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

February 2019

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
Email: info@probonocentre.org.au
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 that includes 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 and promoting the place of pro bono legal work (pro bono) within the Australian legal profession

1. **Sustaining Commitment:** Promoting the pro bono ethos and sustaining the Australian legal profession’s commitment to undertake pro bono.
2. **Promoting Growth and Impact:** Leading advocacy for continuing growth in the provision of pro bono and enhancing its impact, especially in areas of unmet legal need, and by a broader range of Australian lawyers.
3. **Policy Development and Law Reform:** Engaging in policy development, advocacy and law reform with key stakeholders on issues impacting on pro bono services, including the removal of any constraints or barriers to lawyers undertaking pro bono.
4. **Thought Leadership:** Leading in the development of new ideas and innovative project and partnership models to build pro bono engagement among all Australian lawyers.
5. **Community Building:** Strengthening relationships between members of the pro bono legal community to promote exchange of knowledge and to stimulate and encourage the development, expansion and coordination of pro bono.
6. **Enhanced Public Visibility:** Raising the profile of pro bono through a wide range of media and maintaining a strong public presence as a centre of expertise within the legal assistance sector in Australia.
7. **Events and Forums:** Convening and supporting events and forums to enhance communication about pro bono practice among key stakeholders and to celebrate the Australian legal profession’s commitment to pro bono legal service.
8. **International Relationships**: Developing and building networks with international pro bono programs and providers to strengthen research and guide development of pro bono policies and practice in Australia.

**Developing expertise and providing practical assistance to facilitate pro bono legal service (pro bono)**

1. **Expertise**: Developing and sharing expertise to advance national best practice in the delivery of pro bono.
2. **Practical Support**: Providing practical assistance, including practical guides and resource kits, to existing and potential pro bono providers and seekers.
3. **Communication**: Communicating news and insights about issues affecting pro bono practice in Australia.
4. **Research**: Conducting research to build knowledge of, and expertise about, pro bono.
5. **Reporting**: Collecting data and reporting on the pro bono work being undertaken nationally.
6. **Professional Indemnity Insurance**: Providing professional indemnity insurance, underwritten by Lawcover, to support eligible lawyers to undertake pro bono work on projects approved by the Centre.

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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- Hsu-Ann Lee (Former Communications & IT Coordinator), Gabriela Christian-Hare (Head of Policy & Strategy), Sue Hunt (Former Senior Policy Officer), Trent Wallace (Seconded Policy & Project Officer), Natasha Rose (Office Administrator) and Hannah Meyer (Former Communications & IT Coordinator), with support from other staff and interns at the Australian Pro Bono Centre.
The following is a summary of key notable trends in pro bono legal practice identified through the 2018 Survey across respondent law firms of 50 or more lawyers.

**Survey Results - Snapshot**

The 2018 Survey is the sixth such biennial survey conducted by the Australian Pro Bono Centre. The Survey results indicate a growing dedication to, and maturity in, pro bono legal practice among the largest firms in Australia, with a diversity of disadvantaged groups supported through these practices. An increasing number of firms are continuing to invest in their pro bono practices, with the 2018 Survey results indicating a significant overall rise in dedicated pro bono staff, the appointment of more full-time pro bono managers/coordinators, and an increasing number of firms setting operational budgets for pro bono programs and taking measures to evaluate their programs.

Pleasingly, performance on pro bono matters is now a key component of lawyer appraisals and recognition of pro bono work through internal awards, events and communication is also on the rise, but concurrently there is a declining trend in firms providing full billable hour credit for pro bono work, with a large number of firms treating pro bono legal work as a “special” category of non-billable work.

The top three pro bono client groups nominated by firms (by amount of work done) were asylum seekers, Aboriginal and Torres Strait Islanders (with 15 firms indicating they had Reconciliation Action Plans) and homeless persons (particularly among the largest firms). But there was also great diversity among the top client groups, which included women, young people and children in need, people with a disability, LGBTIQ community members, victims of discrimination, victims of crime, cancer sufferers, abused seniors, self-represented litigants, environmental NGOs and other not-for-profits, charities and social enterprises.

