not have a formal budget but is managed by the Committee and the Pro Bono Coordinator.</td>
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<tr>
<td>They are both managed by the same Director and do not have separate budgets in terms of expenses. The pro bono program has a budget in relation to billable hours and fees. The pro bono program has separate objectives.</td>
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<tr>
<td>They are managed together by a single committee.</td>
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<tr>
<td>They are separately managed</td>
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<tr>
<td>They are separately managed, but CSR is part of the Pro Bono Practice. We have a separate pro bono policy and budget.</td>
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</table>
They are separately managed. Our pro bono program has its own separate policy and objectives. The Pro Bono Committee and [CSR Committee – term changed to protect anonymity] have two members in common.

While they are related they are separately managed and have complementary but individual objectives.

33 of 33 respondents that answered “Yes” at Q15 answered this question

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 2016 FY originated from:

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

b) Community legal centres (including referrals, secondments, joint projects and clinics) ___________%

c) Legal Aid (including referrals, secondments, joint projects and clinics) ___________%

d) Aboriginal and Torres Strait Islander Legal Services (ATSILS) (including referrals, secondments, joint projects and clinics) ___________%

e) Direct requests for assistance (from individuals and/or not-for-profit organisations) ___________%

e) Other sources (including direct requests for assistance and internal projects) ___________%

<table>
<thead>
<tr>
<th>Referral schemes &amp; organisations (%)</th>
<th>CLCs (%)</th>
<th>Legal Aid (%)</th>
<th>ATSILS (%)</th>
<th>Direct (%)</th>
<th>Other (%)</th>
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<td>GROUP B</td>
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### Referral schemes & organisations (%)

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<tr>
<th></th>
<th>CLCs (%)</th>
<th>Legal Aid (%)</th>
<th>ATSILS (%)</th>
<th>Direct (%)</th>
<th>Other (%)</th>
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</table>

39 of 41 respondents provided numbers in answer to this question

**Q2 – Is this answer an estimate?**

- ✔ Yes - Total: 29 firms
- ✔ No - Total: 10 firms

**Q3 – If your firm undertook pro bono legal work originating from at least one pro bono referral scheme /organisation in the 2016 FY, please indicate all the organisations/schemes from which you received a referral:**

- ✔ ACT Pro Bono Clearing House - Total: 8 firms, Group A: 4 firms, Group B: 3 firms, Group C: 1 firm
- ✔ Justice Connect (incl Homeless Persons’ Legal Clinic Victoria) - Total: 28 firms, Group A: 7 firms, Group B: 12 firms, Group C: 9 firms
- ✔ JusticeNet SA - Total: 8 firms, Group A: 2 firms, Group B: 3 firms, Group C: 3 firms
- ✔ Law Access (Western Australia) – Total: 14 firms, Group A: 6 firms, Group B: 6 firms, Group C: 2 firms
- ✔ Law Society NT Pro Bono Clearing House - Total: 2 firms, Group A: 2 firms
- ✔ Law Society of NSW Pro Bono Scheme - Total: 7 firms, Group A: 3 firms, Group B: 2 firms, Group C: 2 firms
- ✔ Law Society of Tasmania Pro Bono Clearing House - Total: 1 firm, Group B: 1 firm
- ✔ Public Interest Advocacy Centre (incl Homeless Persons’ Legal Service NSW) - Total: 14 firms, Group A: 6 firms, Group B: 5 firms, Group C: 3 firms
- ✔ Queensland Public Interest Law Clearing House110 (incl Homeless Persons’ Legal Clinic) - Total: 20 firms, Group A: 7 firms, Group B: 8 firms, Group C: 5 firms
- ✔ Other, please specify - Total: 16 firms

---

110 The Queensland Public Interest Law Clearing House (QPILCH) is now known as LawRight
GROUP A
Trust Law, Law Access

GROUP B
ACT Law Society; Cancer Council NSW Legal Referral Service; QPILCH Bar
Bar Association
Cancer Council legal referral scheme
Consumer Credit Legal Service (WA), Consumer Law Action Centre (Vic), Consumer Law Centre (ACT), Street Law (ACT), Darwin Community Legal Centre, Disability Discrimination Legal Service, Employment Law Centre (Perth), Tenants Union (ACT)
Expert Advice Exchange (Office of Social Impact) NSW
Human Rights Law Centre, TrustLaw
NSW Cancer Council
Salvos Legal

GROUP C
Asylum Seeker Centre
Cancer Council
NSW Office of Social Impact Expert Advice Exchange
ORIC: NSW Expert Advice Exchange
Salvation Army
Womens Legal Services and Homicide Victims Support Group QLD etc

39 of 41 respondents answered this question

Section 4 – Recording pro bono legal work

Q1 – What percentage of lawyers in your firm in Australia participated in (i.e. did at least one hour of) pro bono legal work in the 2016 FY?

See Chart 7 on page 30 for all results.

40 of 41 respondents answered this question

Q2 – Is this answer an estimate?

✓ Yes - Total: 15 firms
✓ No - Total: 25 firms

Q3 – If the data is readily available to you, what percentage of partners in your firm in Australia participated in (did at least one hour of) pro bono legal work in the 2016 FY?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>79%</th>
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<tbody>
<tr>
<td></td>
<td>64%</td>
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<td></td>
<td>51%</td>
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<td></td>
<td>47.1%</td>
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<td>36%</td>
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<td>23%</td>
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<table>
<thead>
<tr>
<th>GROUP B</th>
<th>68%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>64%</td>
</tr>
<tr>
<td></td>
<td>60%</td>
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<tr>
<td></td>
<td>57%</td>
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<td>55%</td>
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<td>51%</td>
</tr>
<tr>
<td></td>
<td>50.5%</td>
</tr>
<tr>
<td></td>
<td>50%</td>
</tr>
</tbody>
</table>
36 of 41 respondents answered this question

Q4 – Is this answer an estimate?

✓ Yes - Total: 12 firms
✓ No - Total: 24 firms

Q5 – How many hours of pro bono legal work did lawyers in your firm in Australia carry out in the 2016 FY?

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

See Chart 5 on page 27 for all results. 40 of 41 respondents answered this question.

Q6 – If the data readily available to you, how many of these hours were undertaken by lawyers at your firm based in:

✓ ACT - Total reported: 4,432.77 - Group A: 1,576, Group B: 2,771.77, Group C: 85
✓ NSW - Total reported: 73,227.72 - Group A: 38,174, Group B: 30,252.02, Group C: 4,801.7
✓ NT - Total reported: 499.78 - Group A: 55, Group B: 444.78
✓ QLD - Total reported: 20,390.00 - Group A: 11,721, Group B: 5,622.19, Group C: 3047.8
✓ SA - Total reported: 1,541.52 - Group A: 306, Group B: 440.52, Group C: 735
✓ TAS - Total reported: 296.52 – Group B: 296.52
✓ VIC - Total reported: 55,431.1 - Group A: 22,852, Group B: 23,325.44, Group C: 9,253.7
✓ WA - Total reported: 18,330.5 - Group A: 9,821, Group B: 3,627.56, Group C: 4,881.9

24 of 41 respondents answered this question
Q7 – How many pro bono hours per lawyer per year (averaged across the total number of full time equivalent lawyers in your firm) does this represent?

*Please refer to the definition of “pro bono hours per lawyer per year” when calculating this figure.*

See Chart 3 on page 24 for all results. 40 of 41 respondents answered this question

Q8 – What percentage of lawyers in your firm in Australia undertook 35 hours or more of pro bono legal work in the 2016 FY?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>7.5%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>46.8%</td>
</tr>
<tr>
<td></td>
<td>35.95%</td>
</tr>
<tr>
<td></td>
<td>29%</td>
</tr>
<tr>
<td></td>
<td>25%</td>
</tr>
<tr>
<td></td>
<td>22.6%</td>
</tr>
<tr>
<td></td>
<td>20%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>35%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>24.8%</td>
</tr>
<tr>
<td></td>
<td>22%</td>
</tr>
<tr>
<td></td>
<td>21.24%</td>
</tr>
<tr>
<td></td>
<td>18.1%</td>
</tr>
<tr>
<td></td>
<td>16%</td>
</tr>
<tr>
<td></td>
<td>15%</td>
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<tr>
<td></td>
<td>7.5%</td>
</tr>
<tr>
<td></td>
<td>5%</td>
</tr>
<tr>
<td></td>
<td>2%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP C</th>
<th>46%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>25%</td>
</tr>
<tr>
<td></td>
<td>24%</td>
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<tr>
<td></td>
<td>20%</td>
</tr>
<tr>
<td></td>
<td>18%</td>
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<tr>
<td></td>
<td>15%</td>
</tr>
<tr>
<td></td>
<td>12%</td>
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<tr>
<td></td>
<td>11.36%</td>
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<tr>
<td></td>
<td>10%</td>
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<td>10%</td>
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<tr>
<td></td>
<td>10%</td>
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<tr>
<td></td>
<td>9%</td>
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<tr>
<td></td>
<td>8%</td>
</tr>
<tr>
<td></td>
<td>6%</td>
</tr>
<tr>
<td></td>
<td>6%</td>
</tr>
<tr>
<td></td>
<td>5.45%</td>
</tr>
<tr>
<td></td>
<td>3%</td>
</tr>
</tbody>
</table>

36 of 41 respondents answered this question

Q9 – Is this answer an estimate?

✔ Yes - Total: 12 firms
Q10 – What percentage of your firm’s total billable hours does its **pro bono legal work** (see question 5) represent?

| GROUP A | 3.62% |
|         | 3.4%  |
|         | 2.9%  |
|         | 2%    |
|         | 1%    |
| GROUP B | 4.5%  |
|         | 3.7%  |
|         | 3%    |
|         | 2.8%  |
|         | 2.78% |
|         | 2.5%  |
|         | 2.3%  |
|         | 1.16% |
| GROUP C | 5.31% |
|         | 3.5%  |
|         | 3.5%  |
|         | 3%    |
|         | 2.9%  |
|         | 2%    |
|         | 2%    |
|         | 1%    |
|         | 1%    |
|         | 1%    |
|         | 0.98% |
|         | 0.77% |
|         | 0.7%  |
|         | 0.51% |

27 of 41 respondents answered this question

Q11 – Is this answer an estimate?

