

# National Pro Bono Aspirational Target: The Target at Ten Years

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# Introduction

The [National Pro Bono Aspirational Target \(Target\)](#) is a voluntary target that Australian law firms, incorporated legal practices (together **firms**), individual solicitors (including in-house corporate and government lawyers) and barristers are encouraged to adopt by becoming signatories and by signing a [Statement of Principles](#).

Signatories to the Target agree to use their best efforts to provide at least 35 hours of [pro bono legal services](#) per lawyer per year, adhere to the Statement of Principles and report annually to the Australian Pro Bono Centre (**Centre**) on whether they have met the Target in the previous year.

The National Pro Bono Resource Centre (as it then was) launched the Target on 26 April 2007. The target of at least 35 hours per lawyer per year was based on National Pro Bono Law Firm Survey data at the time that indicated that the top performing firms in Australia were sitting just below that point.

Over the last ten years the Target has helped to foster the growth of pro bono in Australia, especially in large and mid-sized firms. Pro bono legal practice has gained a certain maturity, of which Target signatories can be proud.

The ten-year anniversary of the Target is a time to celebrate these achievements and provides an opportunity to reflect, consolidate, and consult, to ensure that the Target remains relevant as a benchmark of performance and a catalyst for further growth.

## About this discussion paper

**Part A** of this discussion paper provides an overview of the Target's impact on pro bono in Australia.

**Part B** is divided into six sections. Each section discusses a key element of the Target scheme:

1. The definition of "pro bono legal services"
2. The metric of hours of pro bono legal work per lawyer per year
3. The target of at least 35 hours per lawyer
4. The aspirational nature of the Target
5. The number of Target signatories, and
6. Government legal services tender arrangements.

**At the end of each section in Part B, there is an invitation to respond to the discussion by providing your comments and in some cases, by answering specific questions.**

The full list of questions is set out at Appendix 7.

**You can also provide your comment on any other aspect of the Target scheme.**

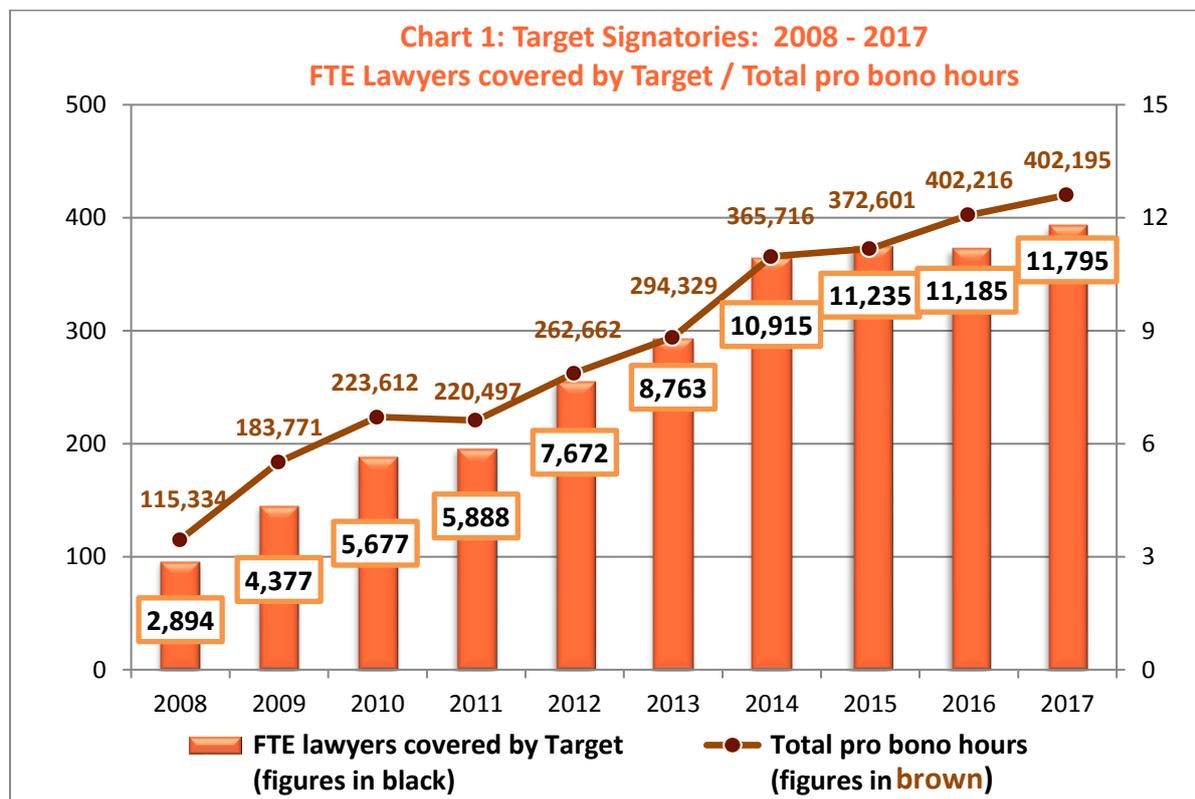
This discussion paper is one of several opportunities to participate in the review process. Please send your responses to the Centre at [info@probonocentre.org.au](mailto:info@probonocentre.org.au).

**Responses are due by 30 November 2017.**

## Part A: The Impact of the Target

In its 10-year history, the Target has done much to drive the growth of pro bono legal work in Australia and to strengthen the pro bono culture across the profession.

In its first year of operation, the Target gained 58 signatories (30 law firms, 13 solicitors and 15 barristers), covering approximately 3,000 FTE legal professionals. As at 30 June 2017 the Target register had grown to 136 signatories (100 law firms, incorporated legal practices and sole practitioners, 24 individual solicitors and 12 barristers), covering over 11,900 FTE lawyers. In FY2008 Target signatories collectively reported doing 115,334 hours of pro bono legal work, and by FY2017 that figure had grown to 420,195 hours. **Chart 1** shows a steady rise in both the number of lawyers covered by the Target and the overall hours of pro bono legal work.



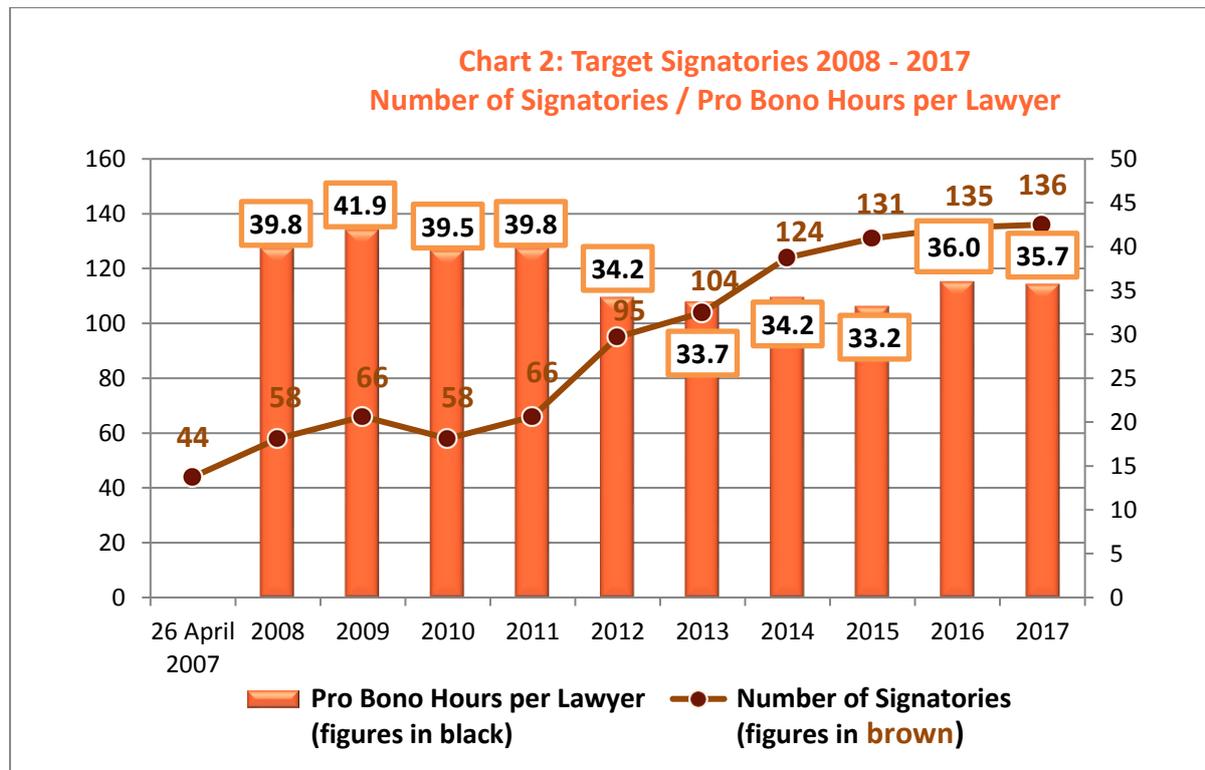
The Target continues to increase its presence in the Australian legal profession. In 2011, 9.9% of lawyers in Australia were covered by the Target; by 2014 that figure had grown to 16.5%.<sup>1</sup>