Firms continue to source their pro bono work in a variety of ways. Whilst the largest proportion of pro bono work still comes from direct requests to firms, responses indicate a continuing upward trend in firms sourcing work from community legal centres, with a continuing downward trend in firms so sourcing work from referral schemes and pro bono organisations.

With four fewer firms reporting in 2018 (37 firms) than in 2016 (41 firms), total reported pro bono hours nonetheless rose by 0.53% to 390,931 hours. There has also been an overall 7% rise in the number of lawyers working for respondent firms in 2018. Notwithstanding these rises, firm capacity was again identified by firms as the top challenge to their pro bono programs.

Despite fewer firms practising Immigration Law on a pro bono basis, ‘interpreters’ fees’ was nominated as the top category of disbursements incurring the most costs by firms in 2018.

Management and partnership support and leadership continues to be the single most crucial factor to the success of a firm’s pro bono program. It is also evident through the 2018 Survey results that pro bono conditions in government tender arrangements continue to have an important influence on the growth of legal pro bono among firms of 50 or more lawyers.
Key Findings by Topic

Areas of pro bono legal work and clients

Clients

- For the first time Survey firms were asked to nominate the main client groups supported through their top five areas of pro bono practice. The results illuminate both the breadth of pro bono legal assistance provided by the Survey cohort and the range of disadvantaged persons in Australia assisted through that work. The most nominated client group receiving pro bono assistance was ‘asylum seekers’ (16 firms), followed closely by ‘Aboriginal and Torres Strait Islander clients’ (15 firms), ‘women and/or domestic violence survivors’ (10 firms) and ‘homeless persons’ (eight firms) – with a broad range of other client groups identified. (See Report Section 3.2).

Areas of law

- The top five areas of law in which pro bono assistance was provided as nominated by respondents in 2018 were Employment law (20 nominations), Governance (14), Commercial Agreements (13), Corporate Law (including incorporations) (13) and Charity and Deductible Gift Recipient (DGR) Status Applications (13). There was a drop in the number of firms listing Immigration Law (16 to 11), notwithstanding that asylum seekers were the most nominated client group receiving pro bono assistance. There has also been a decrease in the number of firms nominating Commercial Agreements, Housing/Tenancy and Consumer Law. By contrast, there was a rise in firms nominating Intellectual Property, Wills/Probate/Estates, Corporate Law, Environmental Law and Human Rights Law. (See Report Section 3.2).

Reconciliation Action Plans (RAPs)

- Of the 37 Survey firms, 15 firms indicated they had a RAP, 18 did not, and four did not indicate either way. All but one of the RAPs was already in place before the 2018 FY, with one as early as 2007. The large number of RAPs correlates with the focus of work provided to Aboriginal and Torres Strait Islander clients, as indicated above. (See Report Section 3.5).

Work for individuals vs organisations

- There is a continuing upward trend in legal assistance provided directly to disadvantaged individuals and, conversely, a downward trend in firms assisting organisations who provide assistance to people in need or to further the public interest. Notwithstanding this trend, work for organisations still accounts for the majority of pro bono legal assistance provided. In 2018, firms undertook, on average, 47% of their pro bono legal work for individuals, compared to 44% in 2016 and 35% in 2014. (See Report Section 3.1).

Most rejected areas of law and practice

- Continuing the trend in every Survey since 2008, the most rejected areas of law were criminal law (12 firms) and family law (nine firms), reflecting that most firms in the Survey cohort do not commonly retain lawyers with the unique skillsets required to practice in these areas. In 2018, Immigration Law matters were rejected by fewer firms than in 2016 (six firms, down from 11), but as above there was a drop in firms nominating Immigration Law as a top five area of practised pro bono law. (See Report Section 3.3).
Social enterprises

- All of the largest firms within the Survey cohort indicated that they provided pro bono legal support for social enterprises in the 2018 FY. All Group A firms indicated that they included this work in their pro bono programs. Of the nine responding Group B firms, only one did so, and of the 15 responding Group C firms, only two did so. (See Report Section 3.4).