- Yes - Total: 8 firms
- No - Total: 19 firms

Q12 – What percentage of your firm’s **pro bono legal work** (by number of new files opened) was provided without charge to the client (as opposed to for a substantially reduced fee)?

| GROUP A | 100% |
|         | 100% |
|         | 100% |
|         | 100% |
|         | 95%  |
|         | 95%  |
| GROUP B | 100% |
|         | 100% |
|         | 100% |
35 of 41 respondents answered this question

Q13 – Is this answer an estimate?

- Yes - Total: 13 firms
- No - Total: 22 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 2016 FY was devoted to work for individuals and to organisations?

<table>
<thead>
<tr>
<th>Group</th>
<th>Pro bono legal work for individuals (%)</th>
<th>Pro bono work for organisations (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group A</td>
<td>70%</td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>66%</td>
<td>34%</td>
</tr>
<tr>
<td></td>
<td>65.50%</td>
<td>34.50%</td>
</tr>
<tr>
<td></td>
<td>53.10%</td>
<td>46.90%</td>
</tr>
<tr>
<td></td>
<td>45%</td>
<td>55%</td>
</tr>
<tr>
<td></td>
<td>40%</td>
<td>60%</td>
</tr>
<tr>
<td></td>
<td>30.80%</td>
<td>69.20%</td>
</tr>
<tr>
<td>Group B</td>
<td>98%</td>
<td>2%</td>
</tr>
<tr>
<td></td>
<td>90%</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>80%</td>
<td>20%</td>
</tr>
</tbody>
</table>
40 of 41 respondents answered this question

Q2 – Is this answer an estimate?

✔ Yes - Total: 26 firms
✔ No - Total: 15 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 2016 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 -</td>
</tr>
<tr>
<td>Group A: 1 firm</td>
<td>Group B: 2 firms</td>
</tr>
<tr>
<td>Group C: 7 firms</td>
<td></td>
</tr>
<tr>
<td>Agreements with / Tenders to Government for pro bono clients</td>
<td>Total: 1 firm –</td>
</tr>
<tr>
<td></td>
<td>Group C: 1 firm</td>
</tr>
<tr>
<td>Area of law and practice</td>
<td>Tick Top Five</td>
</tr>
<tr>
<td>--------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Animal Law</td>
<td>Total: 1 firm – Group C: 1 firm</td>
</tr>
<tr>
<td>Banking/Finance</td>
<td>Total: 3 firms – Group B: 1 firm Group C: 2 firms</td>
</tr>
<tr>
<td>Bankruptcy</td>
<td>Total: 2 firms – Group B: 1 firm Group C: 1 firm</td>
</tr>
<tr>
<td>Commercial Agreements (e.g. leases)</td>
<td>Total: 22 firms – Group A: 4 firms Group B: 5 firms Group C: 13 firms</td>
</tr>
<tr>
<td>Construction Law</td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td>Consumer Law</td>
<td>Total: 7 firms – Group B: 4 firms Group C: 3 firms</td>
</tr>
<tr>
<td>Coronerial Inquiries</td>
<td>Total: 1 firm – Group B: 1 firm</td>
</tr>
<tr>
<td>Criminal Law</td>
<td>Total: 2 firms – Group A: 1 firm Group B: 1 firm</td>
</tr>
<tr>
<td>Debt</td>
<td>Total: 8 firms – Group A: 2 firms Group B: 3 firms Group C: 3 firms</td>
</tr>
<tr>
<td>Deductible Gift Receipt Status (DGR) Applications</td>
<td>Total: 11 firms – Group A: 1 firm Group B: 2 firms Group C: 8 firms</td>
</tr>
<tr>
<td>Discrimination</td>
<td>Total: 9 firms – Group A: 1 firm Group B: 2 firms Group C: 6 firms</td>
</tr>
<tr>
<td>Employment law</td>
<td>Total: 23 firms – Group A: 5 firms Group B: 8 firms Group C: 10 firms</td>
</tr>
<tr>
<td>Environment</td>
<td>Total: 1 firm – Group C: 1 firm</td>
</tr>
<tr>
<td>Family Law (not including Family Violence)</td>
<td>Total: 2 firms – Group B: 3 firms, Group C: 1 firm</td>
</tr>
<tr>
<td>Family Violence/Domestic Violence</td>
<td>Total: 4 firms – Group B: 3 firms Group C: 1 firm</td>
</tr>
<tr>
<td>Fines</td>
<td>Total: 3 firms – Group A: 2 firms Group B: 1 firm</td>
</tr>
<tr>
<td>Governance</td>
<td>Total: 15 firms – Group A: 3 firms Group B: 6 firms Group C: 6 firms</td>
</tr>
<tr>
<td>Housing / Tenancy</td>
<td>Total: firms – Group A: 5 firms Group B: 2 firms Group C: 2 firms</td>
</tr>
</tbody>
</table>
Q4 – To the best of your knowledge, in which areas of law or practice in the 2016 FY did your firm reject the most requests for assistance (for reasons other than means or merit)? Please tick the top five. *Areas of law and practice continue on the next page.*

<table>
<thead>
<tr>
<th>Area of law and practice</th>
<th>Tick Top Five</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Human Rights</strong></td>
<td>Total: 9 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: 3 firms</td>
</tr>
<tr>
<td><strong>Immigration</strong></td>
<td>Total: 16 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 1 firm</td>
</tr>
<tr>
<td></td>
<td>Group B: 6 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 9 firms</td>
</tr>
<tr>
<td><strong>Incorporations</strong></td>
<td>Total: 8 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 2 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm</td>
</tr>
<tr>
<td></td>
<td>Group C: 5 firms</td>
</tr>
<tr>
<td><strong>Insurance</strong></td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td><strong>Intellectual Property</strong></td>
<td>Total: 5 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: 3 firms</td>
</tr>
<tr>
<td><strong>Personal Injury</strong></td>
<td>Total: 1 firm –</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm</td>
</tr>
<tr>
<td><strong>Privacy / Freedom of Information</strong></td>
<td>Total: 1 firm –</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm</td>
</tr>
<tr>
<td><strong>Powers of Attorney/ Guardianship</strong></td>
<td>Total: 2 firms –</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm</td>
</tr>
<tr>
<td></td>
<td>Group C: 1 firm</td>
</tr>
<tr>
<td><strong>Professional Negligence</strong></td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td><strong>Royal Commissions</strong></td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td><strong>Social Security</strong></td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td><strong>Superannuation</strong></td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td><strong>Tax (other than DGR)</strong></td>
<td>Total: 3 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: 1 firm</td>
</tr>
<tr>
<td><strong>Town Planning / Local Government</strong></td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td><strong>Trusts</strong></td>
<td>Total: 3 firms –</td>
</tr>
<tr>
<td></td>
<td>Group C: 3 firms</td>
</tr>
<tr>
<td><strong>Victims Compensation</strong></td>
<td>Total: 4 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 2 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 2 firms</td>
</tr>
<tr>
<td><strong>Wills / Probate / Estate</strong></td>
<td>Total: 9 firms –</td>
</tr>
<tr>
<td></td>
<td>Group B: 4 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 5 firms</td>
</tr>
<tr>
<td><strong>Other, please specify:</strong></td>
<td>Total: 2 firms –</td>
</tr>
<tr>
<td></td>
<td>Group C: 2 firms</td>
</tr>
<tr>
<td><strong>GROUP C</strong></td>
<td>Charitable Foundations</td>
</tr>
<tr>
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<td>Reviewing website guide for a NFP</td>
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</table>