Over the last ten years, the Target has also helped to grow the capacity of its signatories to do pro bono work. In FY2017, for the second consecutive year, signatories on average exceeded the target

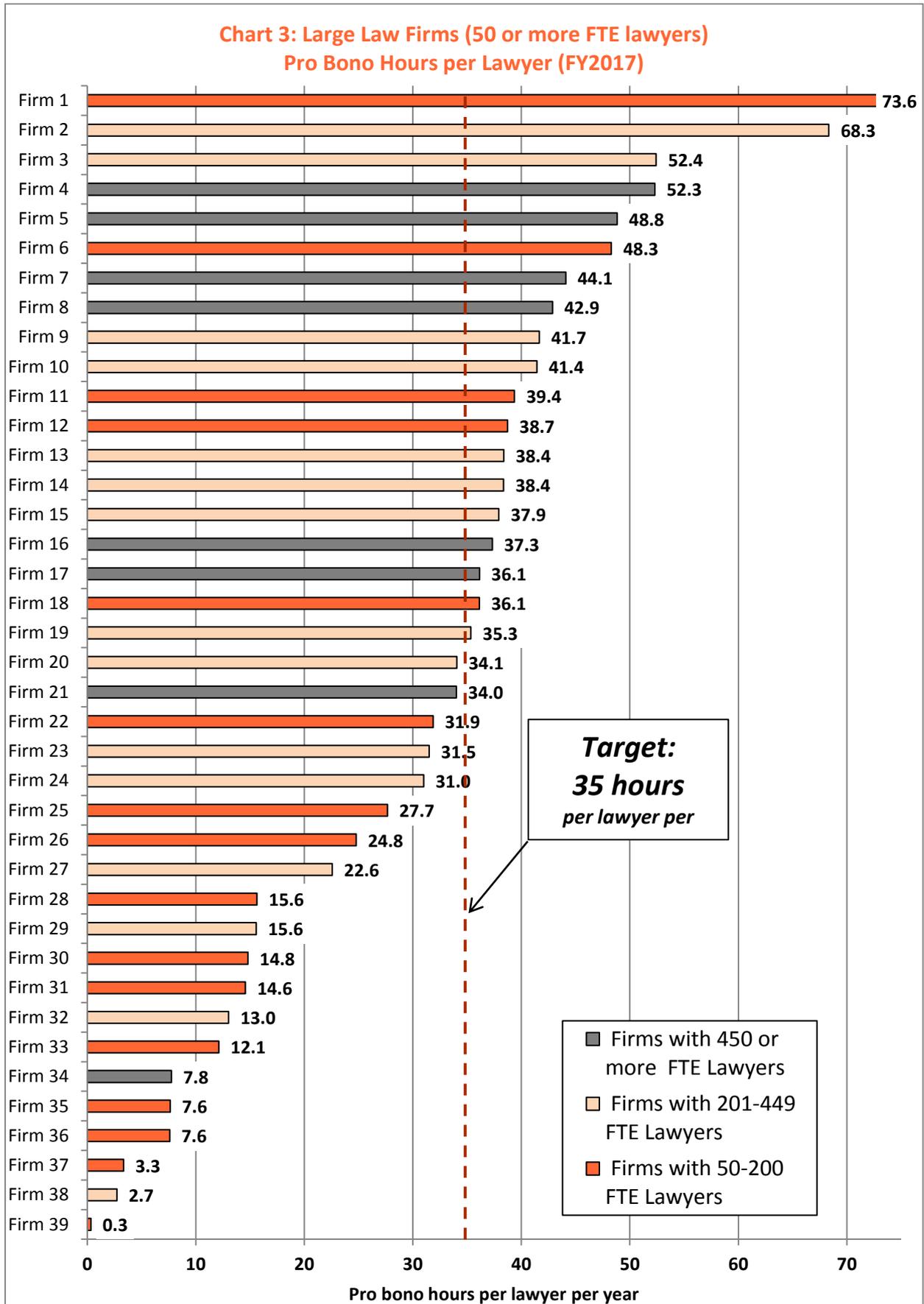
<sup>1</sup> Based on figures provided in the 2014 Law Society National Profile, Final Report, April 2015, <https://www.lawsociety.com.au/cs/groups/public/documents/internetcontent/1005660.pdf>.



of 35 hours of pro bono legal work per lawyer. **Chart 2** shows the pattern of the cohort's pro bono performance. Much of the renewed growth in the last five years comes from mid-size firms (50-449 FTE lawyers) where the Centre has been directing much of its effort.



Within this overall growth, the scale of pro bono practice varies widely. For example, in FY2017 law firm Target signatories reported between zero and 364 hours of pro bono work per lawyer. **Chart 3** (on the following page) sets out the hours per lawyer reported by large firms (50 or more FTE lawyers) in FY2017, firm by firm.





The development of the Target has influenced, and been influenced by, a growing pro bono culture in Australia and internationally. In Australia, the Target underpins the pro bono requirements in the legal services tender arrangements of the Commonwealth, New South Wales and South Australian governments. This in itself has proven a powerful driver of growth in pro bono legal work. **Table 1** below places the development of the Target in an historical and international context.

**Table 1: The development of pro bono targets in Australia and in other jurisdictions**

Year	Australia	Pro bono target schemes, programs and declarations in other jurisdictions
1969		<b>US:</b> American Bar Association's <a href="#">Model Code of Professional Responsibility</a> outlines the "basic responsibility for providing legal services for those unable to pay" and to "find time to participate in serving the disadvantaged".
1993		<b>US:</b> American Bar Association's <a href="#">Model Rules of Professional Conduct Rule 6.1</a> incorporates a non-enforceable obligation to render an average of 50 hours of pro bono legal services a year.
1995		<b>US:</b> Pro Bono Institute (PBI) implements <a href="#">Law Firm Pro Bono Challenge</a> , inviting firms of more than 50 FTE lawyers to commit to either: <ul style="list-style-type: none"> <li>• 5% of the firm's total billable hours (estimated at 100 hours per lawyer per year); or</li> <li>• 3% of firm's total billable hours (estimated at 60 hours per lawyer per year).</li> </ul>
2002	<b>VIC</b> Government implements <a href="#">Legal Services Panel</a> , requiring firms, as part of the tender process, to commit to pro bono legal work valuing 5%-15% of the legal fees paid to them under government contracts. Most firms nominate 15%.	
2005		First Latham and Watkins <i>Survey of Pro Bono Practices and Opportunities in Selected Jurisdictions (LW Survey)</i> , prepared for the PBI, identifies pro bono practices and opportunities in 11 jurisdictions.
2006		<b>UK:</b> Bar Pro Bono Unit and LawWorks develop and launch <a href="#">Joint UK Protocol for Pro Bono Legal Work</a> , setting "core values of pro bono legal work to assist both those who undertake it and their clients" but including no specific target. <b>Singapore:</b> Law Society of Singapore recommends qualified lawyers <a href="#">pledge</a> to at least 25 hours pf pro bono legal work per year,