Involvement in pro bono work

Dedicated lawyers and other staff

- There is a growing number of dedicated pro bono staff in firms within the Survey cohort. In 2018, 24 respondents reported an aggregate of 65.35 dedicated FTE staff, compared to 55.25 FTE staff in 2016, representing an 18% increase. There is an increasing number of senior staff dedicated to pro bono work, with 24 respondents reporting an aggregate of 8.4 FTE dedicated partners, 6.3 FTE dedicated special counsel and 16 FTE senior associates (30.7 FTE lawyers in aggregate at this senior level) in 2018 compared to an aggregate of 27 FTE dedicated pro bono senior lawyers in 2016. Concurrently, the number of firms retaining full-time coordinators/managers is continuing to rise. (See ‘Pro Bono Coordinators/Managers’ below and Report Section 5.3).

Pro bono hours per lawyer

- Whilst there was a 0.53% increase in 2018 in the total number of reported hours of pro bono legal work to 390,931 hours across the 37 Survey respondents, firms reported that they employed 6.8% more lawyers in 2018 compared to 2016. The discrepancy in these increases, as well as the very low average pro bono hours per lawyer reported by a number of Group C firms who may not have completed the Survey previously and who are not signatories to the National Pro Bono Target (Target), served to push down the average pro bono hours per lawyer in 2018 to 30.5 hours from 34.8 hours in 2016. It is difficult to compare pro bono hours per lawyer through biennial Surveys since firms and lawyers can change considerably in a two-year period and the Survey cohort itself alters every two years with changes in firm sizes, mergers, and different firms opting not to undertake the Survey. (See Report Section 2.3).

Partner participation

- The average rate of partners participating in pro bono legal work has reduced slightly from 46% in 2016 to 42% in 2018 across all respondent firms. This decrease is attributable to firms in Group A (with a reduction in average partner participation rates of 53% in 2016 to 49% in 2018), Group B (a reduction from 40% to 32%) and Group C (a reduction from 48% to 43%). (See Report Section 2.6).

Billable hour credit

- There is a declining trend in firms providing full billable hour credit for pro bono work (35% of firms in 2018, compared to 38% in 2016 and 40% in 2014), with a number of firms instead treating pro bono hours as billable hours but reduced in value for the purposes of financial targets, or billable but capped at a certain number of pro bono hours per week/month/year. A large number of firms are also treating pro bono legal work as a “special” category of non-billable work. This trend continued to be evident in 2018, with 11 firms overall, including 44% of all Group C firms, reportedly doing so. (See Report Section 6.6).
Recognition for pro bono work

- There has been a significant increase in the number of firms (94%, compared to 78% in 2016) recognising pro bono legal work as part of their lawyers’ performance appraisals. Recognition through internal awards, events and communication is also on the rise (85% of firms, compared to 73% in 2016). (See Report Section 6.6).

Pro bono service delivery models

Sources of pro bono work

- The proportion of legal work sourced from community legal centres has increased significantly from 20% in 2016 to 29% in 2018. Although the largest proportion of pro bono legal work is still sourced through direct requests to firms, the proportion has decreased from 36% in 2016 to 32% in 2018. There has been a continuing downward trend in pro bono work sourced from referral schemes and organisations, from 31.5% in 2012, to 27% in 2014, 26% in 2016 and 24.5% in 2018. This drop was most noticeable among Group A firms, where the proportion of matters sourced from referral organisations and schemes decreased from 29% in 2016 to only 14% in 2018. (See Report Section 4.1).

Secondments

- While the number of pro bono secondments remains similar to 2016, fewer firms are providing full-time or mostly full-time secondments: five in 2018 down from eight in 2016. (See Report Section 4.3).

Partnering with in-house lawyers

- There has been a downward trend in the number of firms partnering with in-house counsel on pro bono projects. Only nine firms (26%) indicated that they did so in 2018 compared to 39% of firms in 2016. (See Report Section 4.4).