**GROUP C**

<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: 1 firm –</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm</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 –</td>
</tr>
<tr>
<td></td>
<td>Group C: 2 firms</td>
</tr>
<tr>
<td>Area of law and practice</td>
<td>Tick Top Five</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>----------------------------------------------------</td>
</tr>
<tr>
<td><strong>Banking/Finance</strong></td>
<td>Total: 6 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: 3 firms</td>
</tr>
<tr>
<td><strong>Bankruptcy</strong></td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td><strong>Commercial Agreements (e.g. leases)</strong></td>
<td>Total: 5 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 2 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 2 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 1 firm</td>
</tr>
<tr>
<td><strong>Construction Law</strong></td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td><strong>Consumer Law</strong></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><strong>Coronial Inquiries</strong></td>
<td>Total: 1 firm –</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm</td>
</tr>
<tr>
<td><strong>Criminal Law</strong></td>
<td>Total: 12 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 2 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 4 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 6 firms</td>
</tr>
<tr>
<td><strong>Debt</strong></td>
<td>Total: 9 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 2 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 3 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 4 firms</td>
</tr>
<tr>
<td><strong>Deductible Gift Receipt Status (DGR) Applications</strong></td>
<td>Total: 5 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 1 firm</td>
</tr>
<tr>
<td></td>
<td>Group B: 3 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 1 firm</td>
</tr>
<tr>
<td><strong>Discrimination</strong></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><strong>Employment law</strong></td>
<td>Total: 7 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 1 firm</td>
</tr>
<tr>
<td></td>
<td>Group B: 3 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 3 firms</td>
</tr>
<tr>
<td><strong>Environment</strong></td>
<td>Total: 1 firm –</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm</td>
</tr>
<tr>
<td><strong>Family Law (not including Family Violence)</strong></td>
<td>Total: 16 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 4 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 6 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 6 firms</td>
</tr>
<tr>
<td><strong>Family Violence/Domestic Violence</strong></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><strong>Fines</strong></td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td><strong>Governance</strong></td>
<td>Total: 2 firms –</td>
</tr>
<tr>
<td></td>
<td>Group B: 2 firms</td>
</tr>
<tr>
<td><strong>Housing / Tenancy</strong></td>
<td>Total: 4 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 1 firm,</td>
</tr>
<tr>
<td></td>
<td>Group B: 3 firms</td>
</tr>
<tr>
<td><strong>Human Rights</strong></td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td><strong>Immigration</strong></td>
<td>Total: 11 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 3 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 5 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 3 firms</td>
</tr>
<tr>
<td><strong>Incorporations</strong></td>
<td>Total: 1 firm –</td>
</tr>
<tr>
<td></td>
<td>Group A: 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>Insurance</td>
<td></td>
</tr>
<tr>
<td>Total: 5 firms – Group B: 2 firms</td>
<td></td>
</tr>
<tr>
<td>Group C: 3 firms</td>
<td></td>
</tr>
<tr>
<td>Intellectual Property</td>
<td>Total: 1 firm – Group C: 1 firm</td>
</tr>
<tr>
<td>Personal Injury</td>
<td></td>
</tr>
<tr>
<td>Total: 6 firms – Group A: 3 firms</td>
<td></td>
</tr>
<tr>
<td>Group B: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Group C: 2 firms</td>
<td></td>
</tr>
<tr>
<td>Privacy / Freedom of Information</td>
<td></td>
</tr>
<tr>
<td>Total: 3 firms – Group A: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Group B: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Group C: 2 firms</td>
<td></td>
</tr>
<tr>
<td>Powers of Attorney/ Guardianship</td>
<td></td>
</tr>
<tr>
<td>Total: 2 firms – Group B: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Group C: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Professional Negligence</td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td>Royal Commissions</td>
<td></td>
</tr>
<tr>
<td>Total: 0 firms</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td></td>
</tr>
<tr>
<td>Total: 2 firms – Group A: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Group B: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Superannuation</td>
<td>Total: 4 firms – Group A: 1 firm</td>
</tr>
<tr>
<td>Group B: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Group C: 2 firms</td>
<td></td>
</tr>
<tr>
<td>Tax (other than DGR)</td>
<td></td>
</tr>
<tr>
<td>Total: 2 firms – Group A: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Group B: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Town Planning / Local Government</td>
<td></td>
</tr>
<tr>
<td>Total: 2 firms – Group C: 2 firms</td>
<td></td>
</tr>
<tr>
<td>Trusts</td>
<td>Total: 0 firms</td>
</tr>
<tr>
<td>Victims Compensation</td>
<td></td>
</tr>
<tr>
<td>Total: 1 firm – Group C: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Wills / Probate / Estate</td>
<td>Total: 4 firms – Group A: 1 firm</td>
</tr>
<tr>
<td>Group B: 2 firms</td>
<td></td>
</tr>
<tr>
<td>Group C: 1 firm</td>
<td></td>
</tr>
<tr>
<td>Other, please specify:</td>
<td></td>
</tr>
<tr>
<td>Total: 3 firms – Group A: 1 firm,</td>
<td></td>
</tr>
<tr>
<td>Group C: 2 firms</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Native title, defamation</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP C</td>
<td>Nil rejected</td>
</tr>
<tr>
<td></td>
<td>No requests rejected</td>
</tr>
</tbody>
</table>

**Section 6 – Targets and operational budgets for pro bono legal work**

Q1 – Did your firm set an overall target for its **pro bono legal work** in the 2016 FY? Please circle all that apply.

- [✓] YES - it represented a maximum or capped number of hours or hours per lawyer to be provided in the year – Total: 0 firms
- [✓] YES - it represented a minimum number of hours or hours per lawyer to be provided in the year - Total: 14 firms – Group A: 1 firm, Group B: 8 firms, Group C: 5 firms
- [✓] YES - it represented a set number of hours or hours per lawyer that the firm aimed to provide in the year - Total: 11 firms – Group A: 3 firms, Group B: 3 firms, Group C: 5 firms
- [✓] YES - it represented a maximum or capped financial value (i.e. a capped dollar amount or capped percentage of gross billables/net revenue etc) - Total: 1 firm – Group B: 1 firm
YES - it represented a minimum financial value (i.e. a minimum dollar amount or minimum percentage of gross billables/net revenue etc) - Total: 0 firms

YES - it represented a set financial value (i.e. a set dollar amount or percentage of gross billables/net revenue etc aimed for by the firm) – Total: 2 firms – Group A: 1 firm, Group C: 1 firm

NO- Total: 14 firms – Group A: 2 firms, Group B: 4 firms, Group C: 8 firms

DON'T KNOW - Total: 0 firms

OTHER (please specify) - Total: 3 firms

GROUP A
No - We seek to do quality work which will have true social impact for our pro bono clients. As a result, we do not cap our pro bono hours but assess all pro bono requests on a case by case basis subject to considerations of expertise, capacity and conflicts. We do, however, monitor our pro bono participation rates year on year.

GROUP C
Aspirational target hours per lawyer
Average of 35 hours per fee earner

Q2 – Was this target larger, smaller or the same as it was two years ago?

Larger - Total: 12 firms – Group B: 7 firms, Group C: 5 firms
Smaller - Total: 0 firms
Same - Total: 14 firms – Group A: 5 firms, Group B: 2 firms, Group C: 7 firms
Don’t know - Total: 0 firms

26 out of 41 respondents answered this question

Q3 – If your firm set a target that represented a number of hours or hours per lawyer, did this target represent:

More than 35 hours of pro bono legal work per lawyer (e.g. higher than the figure set in the National Pro Bono Aspirational Target)? – Total: 10 firms, Group A: 4 firms, Group B: 5 firms, Group C: 1 firm

35 hours of pro bono legal work per lawyer (e.g. the figure set in the National Pro Bono Aspirational Target)? - Total: 13 firms, Group A: 1 firm, Group B: 4 firms, Group C: 8 firms

Less than 35 hours of pro bono legal work per lawyer (e.g. lower than the figure set in the National Pro Bono Aspirational Target)? – Total: 3 firms, Group B: 1 firm, Group C: 2 firms

A number of hours for the firm to provide as a whole, with no reference to a pro bono hours per lawyer calculation. – Total: 1 firm – Group C: 1 firm

Not applicable – Total: 0 firms

27 out of 41 respondents answered this question

Q4 – Did your firm set an annual operational budget for its pro bono program in the 2016 FY?

Yes - Total: 16 firms - Group A: 5 firms, Group B: 8 firms, Group C: 3 firms
No - Total: 23 firms - Group A, 2 firms, Group B: 5 firms, Group C: 16 firms
Don’t know - Total: 2 firms, Group B: 1 firm, Group C: 1 firm

Q5 – Is this annual operational budget larger, smaller or the same as it was two years ago?

Larger – Total: 9 firms - Group A: 2 firms, Group B: 5 firms, Group C: 2 firms
Smaller - Total: 2 firms, Group A: 1 firm, Group C: 1 firm
Same - Total: 4 firms, Group A: 2 firms, Group B: 2 firms
Don’t know - Total: 1 firm – Group B: 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 or financial targets?

- Yes, both billable hour targets and financial targets – Total: 28 firms - Group A: 4 firms, Group B: 9 firms, Group C: 15 firms
- Yes, billable hour targets only – Total: 9 firms - Group A: 3 firms, Group B: 3 firms, Group C: 3 firms
- Yes, financial targets only - Total: 2 firm - Group B: 1 firm
- No - Total: 3 firms - Group B: 1 firm, Group C: 2 firms

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

- Pro bono hours are treated as billable hours for the purposes of billable hour targets (and financial targets, if applicable) – Total: 14 firms - Group A: 4 firms, Group B: 7 firms, Group C: 3 firms
- Pro bono hours are treated as billable hours for the purposes of billable hour targets but reduced in value for the purposes of financial targets – Total: 2 firms - Group A: 1 firm, Group C: 1 firm
- Pro bono hours are treated as billable hours for the purposes of billable hour targets (and financial targets, if applicable) but are capped at a certain number of pro bono hours per week/month/year - Total: 3 firms - Group A: 1 firm, Group B: 1 firm, Group C: 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 financial targets, if applicable) - Total: 14 firms - Group B: 4 firms, Group C: 10 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 financial targets, if applicable)
- Other, please specify – Total: 5 firms - Group B: 1 firm, Group C: 3 firms

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Special non billable with no financial value</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>Pro bono hours are treated as non-billable hours (because of how the firm measures and tracks revenue) but are recorded as special non-billable (pro bono) category. Approved pro bono hours will be recognised for the purpose of assessing whether an individual has met their financial performance targets and eligibility for incentive payments</td>
</tr>
<tr>
<td>GROUP C</td>
<td>Pro bono hours are always treated as billable hours for the purposes of the billable hour targets and some pro bono are treated as billable hours for financial targets. Pro bono hours are treated as non-billable hours but are recorded as a special non-billable. (ie pro bono) category (and have a lower or negligible value for the purposes of financial targets, if applicable). Selected lawyers (ie the Pro Bono Committee) have a reduced budget to encourage work on pro bono matters. Treated as billable hours but not recognised in financial targets</td>
</tr>
</tbody>
</table>

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: 33 firms – Group A: 7 firms, Group B: 13 firms, Group C: 13 firms
- No - Total: 2 firms – Group C: 2 firms
- Don’t know - Total: 1 firm – Group C: 1 firm
- Not applicable - Total: 2 firms – Group C: 2 firms

38 out of 41 respondents answered this question
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: 32 firms – Group A: 5 firms, Group B: 12 firms, Group C: 15 firms
- ✓ When considering promotion or advancement - Total: 22 firms – Group A: 4 firms, Group B: 6 firms, Group C: 12 firms
- ✓ When calculating bonuses - Total: 14 firms – Group A: 3 firms, Group B: 4 firms, Group C: 7 firms
- ✓ In salary reviews - Total: 12 firms – Group A: 3 firms, Group B: 5 firms, Group C: 4 firms
- ✓ Internal awards, events and communication - Total: 30 firms – Group A: 5 firms, Group B: 13 firms, Group C: 12 firms
- ✓ Other, please specify:

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Lawyers performing 80+ pro bono hours per year have a sticker placed on their door, identifying them as “Pro Bono Champions” for that year.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Nothing specific</td>
</tr>
<tr>
<td></td>
<td>Pro bono fee credits count towards financial targets</td>
</tr>
<tr>
<td>GROUP B</td>
<td>Eligible for trip to remote community, receive gifts</td>
</tr>
<tr>
<td>GROUP C</td>
<td>Offered priority to certain events attended by Firm</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>No recognition at this stage</td>
</tr>
</tbody>
</table>

Section 8 – Secondments

Q1 – Did your firm provide pro bono secondments in the 2016 FY?