		and starts to enter into agreements with particular firms that commit to this target.
<b>2007</b>	National Pro Bono Resource Centre (now Australian Pro Bono Centre) launches <a href="#">National Pro Bono Aspirational Target</a> .	<b>Poland:</b> Lawyers for the Public Good sign <a href="#">Pro Bono Publico Declaration</a> , committing to serve institutions and organisations that work for the public good and individuals lacking means to pay for legal advice.
<b>2008</b>	<b>Commonwealth</b> introduces 'pro bono conditions' in legal services tender arrangements, requiring a firm's pro bono commitment to be taken into account. <b>Target signatories</b> number 58 and report more than 100K hours of pro bono legal work.	International Bar Association (IBA) <a href="#">Pro Bono Declaration</a> calls on lawyers, law firms and bar associations to provide pro bono legal services encourages the promotion of pro bono by law firms, universities and governments. <b>Latin America</b> and <b>US:</b> signatories to <a href="#">Pro Bono declaration for the Americas</a> commit to more than 20 hours or 3 days of pro bono legal work per lawyer per year.
<b>2009</b>	<b>Commonwealth</b> Senate Legal and Constitutional Affairs References Committee releases <a href="#">report on Access to Justice</a> , recommending that state and territory governments and legal professional associations in Australia promote participation in formal pro bono schemes, including the Target.	<b>Nigeria:</b> Bar Association launches <a href="#">Pro Bono Declaration</a> , under which signatories commit to 20 hours or 3 days or pro bono legal services per year. <b>UK:</b> Attorney General's <a href="#">Pro Bono Declaration</a> sets out core principles for pro bono work that is directed overseas.
<b>2010</b>	<b>Target signatories</b> report more than 200K hours of pro bono legal work.	
<b>2012</b>	<b>Commonwealth</b> introduces <a href="#">Legal Services Multi-Use List (LSMUL)</a> , requiring firms to be Target signatories or nominate a target value of pro bono work over a financial year.	
<b>2013</b>	<b>Commonwealth</b> agencies required to purchase legal services under LSMUL arrangements. <b>Target signatories</b> number over 100 and report almost 300K hours of pro bono legal work.	
<b>2014</b>	<b>Commonwealth</b> <a href="#">Productivity Commission Access to Justice Arrangements Inquiry Report</a> recommends that QLD, WA and NSW governments consider adopting the Target as part of their legal panel arrangements, and that all Attorneys-General promote the value of pro bono work. <b>Commonwealth</b> requires <a href="#">LSMUL</a> firms of 50 or more FTE lawyers to be Target	Thomson Reuters Foundation launches <a href="#">TrustLaw Index of Pro Bono</a> , which provides annual benchmarking data and information on the pro bono legal work of over 130 law firms in 75 jurisdictions. <a href="#">UK Collaborative Plan</a> launched, inviting participating law firms to commit to an aspirational target of at least 25 hours of pro bono per lawyer per year across their UK offices.



	<p>signatories. LSMUL firms of less than 50 FTE lawyers must either be Target signatories or nominate their own target value.</p>	
2015	<p><b>VIC</b> government announces its refreshed <a href="#">Legal Services Panel</a> will require firms, as part of the tender process, to commit to pro bono work valuing at least 10% of the legal fees paid to them under Vic government contracts. Many firms nominate in excess of 15%.</p> <p><b>SA:</b> government introduces <a href="#">legal services panel</a> arrangements requiring firms to report annually and encouraging they become Target signatories.</p>	<p><b>Nigeria:</b> Bar Association makes further <a href="#">Pro Bono Declaration</a>, encouraging lawyers and firms to provide pro bono legal representation or advice to at least 5 indigent individuals, group of persons or communities each year.</p>
2016	<p><b>Commonwealth:</b> 75 of 135 <a href="#">LSMUL</a> firms are Target signatories.</p> <p><b>VIC</b> refreshed Government <a href="#">Legal Services Panel</a> commences, requiring Victorian departments to select their legal counsel and services from the Panel or the Victorian Governments Solicitor's Office.</p> <p><b>NSW</b> government introduces <a href="#">legal services panel</a> arrangements requiring mid to large sized panel firms to use best endeavours to meet the Target. Service standards also require all panel firms to endeavour to meet the Target.</p> <p><b>Target signatories</b> on average exceed the Target for the first time in 5 years.</p>	<p>Thomson Reuters <a href="#">TrustLaw Index of Pro Bono</a> reports respondent firms achieve over 2.5 million hours of pro bono work in FY2016, or 39.2 hours per lawyer, covering 64,500 lawyers in 134 firms across 75 jurisdictions.</p> <p><a href="#">UK Collaborative Plan</a> participating firms achieve 283,839 hours of pro bono legal work, averaging 23 hours per lawyer. 17 of the 40 firms meet the 25-hour target.</p> <p><b>US:</b> PBI reports that 129 <a href="#">Law Firm Pro Bono Challenge</a> firms achieve 4.238 million hours of pro bono work in the 2015 calendar year, averaging 59.5 pro bono hours per attorney.</p> <p><b>South Africa:</b> <a href="#">Rules for the Attorneys' Profession</a> mandate that members of law societies in SA perform 24 hours of pro bono legal services for qualifying individuals.</p> <p>Latest <a href="#">LW Survey</a> benchmarks pro bono performance in 84 jurisdictions globally.</p>
2017	<p><b>VIC:</b> refreshed Government <a href="#">Legal Services Panel</a> measures place greater weight on pro bono contributions that deliver services in areas of unmet legal need, assisting individuals and CLCs.</p> <p><b>Target signatories</b> cover 11,900 FTE lawyers who aggregate 420,195 hours of pro bono legal work, on average exceeding the Target.</p>	<p><b>US:</b> PBI reports that 135 <a href="#">Law Firm Pro Bono Challenge</a> firms achieve 4.677 million hours of pro bono work in the 2016 calendar year, averaging 62 pro bono hours per attorney.</p>

## Part B: Key Elements of the Target

### 1. The **definition of “pro bono legal services”**

The Centre’s [definition of Pro Bono Legal Services](#)<sup>2</sup> is a lynchpin of Australian pro bono practice and gives expression to the Centre’s policy as to the meaning of pro bono. The definition is as follows:

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

The definition underpins the Target [Statement of Principles](#)<sup>3</sup> and the Centre’s National Law Firm Pro Bono Survey. It has also been adopted by the Commonwealth, New South Wales and South Australian governments to define “what counts” as pro bono in the pro bono requirements of their respective panel arrangements for the purchase of legal services. In each of these jurisdictions, panel firms report annually on the amount of pro bono legal work they have done under the definition. In the case of the Commonwealth, the reported figures of each firm are published and taken into account by departments in the allocation of legal work.

The Centre’s definition is widely used in large and mid-sized law firms, with 93% of respondents to the Fifth National Law Firm Pro Bono indicating they use it.<sup>4</sup>

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<sup>2</sup> See Appendix 1.

<sup>3</sup> See Appendix 2.

<sup>4</sup> Australian Pro Bono Centre, *Report on the Fifth National Pro Bono Law Firm Survey – Australian firms with fifty or more lawyers*, March 2017, <http://www.probonocentre.org.au/wp-content/uploads/2017/03/Report-on-the-Fifth-National-Law-Firm-Pro-Bono-Survey.pdf>, p 21.