Managing pro bono programs

Pro bono coordinator/managers

- While the proportion of firms indicating that they had a pro bono coordinator or manager remained similar to 2016 (89% for firms in 2018, compared to 90% in 2016), the number of firms retaining full-time coordinators/managers is continuing to rise, with 17 firms (46%) indicating they did so in 2018 compared to 15 firms (41%) in 2016 and 12 firms (34%) in 2014. (See Report Section 5.1).

- There is a growing number of dedicated pro bono manager roles with unique titles. Ten firms indicated that they had these unique positions in 2018, compared to four in 2016. Five of those firms are in Group A, one in Group B and four in Group C. Titles include ‘Pro Bono Director’, ‘Pro Bono Manager’, ‘Head of Pro Bono’ and ‘National Manager – Pro Bono Services’. Conversely, the number of firms indicating that their pro bono coordinator was a partner decreased from 19 firms in 2016 to 14 firms in 2018. Importantly, these results should be read in the context of the time the coordinator/manager spends undertaking pro bono legal work. In 2018, the time indicated by firms ranged from 9% to 100%, with an average of 41%. Additional context is provided by the numbers of
staff reportedly dedicated to pro bono legal work, for which there was an 18% rise in 2018. *(See ‘Dedicated lawyers and other staff’ above and Report Sections 5.1 and 5.3).*

- A growing number of pro bono coordinators/managers are receiving some measure of payment, fee relief or billable credit specifically for acting in this role (79% in 2018 compared to 70% in 2016 and 34% in 2014). *(See Report Section 5.1).*

### Operational budgets

- There is an increasing trend in setting operational budgets for pro bono programs. In 2018, 54% indicated that they had set a budget, compared to only 39% in 2016. Of those firms that set a budget, 44% indicated that their budget had increased in 2018. *(See Report Section 6.4).*

### Substantially reduced fee work

- In 2018, only 16% of firms provided any work for substantially reduced fees through their pro bono program, compared to 31% of firms indicating they did so in 2016. The majority of substantially reduced fee work in 2018 was undertaken for organisations. *(See Report Section 2.5).*

### Disbursements

- Despite the overall decrease in focus on Immigration Law, ‘interpreters’ fees’ was nominated as the top category of disbursements incurring the most costs by firms in 2018 (16 out of 29 firms, or 55%), followed by search costs (14 out of 29 firms, or 48%) and travel and accommodation (13 out of 29 firms, or 45%). *(See Report Section 6.5).*

### Program evaluations

- Firms are increasingly devising systems to evaluate their pro bono programs. In 2018, 78% of firms reported that they had an evaluation system, compared to 56% in 2016. The top three factors on which those evaluations were based in 2018 were “number of pro bono hours” (76% of firms), “social impact” (71% of firms) and “participating lawyer satisfaction” (62% of firms). *(See Report Section 6.7).*

### Government tender arrangements

- Pro bono conditions in government tender arrangements continue to have an important influence on the growth of legal pro bono among firms of 50 or more lawyers, with 80% of respondent firms indicating they were on the Commonwealth Legal Services Multi Use List (LSMUL), 51% on the Victorian Government Legal Services Panel, 63% on the NSW Government Legal Services Panel and 3% on the South Australia Government Legal Services Panel. *(See Report Section 8.1).*

### Success factors and challenges

#### Factors key to the success of pro bono programs

- ‘Management and partnership support and leadership’ continues to be the single most crucial factor to the success of a firm’s pro bono program. In 2018, having a broad and diverse range of pro bono opportunities was identified as the second most crucial factor. *(See Report Section 6.1).*
Key challenges

- In keeping with previous Survey results, ‘firm capacity’ is the top challenge identified by firms (76%), followed by insufficient expertise in relevant areas of law and concern about conflict of interest with fee paying clients. *(See Report Section 6.2).*
Methodology

This is the sixth National Law Firm Pro Bono Survey conducted by the Centre. The Survey 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, 2014 and 2016, and reports from those Surveys can be found on the Centre’s website.