- ✓ Yes, to one organisation (please go to question 3) - Total: 4 firms – Group B: 2 firms, Group C: 2 firms
- ✓ Yes, to more than one organisation - Total: 15 firms – Group A: 7 firms, Group B: 6 firms, Group C: 2 firms
- ✓ No (please go to section 9) - Total: 22 firms – Group B: 6 firms, Group C: 16 firms

Q2 – How many organisations did your firm provide pro bono secondments to in the 2016 FY?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>17</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP C</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>

15 of 15 respondents that answered “Yes, to more than one organisation” at Q1 answered this question
Q3 – Does your firm have written agreements concerning secondments with the placement organisation/s?

- Yes, all - Total: 17 firms – Group A: 6 firms, Group B: 8 firms, Group C: 3 firms
- Yes, at least one, but not all - Total: 1 firm – Group A: 1 firm
- No - Total: 0 firms
- Don’t know - Total: 1 firm – Group C: 1 firm

19 of 19 respondents that answered “Yes, to one organisation” or Yes, to more than one organisation” at Q1 answered this question

Q4 – Is your firm providing:

- More secondments (measured in hours) than it was two years ago? - Total: 10 firms – Group A: 1 firm, Group B: 5 firms, Group C: 4 firms
- Less secondments (measured in hours) than it was two years ago? - Total: 4 firms – Group A: 3 firms, Group B: 1 firm
- Approximately the same amount of secondments (measured in hours) as it was two years ago? - Total: 5 firms – Group A: 3 firms, Group B: 2 firms

19 of 19 respondents that answered “Yes, to one organisation” or Yes, to more than one organisation” at Q1 answered this question

Q5 – Measured in hours, were the secondments provided by your firm:

- All provided on a full-time basis? - Total: 5 firms - Group A: 2 firms, Group B: 2 firms, Group C: 1 firm
- Mostly provided on a full-time basis? - Total: 3 firms - Group A: 1 firm, Group B: 2 firms
- Provided equally on a full- and part-time basis? - Total: 4 firms - Group A: 2 firms, Group B: 1 firm, Group C: 1 firm
- Mostly provided on a part-time basis? - Total: 2 firms - Group B: 1 firm, Group C: 1 firm
- All provided on a part-time basis? - Total: 5 firms – Group A: 2 firms, Group B: 2 firms, Group C: 1 firm

19 of 19 respondents that answered “Yes, to one organisation” or Yes, to more than one organisation” at Q1 answered this question

Q6 – What was the most common length of full-time secondments provided by your firm, if any?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>1/2 day per week</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Six months</td>
</tr>
<tr>
<td></td>
<td>Varied considerably</td>
</tr>
<tr>
<td></td>
<td>6 months</td>
</tr>
<tr>
<td></td>
<td>6 months</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>Just one on a full-time basis in Melbourne at the [CLC].</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6 months</td>
</tr>
<tr>
<td></td>
<td>6 months</td>
</tr>
<tr>
<td></td>
<td>6 months</td>
</tr>
<tr>
<td></td>
<td>4 weeks</td>
</tr>
<tr>
<td></td>
<td>3.5 months</td>
</tr>
<tr>
<td></td>
<td>3 months</td>
</tr>
</tbody>
</table>
15 of 19 respondents that answered “Yes, to one organisation” or Yes, to more than one organisation” at Q1 answered this question

Q7 – What was the most common part-time secondment arrangement provided by your firm, if any (for example, “two days per week for three months” or “three hours per fortnight for six months”)?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Six months full time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing with rotating lawyers from the firm</td>
<td></td>
</tr>
<tr>
<td>One day per week for six months</td>
<td></td>
</tr>
<tr>
<td>One day per week for 3 months</td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>1 day per week for 3 months</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>One day a week for 3 months</th>
</tr>
</thead>
<tbody>
<tr>
<td>On average three days per week for 6 months</td>
<td></td>
</tr>
<tr>
<td>Just one on a full time basis in Melbourne at [CLC].</td>
<td></td>
</tr>
<tr>
<td>2 weeks</td>
<td></td>
</tr>
<tr>
<td>2 days per week for 3 months</td>
<td></td>
</tr>
<tr>
<td>1-2 days per week for three to four months</td>
<td></td>
</tr>
<tr>
<td>1/2 day a fortnight</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP C</th>
<th>Two days per week for 18 months</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>4 hours per week x 2 solicitors on an ongoing basis</td>
<td></td>
</tr>
<tr>
<td>1 day per week for 8 weeks</td>
<td></td>
</tr>
</tbody>
</table>

17 of 19 respondents that answered “Yes, to one organisation” or Yes, to more than one organisation” at Q1 answered this question

Q8 – Are there any other noticeable trends in the form, duration and number of secondments provided by your firm since the last Survey, in July 2014?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>(i) NFPs are requesting secondments of non-legal staff (e.g. marketing, IT, legal assistants); (ii) bigger NFPs are requesting more senior legal staff, for longer, to handle transformational projects.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>A steady increase in demand for our lawyers to be seconded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less capacity to go and fewer juniors pushing for opportunities, more need and requests externally for secondment assistance</td>
<td></td>
</tr>
<tr>
<td>Most lawyers can only commit to part time arrangements unless they are quite junior.</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP C</th>
<th>Increasing</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
13 of 19 respondents that answered “Yes, to one organisation” or Yes, to more than one organisation” at Q1 answered this question

Section 9 – Disbursements

Q1 – Did your firm pay for any external disbursements in pro bono matters in the 2016 FY? If so, please nominate up to three categories where your firm incurred the most costs:

<table>
<thead>
<tr>
<th>Disbursements</th>
<th>Tick up to three (✓)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical reports and appearance fees</td>
<td>Total: 6 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>Other expert witness reports and appearance fees</td>
<td>Total: 4 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 3 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 1 firm</td>
</tr>
<tr>
<td>Filing fees</td>
<td>Total: 17 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 3 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 8 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 6 firms</td>
</tr>
<tr>
<td>Interpreters’ fees</td>
<td>Total: 11 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 3 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 4 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 4 firms</td>
</tr>
<tr>
<td>Travel and accommodation</td>
<td>Total: 14 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 4 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 6 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 4 firms</td>
</tr>
<tr>
<td>Search costs</td>
<td>Total: 22 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 4 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 6 firms</td>
</tr>
<tr>
<td></td>
<td>Group C: 12 firms</td>
</tr>
<tr>
<td>Barristers’ fees (advice or representation)</td>
<td>Total: 1 firm –</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm</td>
</tr>
<tr>
<td>Transcripts</td>
<td>Total: 6 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 2 firms</td>
</tr>
<tr>
<td></td>
<td>Group B: 1 firm</td>
</tr>
<tr>
<td></td>
<td>Group C: 3 firms</td>
</tr>
<tr>
<td>Other, please specify (you can nominate more than one category of disbursement here):</td>
<td>Total: 3 firms –</td>
</tr>
<tr>
<td></td>
<td>Group A: 1 firm</td>
</tr>
<tr>
<td></td>
<td>Group C: 2 firms</td>
</tr>
<tr>
<td><strong>GROUP A</strong></td>
<td>GIPA, FOI requests</td>
</tr>
<tr>
<td><strong>GROUP C</strong></td>
<td>FOI Application Fees</td>
</tr>
<tr>
<td></td>
<td>Photocopying</td>
</tr>
</tbody>
</table>

32 of 41 respondents answered this question

Q2 – If possible, please estimate the total costs of external disbursements incurred by your firm on behalf of its pro bono clients in the 2016 FY:

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>$15,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$40,000</td>
</tr>
<tr>
<td></td>
<td>Approx. $45,000</td>
</tr>
<tr>
<td></td>
<td>$1,000</td>
</tr>
<tr>
<td></td>
<td>Not material</td>
</tr>
</tbody>
</table>
30 of 32 respondents that answered Q1 answered this question

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

- Yes (continue to next question) - Total: 2 firms - Group A: 1 firm, Group B: 1 firm
- No (please go to question 6) - Total: 34 firms - Group A: 6 firms, Group B: 9 firms, Group C: 19 firms
- Don’t know (please go to question 6) - Total: 5 firms - Group B: 4 firms, Group C: 1 firm

Q4 – Which disbursement assistance scheme/s has your firm applied to?

GROUP A  Legal Aid NSW’s Cooperative Legal Service Delivery program
GROUP B  The Grata Fund and Justice Connect

2 of 2 respondents that answered “Yes” to Q3 answered this question

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

GROUP A  Very good. Disbursement support enables [firm name] to have more impact in regional and remote areas with its limited operational cash budget.
GROUP B  Good. The Grata Fund required a lot of detailed information and did not determine the application prior to finalisation of the litigated matter. Justice Connect required less information and provided assistance within the hour of our request.