Other definitions used in Australia contain similar wording, including those developed by the Law Council of Australia, the Law and Justice Foundation of NSW and the Victorian Government Department of Justice and Regulation.<sup>5</sup>

Adopting a clear, stable, tightly expressed definition of pro bono allows a law firm to:

- reinforce the professional responsibility of its lawyers to do pro bono legal work;
- clarify the ambit of its pro bono program to the firm and to the community;
- plan its pro bono program;
- assess requests and referrals for pro bono assistance;
- distinguish between pro bono work, commercial work and community engagement or business development activities; and
- measure and evaluate its pro bono program.

Stability is also important as it makes for reliable reporting, data collection and data analysis. Given that the Centre's definition of "pro bono legal services" has been incorporated into several government schemes whose aims include encouraging and promoting pro bono, the definition cannot easily be changed, and nor should it be without a strong case to do so.

To remain relevant, however, the definition must keep pace with current legal practice, by being capable of accommodating new or emerging models of legal services. There are issues as to whether, or to what extent, "pro bono legal services" should include:

- work done "for a substantially reduced fee", and
- work done for clients operating for profit.

### 1.1 Work done "for a substantially reduced fee"

The inclusion of reduced-fee work (sometimes called "low-bono" work) in the definition of "pro bono legal services" enables firms to take on public interest matters for clients that have a limited budget for legal fees. Examples of clients in this category include large charities, not-for profits (NFPs) and social enterprises. Some firms offer "blended" fee models that combine free, discounted and standard-fee work within one matter.

However, there are differing views amongst law firms as to whether low-bono work should be counted as "pro bono legal services". The words "substantially reduced fee" are open to interpretation and cover a broad range of fee structures, and in practice, this type of work can sit at the "grey margins" of pro bono. There is concern that including low-bono work in a pro bono program may serve as a distraction and dilute the pro bono program's focus on access to justice.

Restricting "pro bono legal services" to work done for no fee makes for a tighter, clearer definition. With this in mind, many large and mid-sized firms in Australia already exclude reduced-fee work from their own working definitions of pro bono, even though the broader definition is available for the purpose of reporting to government and to the Centre.

Excluding reduced-fee work would also align Australian pro bono practice more closely with the practice of leading overseas jurisdictions.<sup>6</sup> Several key pro bono initiatives in the US and Europe restrict their definitions to work which is done "for free or without expectation of a fee". Examples include the American Bar Association Model Rules of Professional Conduct, which have been adopted in most States, the Pro Bono Institute's Law Firm Pro Bono Challenge®, and the TrustLaw Index of Pro Bono which has been adopted by the UK Collaborative Plan.

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<sup>5</sup> For a discussion of definitions used in Australian see Australian Pro Bono Centre, "Other definitions of pro bono", <http://www.probonocentre.org.au/information-on-pro-bono/definition/other-definitions//>

<sup>6</sup> See further Appendix 4 — Initiatives in other jurisdictions

## 1.2 Work done for clients operating for profit

There is a separate issue concerning the distinction between NFP and for-profit clients.

From time to time the Centre is asked whether its definition of “pro bono legal services” includes work done for clients that operate wholly or partly for profit. The definition in para 1(b) does permit work for organisations (whether NFP or ‘for profit’) whose matter raises an issue of public interest which would not otherwise be pursued. Whether a matter raises an issue of public interest is generally understood to mean one that is distinct from an issue of private interest, and must be an issue that:

- is likely to affect a significant number of people;
- raises a matter of broad public concern; and/or
- has an impact on disadvantaged or marginalised groups.<sup>7</sup>

This issue arises most commonly in the context of social enterprises that assist disadvantaged individuals or communities rather than in a public interest context.<sup>8</sup> A social enterprise may be for-profit,<sup>9</sup> not-for-profit or a hybrid of the two. Examples include:

- small start-up businesses that trade for the benefit of the disadvantaged, or to fund a social mission;
- developers of open-source technology being developed to assist disadvantaged persons or organisations supporting them;
- established NFPs looking to fund their operations via a commercial arm; and
- one or more for-profit businesses collaborating to develop and fund a new NFP.

Leaving aside questions of interpretation, the issue raised for discussion is whether legal work without fee (or for a substantially reduced fee) for any of the above *should* do so.

Recent research indicates there is unmet legal need in the social enterprise sector.<sup>10</sup> While organisations such as Justice Connect have developed general legal information about setting up a social enterprise,<sup>11</sup> there is limited access to free or affordable legal advice, particularly regarding profit-making legal structures. This is partly because the work requires a specialist skillset that matches the client’s particular circumstances and strategic objectives, as well as general commercial law expertise. It is also because models of free and affordable legal services in this area are still developing.

In practice, many firms restrict their pro bono programs to NFP clients, although the advent of social enterprises may challenge this approach. Other firms apply a “mission, matter, means”<sup>12</sup> approach and assess the circumstances of each potential pro bono client.

To date, there is no legislative framework in Australia defining the status of social enterprises or regulating their operation, although progress is being made. In 2011, the Senate Economics

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<sup>7</sup> From Guidelines for considering a proposed pro bono project by in-house counsel providing free legal advice and/or representation to charitable and community organisations at <http://www.probonocentre.org.au/wp-content/uploads/2016/04/APBC-PI-Scheme-Guidelines-17022016.pdf>.

<sup>8</sup> The issue also arises in the context of impact investment projects aimed at generating social outcomes as well as financial return.

<sup>9</sup> Also known as a “social business”.

<sup>10</sup> See for example B Morgan, J McNeill and I Blomfield, “Where are the Community Enterprise Lawyers? Towards an effective ecosystem of legal support for small-scale sustainable economy initiatives in Australia”, August 2016, <http://ssrn.com/abstract=2833818>.

<sup>11</sup> Justice Connect, *Not-for-profit Law Social Enterprise Guide*, [https://www.nfplaw.org.au/sites/default/files/media/Social\\_Enterprise\\_Guide\\_1.pdf](https://www.nfplaw.org.au/sites/default/files/media/Social_Enterprise_Guide_1.pdf).

<sup>12</sup> See the Association of Pro Bono Counsel, “Statement on the eligibility of non-profit entities for pro bono legal services”, <https://www.apbco.org/wp-content/uploads/2013/12/Mission-Matter-Means1.pdf>.



References Committee released its report on the subject<sup>13</sup> and in January 2017 the Commonwealth released its “Social Impact Investing Discussion Paper”<sup>14</sup> which investigates ways in which the government can develop the social impact investing market.

In this regard, Australia lags behind the UK<sup>15</sup> and several States in the US.<sup>16</sup> Within the US legislative framework, pro bono organisations including the Lex Mundi Pro Bono Foundation and the Pro Bono Institute have developed protocols on when a social enterprise (or equivalent) should qualify for pro bono legal assistance.<sup>17</sup>

The Centre’s view is that this issue should be re-examined if and when an Australian legislative framework is enacted that governs the operation of social enterprises including those operating partly or wholly for profit. Whether any change to the definition of “pro bono legal services” is required in the meantime is an open question.

### Questions

#### Question 1

*Should the definition of “pro bono legal services” exclude legal services provided at a substantially reduced fee?*

#### Question 2

*Should the definition of “pro bono legal services” include some types of work done for particular clients operating wholly or partly for profit? If so, what types of work, clients or circumstances might be appropriate? Could this be addressed by a Guidance Note rather than a change to the definition?*

### Comments

*Do you have any other comments about:*

- *pro bono legal services provided for a substantially reduced fee, or*
- *pro bono legal services provided to clients operating for profit?*

<sup>13</sup> Commonwealth of Australia, Senate Economics References Committee, “Investing for good: the development of a capital market for the not-for-profit sector in Australia” (Report), 2011, Chapter 1 – ‘Referral of Inquiry’

<sup>14</sup> Commonwealth of Australia, “Social Impact Discussion Paper”, January 2017, <https://cdn.tspace.gov.au/uploads/sites/72/2017/01/Social-Impact-Investing-Discussion-Paper.pdf>.