2 of 2 respondents that answered “Yes” to Q3 answered this question
Q6 – Are there reason/s why your firm has not applied for assistance?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>We cover disbursements as part of our pro bono contribution to the community. We hope that this allows sole practitioners and smaller law firms to access disbursement assistance schemes more readily.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Too time consuming</td>
</tr>
<tr>
<td></td>
<td>As stated above, disbursement costs were not material. We absorb these costs as part of our pro bono program</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>GROUP B</td>
<td>Usually it is the immediacy of the need for payment and it is more time efficient to just pay internally.</td>
</tr>
<tr>
<td></td>
<td>Pro bono matters have not met the referral requirements (e.g. not referred from QPILCH or Justice Connect)</td>
</tr>
<tr>
<td></td>
<td>Haven’t needed to</td>
</tr>
<tr>
<td></td>
<td>Not required</td>
</tr>
<tr>
<td></td>
<td>Immaterial disbursements incurred</td>
</tr>
<tr>
<td></td>
<td>Not eligible areas</td>
</tr>
<tr>
<td></td>
<td>Information not available</td>
</tr>
<tr>
<td></td>
<td>Can usually get court fees waived for financial hardship; usually can have clients pay for small out of pockets such as search fees; when we have had to pay for a disbursement, it is usually at short notice so we would have no time to apply. I am not 100% sure that no application has been made, but I doubt it.</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>GROUP C</td>
<td>Not aware</td>
</tr>
<tr>
<td></td>
<td>As it is a low amount, [firm name] has absorbed the costs.</td>
</tr>
<tr>
<td></td>
<td>Disbursement fees were not considered significant enough to apply to a disbursement fee assistance scheme.</td>
</tr>
<tr>
<td></td>
<td>Not significant expense</td>
</tr>
<tr>
<td></td>
<td>Disbursements are not typically occurred (filing and other court fees are generally waived)</td>
</tr>
<tr>
<td></td>
<td>Not needed. Firm will absorb the cost.</td>
</tr>
<tr>
<td></td>
<td>Administrative burden associated with applications for small amounts of money</td>
</tr>
<tr>
<td></td>
<td>Lack of awareness about schemes</td>
</tr>
<tr>
<td></td>
<td>Did not know it existed</td>
</tr>
<tr>
<td></td>
<td>Not available</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>No</td>
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<tr>
<td></td>
<td>No</td>
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<tr>
<td></td>
<td>Not applicable</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

29 of 39 respondents that answered “No” or “Don’t know” to Q3 answered this question

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 next question) - Total: 23 firms - Group A: 3 firms, Group B: 10 firms, Group C: 10 firms
Q2 – Has your firm conducted an evaluation (or evaluations) of the program in the time since the last Survey, in July 2014?

✓ Yes - Total: 21 firms - Group A: 3 firms, Group B: 9 firms, Group C: 9 firms
✓ No - Total: 2 firms - Group B: 1 firm, Group C: 1 firm

23 of 23 respondents that answered “Yes” to Q1 answered this question

Q3 – Please circle the three most significant factors on which your firm based this evaluation (or evaluations):

✓ Social impact? - Total: 13 firms - Group A: 3 firms, Group B: 6 firms, Group C: 4 firms
✓ Client feedback? - Total: 11 firms - Group A: 2 firms, Group B: 5 firms, Group C: 4 firms
✓ Feedback from third parties (for example, pro bono referral schemes or organisations)? - Total: 1 firm - Group C: 1 firm
✓ Number of pro bono hours provided? - Total: 18 firms - Group A: 2 firms, Group B: 7 firms, Group C: 9 firms
✓ Participating lawyer satisfaction? - Total: 9 firms - Group A: 2 firms, Group B: 2 firms, Group C: 5 firms
✓ Whether the program has assisted the firm in meeting its commercial goals? - Total: 4 firms - Group C: 4 firms
✓ Other, please specify (you can nominate more than one factor here):

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>Feedback on the type of pro bono work lawyers want to be involved in.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Whether we are meeting unmet need in most needy areas</td>
</tr>
<tr>
<td></td>
<td>Nature and success of programs run throughout the year; engagement levels across the firm</td>
</tr>
<tr>
<td>GROUP C</td>
<td>Monthly partner presentations on hours worked, clients, matters and annual partner presentation on annual statistics, trends and strategies</td>
</tr>
</tbody>
</table>

23 of 23 respondents that answered “Yes” to Q1 answered this question

Q4 – Did you find this evaluation (or evaluations) useful? In what way?

GROUP A

Yes

It is a reminder of how difficult some things are to measure

We find that evaluating our pro bono program is a useful way to ensure that we are continually reviewing and seeking to improve our services to clients. It also enables us to identify any internal or external trends in the pro bono landscape.

GROUP B

Yes to assist in the determination of strategic planning of the pro bono practice and understand the impact of our work

Yes - important to continually revise and improve

Yes. Makes us take stock of what we have achieved and how we can improve. Helps us plan for the next 12 months.

It helps us to focus our program to where it is most effective

Yes to plan for the approach of practice in the next year

In part, but it’s mostly qualitative data. I think participation and hours are a good sign of commitment internally. It’s very hard to measure social impact, but lawyers do realise the impact of their work for each matter / clinic etc.
21 of 23 respondents that answered “Yes” to Q1 answered this question
Q5 – Do you wish to share any further information on your evaluation methods, if any, or make any other comments?

GROUP C

Helps us evaluate against our KPI’s of developing meritorious and high impact projects to address need
Yes. We especially value feedback from clients.
Yes. We implemented a number of changes so it was important to assess to see if they were worthwhile.
Yes
Yes, as we are currently working towards the aspirational target.
Yes, the review prompted an internal restructure of the pro bono program with a view to encouraging greater participation.
Yes, the evaluation is useful to assess and analyse our program and to strive for best practice within the firm.
Yes, it provides a useful means for reporting to the partnership and the firm more broadly about our pro bono activities.

5 of 41 respondents answered this question

Section 11 – International law firms and mergers

Q1 – Is your firm an “international law firm”? For the purposes of this survey, “international law firm” refers to a firm with more lawyers overseas than in Australia.

✓ Yes (please continue to next question) - Total: 9 firms - Group A: 3 firms, Group B: 4 firms, Group C: 2 firms
✓ No (please go to question 4) - Total: 32 firms - Group A: 4 firms, Group B: 10 firms, Group C: 18 firms

Q2 – Do your Australian offices perform more or less pro bono legal work per lawyer (on average) than your firm’s overseas offices?

✓ More - Total: 6 firms - Group A: 3 firms, Group B: 3 firms
9 of 9 respondents that answered “Yes” to Q1 answered this question

Q3 – 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.

| GROUP A | We are strategically linked rather than merged so our pro bono program is confined to our firm, rather than being managed from afar. We do have offshore offices and they are much smaller than we are and can do much less pro bono work.
Continuing 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 developing global policies, practices and procedures.
| No |

| GROUP B | Conflicts, consistency of treatment of pro bono time with regards to utilisation, cultural understandings of "pro bono"
Increased chance of more conflicts (because more clients) and conflicts take longer to clear.
Conflict policy means we reject a greater percentage of referrals
| No |

| GROUP C | Capacity constraints, relevant expertise of services provided
| None |

9 of 9 respondents that answered “Yes” to Q1 answered this question

Q4 – Has your firm joined/merged with another firm (domestic or international) in the last five years?

✓ Yes (please continue to next question) – Total: 13 firms - Group A: 4 firms, Group B: 5 firms, Group C: 4 firms
✓ No (please go to section 12) – Total: 28 firms - Group A: 3 firms, Group B: 9 firms, Group C: 16 firms

Q5 – How has this affected the pro bono 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?

| GROUP A | The merger has resulted in opportunities and challenges for the pro bono legal program at our firm in two main ways. 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 navigated so that the firm has a unified approach to its pro bono work – for example, different management processes, different guidelines, different approaches to fee credits for pro bono work. 2. From a philosophical perspective, we continue to learn about and unify different approaches to pro bono work. We are leveraging our strong Australian |
Section 12 – Corporate and government clients

Q1 – Has your firm worked with the in-house counsel of a corporate or government client on a pro bono matter or project in the 2016 FY?

- **Yes (please go to question 3)** - Total: 16 firms - Group A: 4 firms, Group B: 7 firms, Group C: 5 firms
- **No (please continue to the next question)** - Total: 23 firms - Group A: 3 firms, Group B: 7 firms, Group C: 13 firms
- **Don’t know (please continue to the next question)** - Total: 2 firms - Group C: 2 firms

Q2 – Has your firm discussed with client/s in the 2016 FY any potential opportunities for working with in-house counsel on pro bono matters or projects?

- **Yes (please continue to the next question)** - Total: 6 firms - Group A: 2 firms, Group B: 2 firms, Group C: 2 firms
- **No (please go to question 5)** - Total: 17 firms - Group A: 1 firm, Group B: 5 firms, Group C: 11 firms
- **Don’t know (please go to question 5)** - Total: 2 firms - Group C: 2 firms

25 of 25 respondents that answered “No” or “Don’t know” to Q1 answered this question
Q3 – What was the nature of these pro bono matter/s or project/s?

| GROUP A | Intellectual property  
|         | Discussed in the context of client tendering processes.  
|         | We discussed many options - joint clinic work, joint policy work, not for profit work.  
|         | Legal clinics/projects and legal matters.  
|         | Implementation of a secondment program.  

| GROUP B | Major research projects including global comparisons and also legal clinic work  
|         | Legal education workshop.  
|         | General discussions around potential activities such as clinics.  
|         | Providing legal Training to PNG lawyers in PNG.  
|         | Rosters and outreach work.  
|         | Have had lawyers from a government client participate in an afternoon clinic run in our Sydney office.  
|         | Don’t know specifically. It involved a commonwealth government client  
|         | Joint report on human trafficking statutory compensation.  
|         | Confidential global project  

| GROUP C | Clinic work. Refugee statement taking.  
|         | Charitable foundation support  
|         | Advice on aged care legislative changes. Working with some charitable organisations that have in house legal capacity - but we provide additional expertise  
|         | Commercial contracts  
|         | LGBTI initiative to raise awareness amongst our staff  
|         | Staff education on tenancy issues  

20 of 22 respondents that answered “Yes” to Q1 or Q2 answered this question

Q4 – Were these matter/s, project/s or discussion/s initiated by:

- Your firm? - Total: 4 firms - Group B: 2 firms, Group C: 2 firms
- The client/s? - Total: 7 firms - Group A: 4 firms, Group B: 1 firms, Group C: 2 firms
- Both (there have been more than one matter, project or discussion, initiated by both parties on different occasions)? - Total: 11 firms - Group A: 2 firms, Group B: 6 firms, Group C: 3 firms

22 of 22 respondents that answered “Yes” to Q1 or Q2 answered this question

Q5 – Has your firm attempted to ‘clear’ positional/commercial conflicts for potential pro bono matters with your government or corporate clients in the 2016 FY? If the answer is “no,” why not? If the answer is “yes,” has this process been successful?

| GROUP A | Yes. Generally this has been successful.  
|         | Yes and we have has success on some occasions  
|         | Yes and Yes  
|         | Yes. Fairly successful.  
|         | Yes - often yes  
|         | Yes, much more successful in Victoria than at Commonwealth level  
|         | Yes - it is usually successful, particularly with the Victorian government through its conflicts protocol  

| GROUP B | No.  

110
<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>41 of 41 respondents answered this question</td>
<td></td>
</tr>
</tbody>
</table>

Yes - sometimes successful; sometimes not. Depended on the Partner and the nature of the matter.

No, those issues are not relevant to our firm

Yes. We carefully assess conflict issues in every pro bono matter we take on and only do secondments where we believe the chances of a conflict will be minimal.

Yes in respect to life insurers on our Cancer Council work. Rarely in respect to Government conflicts (even if they are not legal conflicts). Why? It comes down to the significance the partners place on the commercial client relationships.

From time to time

No - joint venture with [community legal organisation] minimises conflicts. No known conflicts.

No this has not proved necessary

Yes, sometimes successful

No - has not yet arisen

Yes, mostly successful.

Yes. Sometimes successful.

Yes, via Vic Gov DOJ process

Not Applicable

GROUP C

Don't know

No, we are developing a protocol for this in FY2017.

No. No conflicts

Yes

No. N/A

Has not arisen

Not applicable

No - no conflicts arisen.

No for government clients. The Partners responsible for government work not willing to consider potential conflicts.

Yes and it was successful.

No, our pro bono client base has generated very little conflict to our commercial client base. A formal clearance process has not been required.

The firm undertakes its normal conflict check procedures for all files, whether pro bono or not. If a conflict is identified, the matter is referred to the conflict committee.

No, not applicable

Not applicable - no conflicts identified with these clients

Potential commercial conflicts have been attempted to be 'cleared' to allow work to be done on pro bono matters with mixed results. Occasionally these conflicts can be managed and 'cleared' and in other instances we were unable to proceed with certain pro bono matters.

No

No. There have not been any such conflicts.

Yes, it has been somewhat successful.

No

No - not arisen
Q6 – How useful do you think it would be for governments in Australia to adopt the approach taken by Victoria’s Department of Justice in employing a Pro Bono Coordinator, one of whose roles is to be a central contact point to clear conflicts for firms wishing to assist pro bono clients against government departments?

- Very useful - Total: 23 firms – Group A: 5 firms, Group B: 8 firms, Group C: 10 firms
- Somewhat useful - Total: 10 firms – Group A: 2 firms, Group B: 2 firms, Group C: 2 firms
- Not useful - Total: 3 firms - Group B: 1 firm, Group C: 2 firms
- Don’t know - Total: 5 firms - Group B: 3 firms, Group C: 2 firms

41 of 41 respondents answered this question

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? By this, we mean both work for clients located in RRR areas and work for client organisations that primarily serve 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.

- Yes (please continue to the next question) – Total: 20 firms – Group A: 5 firms, Group B: 9 firms, Group C: 6 firms
- No (please go to section 14) – Total: 21 firms – Group A: 2 firms, Group B: 5 firms, Group C: 14 firms
- Don’t know (please go to section 14) – Total: 0 firms

Q2 – What percentage of your firm’s overall pro bono legal work (by number of new files opened) in the 2016 FY was focussed on RRR areas?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>35%</th>
<th>14.1%</th>
<th>5%</th>
<th>5%</th>
<th>1.5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>40%</td>
<td>25%</td>
<td>15%</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td></td>
<td>10%</td>
<td>5%</td>
<td>5%</td>
<td>less than 1%</td>
<td>0.24%</td>
</tr>
<tr>
<td>GROUP C</td>
<td>55%</td>
<td>50%</td>
<td>20%</td>
<td>14%</td>
<td>5%</td>
</tr>
<tr>
<td></td>
<td>1%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
20 of 20 respondents that answered “Yes” to Q1 answered this question

Q3 – Is this answer an estimate?

✓ Yes – Total: 16 firms
✓ No – Total: 4 firms

20 of 20 respondents that answered “Yes” to Q1 answered this question

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

By this, we mean to ask whether any of this work was carried out by lawyer/s from your firm who had travelled to a RRR area (for example, through face to face assistance, secondments, joint projects or clinics)?

✓ Yes (please continue to the next question) – Total: 12 firms – Group A: 4 firms, Group B: 6 firms, Group C: 2 firms
✓ No (please go to question 7) – Total: 8 firms – Group A: 1 firm, Group B: 3 firms, Group C: 4 firms

20 of 20 respondents that answered “Yes” to Q1 answered this question

Q5 – What percentage of your work that was focussed on RRR areas was provided on an outreach basis?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>80%</th>
<th>50%</th>
<th>5%</th>
<th>3%</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>100%</td>
<td>20-30%</td>
<td>25%</td>
<td>15%</td>
</tr>
<tr>
<td>GROUP C</td>
<td>10%</td>
<td>2%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12 of 12 respondents that answered “Yes” to Q4 answered this question

Q6 – Is this answer an estimate?

✓ Yes – Total: 11 firms – Group A: 4 firms, Group B: 5 firms, Group C: 2 firms
✓ No – Total: 1 firm – Group B: 1 firm

12 of 12 respondents that answered “Yes” to Q4 answered this question

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

<table>
<thead>
<tr>
<th>GROUP A</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Referrals from RRR CLCs * Acted for clients in 107 RRR communities * Short secondment to CLC * Telephone clinics</td>
</tr>
<tr>
<td>Referrals from NFP</td>
</tr>
</tbody>
</table>

113
Referrals from ATSILS, a lot of governance work for Aboriginal Corporations, some work for not for profits, a secondment of a senior lawyer through Jawun.

Secondments to remote or regional legal clinics

We second a lawyer to an Aboriginal Legal Service in the Northern Territory, we engage in outreach clinics in RRR areas of NSW, we obtain referrals from RRR CLCs, we perform legal education in RRR areas and we occasionally travel to RRR areas for specific matters.

GROUP B
ATSILS, Not for profits, Arts Centres and CLCs

Indigenous Wills Clinics with the Central Coast Community Legal Centre [and two other law firms].

Large litigious matters and research projects where the beneficiaries of the work are members of the RRR community

On site clinics in regional NSW

One area of our work is working to ensure that Indigenous artists in Australia have their copyright protected. Many of these artists live in remote areas.

Projects are developed independently

Referrals from advocacy groups regarding aboriginal land use

Referrals from NFPs, Artists in the Black outreach, virtual clinics

Wills and tenancy work through CLSDM, CLC relationships and ATSILS relationships, high court litigation through own connections, local court litigation and discrim matters through clc and legal aid referrals

GROUP C
external and internal referrals

HPLS clinic in Newcastle

referrals from ATSILs

Referrals from various sources

Relationship established with Arts Law and one of the regional art studios, working with Artists in the Black.

Relationship with NFP which focuses on microfinance of Indigenous businesses.

20 of 20 respondents that answered “Yes” to Q1 answered this question

Q8 – Has your firm used video conferencing to communicate with its RRR-based clients and partner organisations in the 2016 FY?

Yes (please continue to the next question) – Total: 4 firms – Group B 2 firms, Group C: 2 firms

No (please go to section 14) – Total: 12 firms – Group A: 3 firms, Group B: 6 firms, Group C: 3 firms

Don’t know (please go to section 14) – Total: 4 firms – Group A: 2 firms, Group B: 1 firm, Group C: 1 firm

20 of 20 respondents that answered “Yes” to Q1 answered this question

Q9 – Have you found that using video conferencing is an effective method of communication? Have there been any issues for your firm, partner organisations and/or clients in the use of this technology?

Skype (not video). Yes it was effective with the RRR CLC clients

Yes but availability for remote organisations is patchy

Its a very effective mechanism

To a limited extent, yes. But our experience has been limited.

4 of 4 respondents that answered “Yes” to Q8 answered this question
Section 14: International pro bono legal work

Q1 – Did your firm in Australia do “international pro bono legal work” in the 2016 FY?

“International pro bono legal work” in this Survey means pro bono legal work focused 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, or judicial assistance. It could take the form of pro bono legal work conducted:

- outside Australia, by lawyers who are provided from, or supervised by, 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.

✓ Yes (please continue to the next question) – Total: 16 firms – Group A: 6 firms, Group B: 8 firms, Group C: 2 firms
✓ No (please go to section 14) – Total: 25 firms – Group A: 1 firm, Group B: 6 firms, Group C: 18 firms
✓ Don’t know (please go to section 14) – Total: 0 firms

Q2 – What percentage of your firm in Australia’s overall pro bono legal work (by number of new files opened) in the 2016 FY was international pro bono legal work?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>6.9%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5%</td>
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<td></td>
<td>5%</td>
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<td></td>
<td>3%</td>
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<td></td>
<td>1.8%</td>
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<td></td>
<td>1%</td>
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<tr>
<td>GROUP B</td>
<td>10%</td>
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<td></td>
<td>8%</td>
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<td></td>
<td>5%</td>
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<td>5%</td>
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<td>2%</td>
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<td></td>
<td>2%</td>
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<tr>
<td></td>
<td>0.24%</td>
</tr>
<tr>
<td>GROUP C</td>
<td>10%</td>
</tr>
<tr>
<td></td>
<td>8%</td>
</tr>
</tbody>
</table>

15 of 16 respondents that answered “Yes” to Q1 answered this question

Q3 – Is this answer an estimate?