<sup>15</sup> See, for example, the *Companies (Audit, Investigations and Community Enterprise) Act 2004* (UK) and the *Community Interest Company Regulations 2005* (UK) which define a “community interest company”.

<sup>16</sup> See, for example, the *Social Purpose Corporations Act* (Corporations Code Div 1.5) (Cal) which defines a “social purpose corporation”; 2013 Maryland Code, Corporations and Associations (section 5-6C) which defines a “benefits corporation”.

<sup>17</sup> Lex Mundi Pro Bono Foundation, ‘Lawyers Helping Social Change Entrepreneurs Change the World’ p. 4. <http://www.lexmundi.com/document.asp?docid=5870>; The Pro Bono Institute, ‘Law Firm Pro Bono Challenge: Commentary to Statement of Principles’, 2016, p. 6. <http://www.probonoinst.org/wpps/wp-content/uploads/Law-Firm-Challenge-Commentary-2016.pdf>.

## 2. Hours per lawyer per year

The Target requires signatories to measure and report annually on the amount of pro bono legal work undertaken, using the metric of “hours of pro bono work per lawyer per year”. This metric is also used in the National Pro Bono Law Firm Survey, and in the tendering and reporting requirements of the Commonwealth LSMUL and NSW and South Australian legal services tendering schemes. In an international context, hours per lawyer is used in the PBI’s [Law Firm Pro Bono Challenge](#)<sup>18</sup>, the ABA [Model Rules of Professional Conduct](#), and the [UK Collaborative Plan](#).

“Hours per lawyer” is not the only metric used in Australia to measure pro bono legal work. For example, the Victorian government Legal Services Panel, which has been highly successful and a key factor in developing Victoria’s thriving pro bono culture, requires tendering firms to commit to a “pro bono obligation” expressed in financial terms. Firms commit to undertaking Pro Bono Services to the value of a nominated percentage of the legal fees received through Panel work, based on government rates or the usual charge-out rates of the lawyer involved. Since March 2016, Panel firms have been required to report annually (with quarterly updates) on both the financial value of their pro bono services, and on the hours of pro bono services per lawyer in the firm.

The Centre’s policy is that hours, rather than financial value, is the best metric for measuring pro bono legal work. This is because an hour is a fixed constant across firms and it takes into account a firm’s overall size, rather than the financial value of the work, which may be relatively small. It is also because the imperative to engage in pro bono legal work is considered a professional responsibility of every individual lawyer, which 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.

Other approaches to measuring and valuing pro bono legal work focus on social impact, rather than the quantitative input, of pro bono work. These approaches recognise that not all firms have the capacity to run large-scale pro bono initiatives and that small-scale, well-targeted projects can have a profound impact on the lives of clients. Research<sup>19</sup> has been conducted in the US discussing the New Measurement movement in the context of pro bono legal services, with a view to advancing the agenda of evaluating the quality, cost and social impact of pro bono legal work. In Australia, the Centre has developed a guide to developing an evaluative framework focused on the impact of a pro bono program.<sup>20</sup> Organisations such as Justice Connect have also developed evaluative frameworks for legal services initiatives, including pro bono initiatives, adopting a Theory of Change methodology.<sup>21</sup> Collaborative research<sup>22</sup> has also been conducted to develop a “modest, replicable, low cost and sustainable” approach for evaluating the impact of legal assistance services on broader client outcomes.

Pro Bono practices in large and mid-sized law firms in Australian are increasingly looking to incorporate impact-based approaches into their program evaluations. Anecdotally, however, many

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<sup>18</sup> The Law Firm Pro Bono Challenge invites firms of more than 50 FTE lawyers to commit to either 5% of the firm’s total billable hours (estimated at or 100 hours per lawyer per year); or 3% of firm’s total billable hours (estimated at or 60 hours per lawyer per year).

<sup>19</sup> S Scott and R Sandefur, “Beyond the Numbers: What We Know — and Should Know — About American Pro Bono”, 7 *Harvard Law & Policy Review* 83 (2013), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2239433##](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2239433##).

<sup>20</sup> For a discussion of social impact-centred methods of evaluating pro bono programs, see Australian Pro Bono Centre, *Australian Pro Bono Manual*, 3<sup>rd</sup> edition, Sydney, LexisNexis, 2016, Chapter 1.13.

<sup>21</sup> <https://www.justiceconnect.org.au/our-impact/how-we-measure-our-impact>.

<sup>22</sup> L Curran and A Crockett, Measuring the impact, quality and effectiveness of legal assistance services in a climate of reduced funding and increased government expectations: the Australian experience, *European Journal of Current Legal Issues*, Vol 22 No 3 (2016), <http://webjcli.org/article/view/468/685>.



report there are practical challenges in applying these approaches in the absence of fully developed methodologies in the Australian context. This is a developing area and one in which the Centre is looking to conduct further research.

Since its inception, the Target has served the pro bono community well as a vehicle for both measuring and driving the quantitative growth of pro bono in Australia. The Centre's view is that, while other approaches are valuable, hours per lawyer continues to be the most appropriate metric for the purpose of the Target.

**Comments**

*Do you have any comments about the metric of "hours of pro bono work per lawyer per year" in the context of the Target?*

### 3. The target of at least 35 hours

At its launch in 2007 the Target incorporated a single aspirational target of at least 35 hours per lawyer per year, based on National Pro Bono Law Firm Survey data that indicated the top performing firms in Australia were sitting just below that point. The target of 35 hours represented a robust but balanced approach, acknowledging the relative youth of the pro bono culture, while reflecting the Australian legal profession's strong commitment to pro bono that enhances access to justice.

Higher aspirational targets existed at the time in similar schemes in the US. For example, the ABA Model Rules of Professional Conduct incorporates a target of 50 hours of pro bono per lawyer per year, and PBI's Law Firm Challenge offers a choice of 60 or 100 hours per lawyer per year.

A decade on, a number of firms in Australia have set higher internal pro bono targets, often of 50 hours per lawyer per annum or higher. Some of these are global firms where the internal pro bono target applies in all their offices worldwide.

Perhaps partly as a result of these higher internal targets, in FY2017 an impressive 28 Target signatories (26.7% of those who reported) undertook 50 or more hours per lawyer — a cohort of high achievers that includes large firms, small firms and individuals.

Nevertheless, 35 hours per lawyer per year continues to provide an effective benchmark of pro bono performance in Australia. Given that in FY2017, 51 Target signatories (48.6% of those who reported) met or exceeded the Target and 54 did not (51.4%),<sup>23</sup> 35 hours would seem to sit in the middle of current performance. While the pro bono performance of the 28 signatories who achieved over 50 hours is commendable, not all Target signatories can achieve results on this scale. For at least 74.3% of signatories, 35 hours or more per lawyer per year remains a realistic aspiration.

These results also suggest there is much to be said for the simplicity of a single target, and little merit in introducing an optional, higher aspirational target.

Given also that 35 hours is the standard of pro bono performance incorporated in tender arrangements of the Commonwealth, NSW and SA governments, there is little to recommend altering it at this time.

#### **Comments**

*Do you have any comments about the target of at least 35 hours of pro bono legal work per lawyer per year?*

<sup>23</sup> Australian Pro Bono Centre, *Tenth Annual Performance Report of the National Pro Bono Aspirational Target*, October 2017, <http://www.probonocentre.org.au/provide-pro-bono/aspirational-target/>.



## 4. The aspirational nature of the Target

### 4.1 The word “aspirational”

The Target of 35 hours of pro bono legal work per lawyer per year is “aspirational” in the sense that, on adopting the Statement of Principles underpinning the Target, signatories commit to using their “best endeavours” to meet it,<sup>24</sup> while being under no compulsion to do so. There are no direct consequences for a signatory who fails to meet the Target.

The “aspirational” approach is used in other target schemes including the PBI Law Firm Pro Bono Challenge and the UK Collaborative Plan. The approach recognises that signatories have different business models, capacity, structure and challenges that influence the time it takes to reach the target. An aspirational target encourages firms and individuals to become signatories in the early stages of their pro bono program, and to work towards achieving the target, using it as an internal incentive to drive growth and development of their program.

A number of Target signatories fall well short of meeting the Target and have reported minimal or no improvement in pro bono hours per lawyer from year to year over several consecutive years. In FY2017, there were 13 firms of more than 50 FTE lawyers in this category, reporting less than 25 hours per lawyer for that year. It has been suggested that the word “aspirational” implies there is no real obligation to make progress towards achieving the Target. This interpretation can undermine the Target’s effectiveness in driving the growth of the pro bono program of the firm and in strengthening its pro bono culture.

There is a view that removing the word “aspirational” from the name of the Target may better convey the notion of a target in the true sense and reinforce that signatories undertake to use genuine best endeavours to achieve it.

### 4.2 Meeting the Target

A number of firms have, for internal purposes, set a timeframe for meeting the Target. These firms report that setting an internal timeframe is a useful and powerful device for building a pro bono culture in the firm and for making progress towards meeting the Target. Setting an internal timeframe also helps to counteract any notion that an “aspirational” target never needs to be met.

This suggests there may be merit in formally encouraging all signatories to set their own timeframes for meeting the Target. Signatories could, for example, be asked to indicate in their annual report to the Centre whether an internal timeframe has been set. The Guidance Notes could also be amended to reflect that the Centre actively works with signatories who consistently fail to make progress against the Target, and helps them to identify measures that could help to improve their progress.

Given the aspirational nature of the Target, it may not be appropriate or effective to ask signatories to report the detail of their internal timeframe, or to require them to comply with it. However, these are discussions that the Centre could have on a confidential basis with firms that are making little progress towards the Target.

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<sup>24</sup> The words “best endeavours” are directly incorporated into the NSW government panel arrangements.



**Questions**

**Question 3**

*Should “aspirational” be dropped from the name of the Target?*

**Question 4**

*Should signatories be encouraged to adopt an internal timeframe for meeting the Target? If so, how?*

**Comments**

*Do you have any other comments about the aspirational nature of the Target?*



## 5. The number of Target signatories

One of the Target's objectives has always been to broaden participation across the profession to highlight that lawyers have both an individual and a shared responsibility to help improve access to justice by doing pro bono legal work. As discussed in Part A, the nine Target Reports published to date<sup>25</sup> provide longitudinal evidence that the Target has strengthened the role of pro bono in the Australian legal profession by increasing the number of lawyers who do pro bono legal work, but still only approximately 16.5% of the Australian legal profession are covered by the Target.<sup>26</sup>

To ensure the Target continues to play the role of broadening the participation of lawyers in pro bono legal work, opportunities need to be identified to encourage new signatories to join the Target.

Almost every large law firm in Australia is already a Target signatory. Twenty-four of the 25 largest firms (as identified in the July 2017 Australian Financial Review Law Partnership Survey)<sup>27</sup> have signed up. These are all firms with over 200 FTE lawyers.<sup>28</sup> They make up the bulk of the Target cohort, with their lawyers representing 80.5% of all lawyers covered by the Target.<sup>29</sup>

While large law firms will continue to be the mainstay of the Target, there are opportunities to attract new signatories in other areas of the legal profession, including mid-sized and small law firms, sole practitioners, solicitors and barristers.<sup>30</sup>

There is a need to build greater awareness across the Australian legal profession of the Target and of the benefits of being a signatory, beyond the context of large law firms. The Centre is seeking input as to what strategies and initiatives could be employed to build this awareness.

### Questions

#### Question 5

*How can the number of Target signatories be increased?*

### Comments

*Do you have any other comments about increasing the number of Target signatories?*

<sup>25</sup> Target reports are available on the Centre's website at <http://www.probonocentre.org.au/provide-pro-bono/aspirational-target/>.

<sup>26</sup> Based on figures provided in the 2014 Law Society National Profile, Final Report, April 2015, <https://www.lawsociety.com.au/cs/groups/public/documents/internetcontent/1005660.pdf>.

<sup>27</sup> Australian Financial Review, Law Partnership Survey July 2017, <http://www.afr.com/business/legal/interactive--law-partnership-survey--july-2017-20170629-gx0wsb>.

<sup>28</sup> For the purposes of the Target, each of these firms reported that across FY2017 their average FTE lawyer head-count was over 200.

<sup>29</sup> Based on the number of signatories that reported in FY2017.

<sup>30</sup> The Target is less relevant to in-house and government lawyers, who operate in a different context to lawyers in private practice. The Centre has developed initiatives focused specifically on those sectors: see <http://www.probonocentre.org.au/provide-pro-bono/in-house/>.

## 6. Government legal services tender arrangements

The Commonwealth, Victorian, South Australian and New South Wales Governments include pro bono requirements in their tender arrangements for legal services.<sup>31</sup> While the arrangements between jurisdictions differ from each other in various ways, they have been successful in increasing the pro bono contribution made by participating law firms.

There may, however, be further measures governments could take to strengthen the operation of these arrangements, including more strongly integrating the Target into the arrangements, as a way of encouraging further pro bono growth.

### **Questions**

#### **Question 6**

*Are there further measures by which governments could more strongly integrate the Target into their legal service tender arrangements and thus encourage further pro bono growth?*

### **Comments**

*Do you have any other comments about government legal services arrangements in relation to the Target?*

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<sup>31</sup> For further information see <http://www.probonocentre.org.au/provide-pro-bono/government-tender-arrangements/>



# APPENDICES

## Appendix 1 — Definition of “pro bono legal services”

The Centre’s definition of “**pro bono legal services**” (for the purposes of its [National Pro Bono Aspirational Target](#) Statement of Principles and its [National Law Firm Pro Bono Survey](#)) is as follows:

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

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.

For guidance on calculating pro bono hours for the purpose of the [Target](#) please refer to our [Guidance Notes](#).



## Appendix 2 — National Pro Bono Aspirational Target Statement of Principles

For Law Firms

**MINDFUL** of the professional responsibility of all lawyers to provide pro bono legal services to address the unmet legal needs of the poor and disadvantaged in the communities in which we live, and

**RECOGNISING** that pro bono is not a substitute for the proper funding by government of Legal Aid agencies, Community Legal Centres and other government funded legal services,

**OUR FIRM is pleased to join with other firms across the country in subscribing to the following statement of principles and in pledging our best efforts to achieve the voluntary target described below.**

- Our firm recognises its professional obligation to provide pro bono legal services.
- In furtherance of that obligation, our firm agrees to encourage and support the provision of pro bono legal services by all its lawyers.
- We agree to use our best efforts to ensure that, by no later than 30 June in each year, our firm's lawyers will undertake an average of a minimum of 35 hours of [pro bono legal services](#) each year per lawyer.
- In furtherance of these principles, our firm also agrees:
  - to provide training and supervision as required to enable our lawyers to meet the need for pro bono legal services in the community in matters undertaken by our firm and;
  - to monitor the firm's progress towards the targets established in this statement and to report its progress annually to the partners and staff of the firm and to the Australian Pro Bono Centre.
- We acknowledge that when a lawyer provides pro bono legal services, he or she owes the pro bono client the same professional and ethical obligations that are owed to any paying client and accordingly the lawyer must give that work the same priority, attention and care as would apply to paid work.



## Appendix 3 — National Pro Bono Aspirational Target Guidance Notes

1. Only work that involves the delivery of **pro bono legal services** as defined for the purposes of the Target should be reported.
2. 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 services” and should not be reported.
3. Signatories should calculate the number of FTE lawyers for the year by using the average of the number of FTE lawyers at the first day and the last day of the reporting financial year.

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

(Where a new Target firm is reporting for a period less than a full financial year, the number of FTE lawyers should be calculated by using the average number of FTE lawyers at the first day and the last day of the reporting period).