✓ Yes – Total: 12 firms – Group A: 4 firms, Group B: 6 firms, Group C: 2 firms
✓ No – Total: 3 firms – Group A: 1 firm, Group B: 2 firms

15 of 16 respondents that answered “Yes” to Q1 answered this question

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

By this, we mean to ask whether any of this work was carried out by your Australian lawyers who had travelled overseas (for example, through face to face assistance, secondments, joint projects or clinics)?
16 of 16 respondents that answered “Yes” to Q1 answered this question

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

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>0.5%</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>8%</td>
</tr>
<tr>
<td></td>
<td>2%</td>
</tr>
</tbody>
</table>

4 of 5 respondents that answered “Yes” to Q4 answered this question

Q6 – Is this answer an estimate?

✓ Yes – Total: 3 firms – Group A: 1 firm, Group B: 2 firms
✓ No – Total: 1 firm – Group B: 1 firm

4 of 5 respondents that answered “Yes” to Q4 answered this question

Q7 – Please briefly describe the type of international pro bono legal work your firm has undertaken:

| GROUP A | Capacity building assistance to overseas humanitarian workers to investigate and support human rights issues; Commercial advice to international aid organisations (to its boards not based in Australia).
|         | Cross border research projects, assisting international organisations with Australian projects or to set up new corporate structures in Australia and assisting Australian organisations with impact internationally with organisational issues (such as tax, employment or governance issues)
|         | General advices for Australian-based agencies delivering humanitarian services in developing nations
|         | Some human rights advocacy work and some policy and law reform work.
|         | Some research for international charities & NGOs. Advice on Australian law to international charities.
|         | We have worked on a broad range of pro bono projects and matters across our offices including the following: • drafting materials and delivering legal training and workshops in universities; • multi-jurisdictional research projects; • pro bono commercial and corporate governance work for NFPs and charities; and • providing advice and representation for individual clients.
| GROUP B | Advising potential claimants regarding possible causes of actions in respect of alleged loss caused by Australian Companies
|         | Eg: Comparative research project across global jurisdictions on human rights issues to assist NGOs lobby/progress change.
|         | Legal education workshop
|         | Major research project for a global NFP seeking better living and working conditions for men and women in the fishing industry in the Philippines. The project involved a number of global law firms
|         | Policy etc assistance to the United Nations Commission on International Trade Law
|         | Undertaking skills training for community lawyers in Myanmar
We do legal training for lawyers who work for the PNG Government. We also did some legal training for judges of the Supreme Court of Nauru.

**GROUP C**
- Cross jurisdictional work as required by other offices
- Desktop research for international not for profit organisations

15 of 16 respondents that answered “Yes” to Q1 answered this question

**Section 15 – Government tender arrangements for legal services**

**Q1 – Is your firm on the Commonwealth Government’s Legal Services Multi-Use List or the Victorian Government Legal Services Panel?**

- **Yes, both** – Total: 18 firms – Group A: 7 firms, Group B: 6 firms, Group C: 5 firms
- **Yes, the Commonwealth Government’s Legal Services Multi-Use List only** – Total: 19 firms – Group B: 7 firms, Group C: 12 firms
- **Yes, the Victorian Government Legal Services Panel only** – Total: 0 firms
- **No** – Total: 4 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 Government’s Legal Services Multi-Use List:**

**GROUP A**
- Sole focus on average hours per lawyer is too narrow - it does not measure impact, it does not value community hours outside the definition of pro bono
- The Victorian process is much more thorough. The Commonwealth does not require specifics of any work.

**GROUP B**
- Our firm does not record the total amount of pro bono work. It does in terms of hours worked. We focus on the impact of the probo work in terms of its potential to address injustice and matters of broad community concerns. This can make reporting for the purposes of the survey difficult.
- Very important means of promoting a pro bono culture

**GROUP C**
- It would be a better structure to allow firms to research what pro bono matters are listed and then allow the firm to choose
- It would be a more accurate account of what resources a firm is allocating to pro bono legal work if other staff (ie paralegals) not just lawyers, were included in the reporting and if pro bono work was reported as a percentage rather than on the amount of hours as reporting only on the amount of hours gives an unfair advantage to larger firms
- It is the gold requirement. It helps push and engage internal stakeholders who are not necessary orientated towards altruism.
- Rarely mentioned in tender process or debrief. We note it is only a requirement to sign up to target not meet target and query the benefit of this if Firms are not meeting the target.
- We would like to see paralegals' time included for the purposes of the Target, and reporting.

**Victorian Government Legal Services:**

**GROUP A**
- On the whole, it’s a good process.
- The Victorian model is now well established and accepted as part of doing business on the Victorian Govt Panel.

**GROUP B**
- Should be consistent with Commonwealth approach.
- Very important means of promoting a pro bono culture
GROUP C

Have not been asked to report. Appears to have little practical input into the tendering processes.

Reporting too complex

**10 of 37 respondents that answered “Yes” to Q1 answered this question**

**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: 7 firms, Group B: 14 firms, Group C: 20 firms
- No (please go to question 9). More information on the National Pro Bono Aspirational Target, including a list of current signatories, can be found on our website at probonocentre.org.au/provide-pro-bono/aspirational-target – Total: 0 firms

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

- Yes (please continue to the next question) – Total: 35 firms – Group A: 7 firms, Group B: 12 firms, Group C: 16 firms
- No (please go to question 9) – Total: 6 firms – Group B: 2 firms, Group C: 4 firms

As reporting on the National Pro Bono Aspirational Target is confidential, questions 3-8 are not included in this Appendix. The “Ninth Annual Performance Report on the National Pro Bono Aspirational Target” can be found on the National Pro Bono Aspirational Target page on our website.

Q9 – Do you anticipate that your firm will reach an annual average of at least 35 pro bono hours per lawyer per year during the 2017 FY?

- Yes – Total: 21 firms – Group A: 6 firms, Group B: 10 firms, Group C: 5 firms
- No – Total: 15 firms – Group A: 1 firm, Group B: 2 firms, Group C: 12 firms
- Don’t know – Total: 5 firms – Group B: 2 firms, Group C: 3 firms

**Section 17 – What else can you tell us?**

Q1 – What is the single most crucial factor in the success of your firm’s pro bono program?

**GROUP A**

- Clear goals, strategic plan and philosophy
- Staffing resources with pro bono expertise
- Management and partner support
- 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.

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.

Enthusiasm of staff
- Access to interesting and challenging public interest matters, and matters for charitable organisations
- Partner leadership and support
- Monitoring of matters to ensure quality is high and risk issues minimised
- Recognising and rewarding those who achieve great impact and outcomes for clients.

Leadership

Leadership buy-in

Partner support - not just in principle but through direct supervision and matter involvement.

The most crucial factor is that the pro bono practice is treated as a stand alone legal practice, which is managed by a partner and which has the same expectations and treatment as any commercial practice within the firm.

GROUP B

A culture of supporting access to justice.

A focus and commitment (including requirement to report) by Cth Government on having firms aspire to meet the National Aspirational Pro Bono Target.

Continued commitment from partners and in particular young lawyers to providing the program.

Engagement by all practice groups in Sydney and Melbourne

Enthusiastic champions for Pro Bono among our coordinators and strong support by the partners led by our Managing Partner

Establishing a dedicated pro bono practice

Firm support

It is led by senior people in the firm and we have strong relationships with the community access to justice sector and focus on unmet need

Its capacity to engage staff in the pursuit of social justice achieved through litigation and the firm's involvement in partner organisations

Joint venture relationship with [community legal organisation]

Leadership from the very top. Strong and support culture of pro bono

Support from management and the partners

[Information removed to protect respondent anonymity]. We have limits on how many people we may employ and sometimes finding lawyers able to take on pro bono work is very difficult because of their workloads.

GROUP C

Awareness of and support of program across the firm.

Commitment of our lawyers and the focus of the firm.

Continued Partner and Senior Management support.

Currently, the strength and reputation of our commercial team and the work they do for the charitable sector.

Engagement by staff

Enthusiasm of youth

Expertise in relevant area of law

Leadership

Management support and recognition for participation in the pro bono program

Managing partner endorsement and it becoming part of the firm wide strategy

Partnership support + participation in the program

Preparedness of partners to actively support

Principals of the firm are committed to achieving the NPBAT. Currently, the CEO, head of HR and Marketing, two Equity Principals, Senior staff and Pro Bono Coordinator serve on the Pro Bono Committee. It is compulsory for staff at a junior level to participate in the CSR program. In addition, employee contracts include bonus conditions which encourage participation from staff.

Recognising and rewarding participation

Staff's willingness to 'give back' to the wider community, inspired and motivated by partner involvement
Support from the managing partner
Support of Executive Chairman, Executive and Board
The community awareness and connection received through our staff’s engagement in the program and how the variety of work enhances our staff’s skillsets.
Utilising available resources to achieve concrete outcomes for access to justice
Whole of firm interest in and commitment to the pro-bono work we do, and a continuing deep understanding of its importance to the firm’s culture

40 of 41 respondents answered this question

Q2 – What are the top three challenges for your firm’s pro bono program?