4. “Firm’s lawyers”<sup>32</sup> 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 hours should not be reported as pro bono hours.
5. 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.
6. 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.
7. Each signatory should have systems in place to ensure that accurate records are kept of the pro bono legal work performed.
8. Pro bono legal services may include international pro bono legal services, that is pro bono legal work undertaken:
  - outside Australia, by lawyers who are supervised by, or provided from, an office based in Australia
  - for clients based outside Australia, by lawyers based in Australia; or
  - for organisations based in Australia where the work concerns an initiative outside Australia.

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

**N.B.** In July each year the Centre will send to each signatory an email attaching a standard form which is to be completed and returned to the Centre.

The Centre aims to publish, within 3 months of the end of each year, under the categories of law firm, solicitor and barrister, the number of signatories and the percentage that have met the Target in the previous year within each category. The Centre does NOT publish the names of those signatories that have met or not met the Target.

Law Firm Signatories which have not achieved the Target during the year, will be invited to discuss confidentially with the Centre their plans for how they will work to meet the Target in future.

<sup>32</sup> For the purposes of these Guidance Notes, “firm’s lawyers” refers to lawyers and law graduates at a law firm or at an incorporated legal practice, as appropriate.

## Appendix 4 — Initiatives in other jurisdictions

Although the Target’s sphere of operation is Australia, it was developed in an international context and with reference to similar overseas initiatives. Since that time there have been made many pro bono statements and declarations in various countries and jurisdictions. Some relevant ones appear below.

The language of the Target Statement of Principles incorporates, in part, language developed by the US [Pro Bono Institute](#) and utilised in its Law Firm Pro Bono Challenge®, with that language being used specifically with the permission of the Institute.

### ABA Model Rules of Professional Conduct

In 1983 the American Bar Association developed [Model Rules of Professional Conduct](#) which serve as a model for legal professional conduct rules in most US States.<sup>33</sup> In 1993 the Model Rules were amended to incorporate an obligation to aspire to rendering at least 50 hours of pro bono legal services per year. Model Rule 6.1 provides:

#### **Voluntary Pro Bono Publico Service**

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:
  - (1) persons of limited means or
  - (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and
- (b) provide any additional services through:
  - (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
  - (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
  - (3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

The [Comment](#) on Model Rule 6.1 recognises that individual States may nominate a higher or lower number of hours of annual pro bono service, depending upon local needs and local conditions. Each lawyer should achieve that number of hours on average per year, even though the hours achieved may vary from one year to another. “Pro bono” does not include work where a fee was anticipated but remains unpaid.

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<sup>33</sup> To date, California is the only State whose professional conduct rules do not follow the format of the ABA Model Rules.



The Comment also emphasises that a “substantial majority” of pro bono hours should be rendered to the disadvantaged, meaning people who do not qualify for legal aid but cannot afford to pay a lawyer, as well as organisations that serve people of limited means. Separate provisions apply to lawyers such as government or public lawyers and judges.

Rule 6.1 is not intended to be enforceable under disciplinary procedures. Law firms should, however, enable their lawyers to comply with it.

## Law Firm Pro Bono Challenge

The [Law Firm Pro Bono Challenge](#)<sup>®</sup> was developed by the US-based Pro Bono Institute (**PBI**), launched in 1993 and implemented in 1995. It offers firms of 50 or more FTE lawyers a choice of two pro bono targets, and each target can be measured in two ways. Signatories to the Challenge commit to undertaking either:

- 5% of the firm’s total billable hours, or 100 hours per lawyer per year, or
- 3% of the firm’s total billable hours, or 60 hours per lawyer per year.

“Pro Bono” is defined as “activities of the firm undertaken normally without expectation of fee and not in the course of ordinary commercial practice and consisting of:

- (i) the delivery of legal services to persons of limited means or to charitable, religious, civic, community, governmental, and educational organizations in matters which are designed primarily to address the needs of persons of limited means;
- (ii) the provision of legal assistance to individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties, or public rights; and
- (iii) the provision of legal assistance to charitable, religious, civic, community, governmental, or educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization’s economic resources or would be otherwise inappropriate.”<sup>34</sup>

In the [Report of the Law Firm Pro Bono Challenge](#) (2016), 129 law firms reported an aggregate of 4.238 million hours of pro bono work in the 2015 calendar year, averaging 59.5 pro bono hours per attorney.

## UK Joint Protocol for Pro Bono Legal Work

The UK [Joint Protocol for Pro Bono Legal Work](#) was developed jointly by the UK Bar Pro Bono Unit and LawWorks. Building on the UK Professional Codes of Conduct, the Protocol “sets out core values of pro bono legal work to assist both those who undertake it and their clients”. The Protocol was officially launched in 2006 and signed by major UK pro bono providers and supporters including the Bar Council, the Bar Pro Bono Unit, sets of Chambers, law firms and law schools. The Protocol defines Pro Bono Legal Work thus:

### **1. What is Pro Bono Legal Work?**

1.1. When we refer to Pro Bono Legal Work we mean legal advice or representation provided by lawyers in the public interest including to individuals, charities and community groups who cannot afford to pay for that advice or representation and where public and alternative means of funding are not available.

1.2. Legal work is Pro Bono Legal Work only if it is free to the client, without payment to the lawyer or law firm (regardless of the outcome) and provided voluntarily either by the lawyer or his or her firm.

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<sup>34</sup> Signatories also adopt a detailed [Statement of Principles and Commentary](#).

1.3. Pro Bono Legal Work is always only an adjunct to, and not a substitute for, a proper system of publicly funded legal services.

## TrustLaw Index of Pro Bono

The Thomson Reuters Foundation launched the [TrustLaw Index of Pro Bono](#) in 2014. Without setting a specific target, the TrustLaw Index encourages pro bono globally by providing information and benchmarking data on pro bono legal work globally. The 2015 TrustLaw Index compiled data from over 140 firms, representing 49,000 lawyers in 77 countries.

TrustLaw defines pro bono legal work broadly as “legal assistance provided without expectation of payment to people of limited means or to organisations that have a social, environmental, humanitarian or community focus (including certain government agencies and entities)”.

## UK Collaborative Plan

The [UK Collaborative Plan](#) is an initiative developed by UK law firms in 2014. Firms participating in the Plan adopt an aspirational target of at least 25 hours of pro bono work per lawyer per year across their UK offices, based on the TrustLaw definition of pro bono. In doing so they commit to:

- directing a proportion of their pro bono work toward promoting access to justice for low-income individuals;
- promoting the target as an appropriate minimum commitment for UK lawyers and as recognition of best practice;
- collaborating to meet the target, without creating a culture of ‘punishment’ or ‘shaming’ for non-compliance, or excluding law firms who have not yet met the target; and
- reviewing the target every 2 years.

Participating firms acknowledge:

- their collective belief that pro bono is a professional responsibility for all lawyers;
- the importance of strong pro bono participation rates;
- the importance of professionalising pro bono management; and
- the need to expand the group of signatories in order to achieve the Plan’s objectives.

## Rules for the Attorneys’ Profession (South Africa)

In 2016 new [Rules for the Attorneys’ Profession](#) were approved by the Chief Justice of South Africa and adopted by the Law Society of South Africa and regional law societies. Rule 25 introduced a mandatory requirement of legal practice that attorneys under the age of 60 perform at least 24 hours of pro bono legal services assisting individuals who lack the means to pay. Rule 25 recognises that the government’s legal aid system is unable to meet the legal needs of the country’s poorest individuals.

Under Rules 25 pro bono services includes “the delivery of advice, opinion or assistance in matters, falling within the professional competence of an attorney, to facilitate access to justice for those individuals, groups of people, organisations and small businesses who comply with the means test ...”.

Following the introduction of Rule 25, the pro bono performance of South African law firms has improved significantly. Firms participating in the TrustLaw Index of Pro Bono 2016 reported an average of 39.3 hours of pro bono legal work per lawyer, up by 20% from 2015.<sup>35</sup>

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<sup>35</sup> Thomson Reuters Foundation, *TrustLaw Index of Pro Bono 2016*, <http://www.trust.org/contentAsset/raw-data/d31d8b72-0f82-4241-88e1-71abc90e3d72/file>, F5.