<table>
<thead>
<tr>
<th>Challenges</th>
<th>Tick (√)</th>
<th>Top Three</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lack of information about pro bono opportunities</td>
<td>Total: 8 firms - Group A: 1 firm, Group B: 3 firms, Group C: 4 firms</td>
<td></td>
</tr>
<tr>
<td>Lack of management or partner support within the firm</td>
<td>Total: 7 firms – Group A: 1 firm Group B: 0 firms Group C: 6 firms</td>
<td></td>
</tr>
<tr>
<td>Concern about conflict of interest with fee paying clients</td>
<td>Total: 10 firms - Group A: 1 firm Group B: 4 firms Group C: 5 firms</td>
<td></td>
</tr>
<tr>
<td>Pro bono hours do not count as billable hours or financial targets</td>
<td>Total: 9 firms - Group B: 2 firms Group C: 7 firms</td>
<td></td>
</tr>
<tr>
<td>Firm capacity</td>
<td>Total: 33 firms - Group A: 5 firms Group B: 12 firms Group C: 14 firms</td>
<td></td>
</tr>
<tr>
<td>External economic climate</td>
<td>Total: 7 firms - Group A: 2 firms Group B: 3 firms Group C: 2 firms</td>
<td></td>
</tr>
<tr>
<td>Insufficient expertise in relevant areas of the law</td>
<td>Total: 15 firms - Group A: 1 firm Group B: 7 firms Group C: 7 firms</td>
<td></td>
</tr>
<tr>
<td>Ability to fund external disbursements</td>
<td>Total: 5 firms - Group B: 3 firms Group C: 2 firms</td>
<td></td>
</tr>
<tr>
<td>Significant structural changes within the firm</td>
<td>Total: 4 firms - Group A: 2 firms Group C: 2 firms</td>
<td></td>
</tr>
<tr>
<td>Already doing enough pro bono</td>
<td>Total: 0 firms</td>
<td></td>
</tr>
<tr>
<td>Too much work to build the practice</td>
<td>Total: 2 firms - Group C: 2 firms</td>
<td></td>
</tr>
<tr>
<td>Other, please specify</td>
<td>Total: 8 firms – Group A: 2 firms Group B: 3 firms Group C: 3 firms</td>
<td></td>
</tr>
<tr>
<td><strong>GROUP A</strong></td>
<td>The risk of further reduction to Community Legal Centre funding, making it more difficult for clients to find their way to pro bono assistance.</td>
<td></td>
</tr>
<tr>
<td><strong>GROUP B</strong></td>
<td>Capacity of busy lawyers to undertake work</td>
<td></td>
</tr>
<tr>
<td>Challenges</td>
<td>Tick</td>
<td>Top Three</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Sustainable staff involvement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>What is the actual cost of running the pro bono program and the assumption by partners that fee value equates to an opportunity cost for the firm.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>GROUP C</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broadening participation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In process of formulating a strategic pro bono plan</td>
<td></td>
<td></td>
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<tr>
<td>Our program is still in its early development stages.</td>
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<td></td>
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<tr>
<td>Size of the team</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

39 of 41 respondents answered this question

Q3 – Is your firm delivering pro bono legal assistance in any new or innovative ways since the last Survey, in July 2014, which you wish to share?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Cross-border collaboration</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>We have developed an active, deep-discounted practice in the areas of social finance and impact investment (including social impact bonds).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>- collaborative project with another law firm and a CLC to address outcomes for financially disadvantaged women with small property pools</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Health Justice Partnerships around family violence</td>
</tr>
<tr>
<td></td>
<td>- Asylum seeker clinics developing, leading and collaborating with other law firms and CLC.</td>
</tr>
<tr>
<td></td>
<td>A significant number of lawyers involved with refugee legacy caseload.</td>
</tr>
<tr>
<td></td>
<td>Implemented new programs with community legal centres including RACS, Refugee Legal, Women’s Legal Service Victoria. Introduced QPILCH LegalPod program for our Brisbane office.</td>
</tr>
<tr>
<td></td>
<td>Partnering with community legal organisations to provide assistance to asylum seekers. A dedicated team working on social justice matters 100% of the time.</td>
</tr>
<tr>
<td></td>
<td>Pro bono scheme unchanged</td>
</tr>
<tr>
<td></td>
<td>Yes, developing an app, undertaking telephone advice outreach with two RRR clcs</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP C</th>
<th>Addressing gaps in community legal sector advocacy through the Law Reform Hub</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Established a secondment to Women’s Legal Service. First years as signatories to the Target. Appointed CSR Manager.</td>
</tr>
<tr>
<td></td>
<td>HPLS legal clinic in Newcastle Asylum Seeker Centre legal clinic</td>
</tr>
<tr>
<td></td>
<td>There is now a dedicated pro bono team operating under a structured program that enables some staff to receive budget relief in order to focus on pro bono matters.</td>
</tr>
<tr>
<td></td>
<td>We have opened up secondments opportunities to staff to widen the &quot;spread&quot; of PB work across the firm. We are implementing a CPD training program for in house lawyers at community legal centres</td>
</tr>
<tr>
<td></td>
<td>Yes - Federal Circuit Court Migration Refugee</td>
</tr>
</tbody>
</table>

14 of 41 respondents answered this question

Q4 – Is there anything else that would be useful for us to know about your firm’s pro bono program?

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>Material growth in pro bono hours per lawyer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>We are building our pro bono program and have increased our pro bono hours over the past two years.</td>
</tr>
</tbody>
</table>
We would suggest reporting a number of the figures you have requested as hours spent as opposed to number of files opened as this would more accurately reflect the nature of our pro bono practice. For example, we do not open a new file for every individual we assist at a clinic or a community legal centre, so our reporting does not accurately reflect the amount of work undertaken for individuals as opposed to organisation. Also, usually it would take longer to work on a matter for an individual due to their lack of understanding of legal processes etc. It would be more useful to know the amount of assistance provided in terms of hours. The same would apply for many of the other questions you have asked where the figures are based on number of files opened.

**GROUP C**
The firm has restructured
We are building our pro bono program and have increased our pro bono hours over the past two years.
We are currently developing pro bono

6 of 41 respondents answered this question

Q5 – The Centre recently released *The Australian Pro Bono Best Practice Guide*. Is it useful to you and your firm?

- Very useful – Total: 21 firms – Group A: 3 firms, Group B: 8 firms, Group C: 10 firms
- Somewhat useful – Total: 16 firms – Group A: 3 firms, Group B: 4 firms, Group C: 9 firms
- Not useful – Total: 2 firms – Group A:1 firm, Group B: 1 firm
- Don’t know, or was not aware of this new resource – Total: 2 firms – Group B: 1 firm, Group C: 1 firm

41 of 41 respondents answered this question

Q6 – The abbreviated version of *The Australian Pro Bono Best Practice Guide* lists ten key elements of a best practice pro bono program. Please tick up to three areas in which you think your firm could most improve:

<table>
<thead>
<tr>
<th>Key elements of a best practice pro bono program</th>
<th>Tick Top Three (✓)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A strong social justice and pro bono culture supported by management</td>
<td>Total: 7 firms – Group A: 2 firms Group B: 2 firms Group C: 3 firms</td>
</tr>
<tr>
<td>2. A dedicated pro bono leader</td>
<td>Total: 5 firms – Group A: 1 firm Group B: 4 firms</td>
</tr>
<tr>
<td>3. Broad awareness of the pro bono program within the firm</td>
<td>Total: 11 firms – Group A: 7 firms Group B: 3 firms Group C: 1 firm</td>
</tr>
<tr>
<td>4. Broad engagement of staff and appropriate training</td>
<td>Total: 15 firms Group A: 2 firms Group B: 3 firms Group C: 10 firms</td>
</tr>
<tr>
<td>5. A pro bono policy and strategic plan</td>
<td>Total: 4 firms Group C: 4 firms</td>
</tr>
<tr>
<td>6. Performance of pro bono legal work to the same standard as commercial work</td>
<td>Total: 5 firms Group A: 1 firm Group B: 1 firm Group C: 3 firms</td>
</tr>
<tr>
<td>Key elements of a best practice pro bono program</td>
<td>Tick Top Three (✓)</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>------------------</td>
</tr>
</tbody>
</table>
| 7. Adequate crediting and recognition of pro bono legal work within the firm | Total: 12 firms  
Group B: 2 firms  
Group C: 10 firms |
| 8. Setting a firm-wide pro bono target and budget | Total: 5 firms  
Group B: 1 firm  
Group C: 4 firms |
| 9. Strong and deep relationships with community partners | Total: 12 firms  
Group A: 1 firm  
Group B: 4 firms  
Group C: 7 firms |
| 10. A strategic risk management plan including accurate record keeping and a regular evaluation process | Total: 6 firms  
Group A: 1 firm  
Group B: 3 firms  
Group C: 2 firms |
| Not applicable, or do not wish to answer | Total: 8 firms  
Group A: 2 firms  
Group B: 5 firms  
Group C: 1 firm |

41 of 41 respondents answered this question

Q7 – Is there anything that the Australian Pro Bono Centre can do to help your firm with its pro bono legal work, or to assist the pro bono sector in general?

**GROUP A**
- Assistance with evaluating impact.

**GROUP B**
- Keep promoting best practice
- Liaise with Government re clearing of conflicts and appropriate messaging to firms around the value Government puts on the pro bono work, including work where there may be a commercial conflict.
- More information on pro bono opportunities which call for services within our areas of expertise,
- Not really
- To be considered

**GROUP C**
- Anecdotally, it’s said that firm lawyers who are high performers in pro bono are high performers in their commercial work. As far as I know there is no data proving this. Would be great for the Survey to ask, ie: of your lawyers who performed 35 or more, what percentage met their budget?
- No
- The APBC website is a very important resource for us in the work we do. Maintaining that resource at the same excellent level will remain very important to our practice
- The resources and accessibility of the staff at the Centre have been of immense value to me in setting up the pro bono program here. All I would say is keep doing what you are doing.

10 of 41 respondents answered this question

Q8 – We would appreciate it if you are able to provide your contact details, as it will assist the Centre to:
- follow up queries or inconsistencies in the data provided
- identify and follow up firms that have not responded by the due date

If you provide your contact details, we will:
- send you an advance copy of the final report
- not contact you with reminder emails in relation to the completion of the survey

All information will be kept strictly confidential and no firm will be identified by name in the report

Answers removed to protect respondent anonymity.
Appendix 2: Definitions

“Pro bono hours per lawyer per year”

This figure is arrived at by taking the number of hours of pro bono legal work (see below) 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 2016 FY, please average the number of FTE lawyers on the first day and last day of the financial year:

\[
\text{(FTE lawyers at 1 July 2015 + FTE lawyers at 30 June 2016)} \div 2
\]

"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):

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;
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.

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

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.

**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 full time equivalent (FTE) lawyers on the first day and last day of the financial year:

  \[
  \frac{(\text{FTE lawyers at 1 July 2015} + \text{FTE lawyers at 30 June 2016})}{2}
  \]

- “Firm’s 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 as hours of pro bono legal work.

- National Pro Bono Aspirational Target Signatories have the option of separately reporting paralegal hours where the work performed is of a legal nature and would otherwise be charged to the client if it were a commercial matter.

- 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.

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