## Pro bono declarations

**International Bar Association** [Pro Bono Declaration](#)

**Latin America and US** [Pro Bono declaration for the Americas](#)

**Nigeria** [Pro Bono Declaration](#)

**Poland** [Pro Bono Publico Declaration](#)

**UK Attorney General's** [Pro Bono Declaration](#) regarding pro bono work that is directed overseas.



## Appendix 5 — Target reporting form for law firms (2017)

### National Pro Bono Aspirational Target Law Firm Reporting 2017

The Australian Pro Bono Centre (**Centre**), formerly the National Pro Bono Resource Centre, is collecting information from signatories to the National Pro Bono Aspirational Target (**Target**) on pro bono legal work undertaken in the 2016/2017 financial year.

Your answers to these questions are strictly confidential. The Centre will de-identify your responses for the purpose of publishing any information about performance in relation to the Target. Please refer to the [Guidance Notes](#) on our website before completing this form.

1. Name of signatory law firm:
2. Number of full-time equivalent lawyers in your firm in the 2016/2017 financial year (see [Guidance Notes](#)):
3. Total pro bono hours (in accordance with the Centre's definition of [pro bono legal work](#)) performed by lawyers in your firm during the 2016/2017 financial year:
4. The number of pro bono hours per full-time equivalent lawyer during the 2016/2017 financial year:
5. Do you expect to meet the Target in the next financial year?
6. What percentage of your lawyers did at least one hour of [pro bono legal work](#) in the 2016/2017 financial year?
7. What effect (if any) has being a signatory to the Target had on the [pro bono legal work](#) undertaken by your firm? (tick all that apply)
  - The Target led to an increase in the pro bono work done by the firm
  - The Target increased the firm's focus on the legal needs of disadvantaged people and the organisations that assist those people
  - The Target had no effect
  - The Target decreased the amount of pro bono work done by the firm
  - Other, please specify:
8. (Optional) Total paralegal hours (performed by paralegals on pro bono work of a legal nature):
9. (Optional) The number of full-time equivalent paralegals that undertook the paralegal hours reported at question 8 above:
10. Name of person completing this form:



## Appendix 6 — List of current Target signatories

### Law firms & ILPs

ACA Lawyers (formerly Allygroup)  
 Allen & Overy  
 Allens\*  
 Aneesa Parker Pty Ltd  
 Arnold Bloch Leibler\*  
 Ashurst Australia\*  
 Australian Business Lawyers and Advisors  
 Australian Government Solicitor  
 Bainbridge Legal  
 Baker & McKenzie  
 Beaumont Lawyers  
 Beckham Lawyers  
 Bilbehry  
 Bird & Bird  
 Bowden McCormack, Lawyers + Advisers  
 BT Lawyers  
 Chamberlains  
 Clayton Utz\*  
 Colin Biggers & Paisley  
 Corrs Chambers Westgarth  
 Curwoods Lawyers  
 Devenish Law  
 DLA Piper  
 Doyles Construction Lawyers  
 Eakin McCaffery Cox  
 FOI Solutions  
 FoodLegal  
 Gadens Lawyers, Melbourne  
 Gadens Lawyers, Sydney  
 Gilbert+Tobin\*  
 Hall & Wilcox Lawyers  
 Halliday Solicitors  
 Harmers Workplace Lawyers  
 Harris Carlson Lawyers  
 Henry Davis York  
 Herbert Smith Freehills  
 HHG Legal Group  
 Hicksons Lawyers  
 Holding Redlich  
 Holman Webb Lawyers  
 HopgoodGanim  
 Hunt & Hunt  
 Hunt & Hunt (Victoria)  
 HWL Ebsworth  
 Jackson McDonald  
 Jones Harley Toole

Jucha Legal Pty Ltd  
 K & L Gates  
 Kemp & Co  
 Kemp Strang  
 Kennedys  
 King & Wood Mallesons  
 Lander & Rogers  
 Littles Lawyers  
 LLGOLD  
 Logical Legal Solicitors\*  
 Maddocks  
 Makinson & d'Apice  
 Maurice Blackburn  
 McCullough Robertson  
 McDonnell Schroder Solicitors\*  
 McInnes Wilson Lawyers (Brisbane)  
 McInnes Wilson Lawyers (Canberra)  
 McPhee Lawyers\*  
 Meyer Vandenberg Lawyers  
 Mills Oakley  
 Minter Ellison Group  
 Moray & Agnew  
 Moulis Legal  
 MSP Legal  
 Norton Rose Fulbright Australia  
 Parke Lawyers  
 Pragma Legal  
 Proximity Legal  
 Roberts Nehmer McKee  
 Rostron Carlyle Lawyers  
 Russell Kennedy  
 Sabelberg Morcos Lawyers  
 Sachs Gerace Lawyers\*  
 Salvos Legal  
 Salvos Legal Humanitarian  
 Sarah & Associates\*  
 Shelston IP  
 Siracusa Legal  
 Slattery Thompson\*  
 Sparke Helmore Lawyers  
 Stirling Henry Legal Solutions Pty Ltd  
 SRB Legal  
 Stuthridge Legal  
 Switch Legal  
 TressCox  
 Triple BL Legal  
 Waratah Partners Lawyers + Consultants

Webb Henderson  
 Wilson/Ryan/Grose Lawyers  
 Winn Legal Solicitors\*  
 Withers Australia (formerly Ryan Lawyers)\*

### Solicitors

Kerrin Anderson  
 Ashlee Briffa  
 Richard Clarke\*  
 Megan Dyson  
 Gaby Jaksa  
 Nicola Johnson  
 Graham Jones\*  
 Anthony Jucha\*  
 Elizabeth Kollias  
 Nicholas Linke  
 Alexandra Longbottom  
 Elena Mastjuk  
 Helen McGowan  
 Mary Nagle  
 David Peters  
 Bernadette Rayment  
 Stephen Rees\*  
 Alexandra Rose  
 Michael Ryan  
 Sharon Sangha  
 Michael Simmons  
 Michael Tucak  
 David Vlahos  
 Nerida J Wallace  
 Gene Waters  
 Katherine Whittemore  
 Gai Winn

### Barristers

Stephen Colditz  
 Nick Eastman  
 Simon Freitag\*  
 Philip Greenwood\*  
 Ashok Kumar  
 Craig McIntosh\*  
 Fiona McLeod SC  
 F.J. Purnell SC  
 John Selimi  
 Richard Thomas\*  
 Justin Zeeman

\* Foundation Signatory.



## Appendix 7 — List of questions

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### *Question 1*

***Should the definition of “pro bono legal services” exclude legal services provided at a substantially reduced fee?***

(See Part B, section 1.1: Work done for a substantially reduced fee)

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### *Question 2*

***Should the definition of “pro bono legal services” include some types of work done for particular clients operating wholly or partly for profit? If so, what types of work, clients or circumstances might be appropriate?***

(See Part B, section 1.2: Work done for clients operating for profit)

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### *Question 3*

***Should “aspirational” be dropped from the name of the Target?***

(See Part B, section 4.1: The word “aspirational”)

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### *Question 4*

***Should signatories be encouraged to adopt an internal timeframe for meeting the Target? If so, how?***

(See Part B, section 4.2: Meeting the Target)

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### *Question 5*

***How can the number of Target signatories be increased?***

(See Part B, section 5: The number of Target signatories)

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### *Question 6*

***Are there further measures by which governments could more strongly integrate the Target into their legal service tender arrangements and thus encourage further pro bono growth?***

(See Part B, section 6: Government legal services tender arrangements)

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### *Further comments:*

***Do you have any further comments on other aspects of the Target?***

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**AUSTRALIAN  
PRO BONO CENTRE**

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