The questionnaire was developed by the Centre to continue its biennial study into pro bono legal work undertaken by large law firms in Australia and to elicit information about practice and policy issues. In 2018, the Centre endeavoured to shorten the questionnaire to make it easier to respond to, while still allowing the Centre to identify key trends, compare answers to previous Surveys and produce longitudinal data.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 Thirty-seven firms responded to the Survey.

Survey data could be provided anonymously, but all firms had the opportunity to identify their firm to the Centre in their response and all but one chose to do so. Those firms that are signatories to the National Pro Bono Target (Target) also had an opportunity to report against 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.

Appendix 1: Survey Results contains the questionnaire for the 2018 National Law Firm Pro Bono Survey, complete with Survey responses for each question. The Centre’s analysis of the Survey responses can be found in Chapters 1 to 8 of this report.

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. Both definitions can be found in Appendix 2: Definitions.

The results of this Survey are compared with the results of previous Surveys in 2016, 2014, 2012, 2010 and 2008, where possible, however the evolution of the Survey questionnaire and variable number of respondents often makes this unfeasible.4 In particular, the reduction in length of the Survey and simplification of certain Survey questions in 2018 has also made it unviable to compare certain 2018 results with Survey results provided in previous years.

Please note that “2018 FY” in this report refers to the 2018 financial year (1 July 2017 – 30 June 2018).

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1 The Centre also sought comment and advice from law firm pro bono coordinators 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 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 2018 Survey.

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

The Centre identified 62 firms with 50 or more FTE lawyers as at 30 June 2018.5 Of those 62 firms, 37 responded to the Survey.

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, 55 in 2014, 58 in 2016 and 62 in 2018. The number that responded to the Survey in 2016 was 41 firms, the same number that responded in 2014. In 2012, 36 firms responded to the Survey, and in 2010, 29 responded.

As in 2010, 2012, 2014 and 2016, respondent firms in 2018 were categorised into three groups based on size:

- **Group A**: Nine firms with 450 or more FTE lawyers (compared to seven in 2016, eight in 2014, nine in 2012, and nine in 2010).
- **Group B**: 12 firms with 201 - 449 FTE lawyers (compared to 14 in 2016, 14 in 2014, 11 in 2012, six in 2010).
- **Group C**: 16 firms with 50 - 200 FTE lawyers (compared to 20 in 2016, 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. The 26 firms that did not respond would have been placed in Groups B or C. Thirty-four out of the 37 firms that completed the Survey (92%) also completed the previous Survey in 2016.

Please see Table 1 below, which compares the number of firms to previous Surveys in 2016, 2014, 2012 and 2010.

**Table 1: Firms with 50 or more FTE lawyers**

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2016</th>
<th>2014</th>
<th>2012</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total number of law firms with 50 or more FTE lawyers in Australia</strong></td>
<td>62</td>
<td>58</td>
<td>55</td>
<td>51</td>
<td>39</td>
</tr>
<tr>
<td><strong>Respondent firms</strong></td>
<td>37</td>
<td>41</td>
<td>41</td>
<td>36</td>
<td>29</td>
</tr>
</tbody>
</table>

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 (28 June 2018); The Australian’s The Australian Partnership Survey (30 June 2017); the Centre’s own data, primarily obtained through reports provided on the National Pro Bono Target in 2018 and 2017; online research; and direct requests for information.
1.2 How many lawyers do we have?

Altogether, the 37 firms that responded in 2018 employed 11,474.5 full time equivalent (FTE) lawyers. This represents 24.1% of all lawyers in private practice in Australia.⁶

Although the firms that responded to the Survey in 2018 were fewer in number than in 2016 (37 compared to 41), as a cohort they employed more FTE lawyers than the 2016 cohort had done. This is partly due to more firms reporting in Group A (nine, up from seven), with fewer firms reporting in Groups B and C (28 in aggregate down from 34). Group B and Group C firms that did not respond either chose not to, or were involved in mergers, which in one case replaced one Group C firm with an enlarged Group A firm, and another replaced both a Group B firm and a Group C firm with a new Group A firm.

The number of FTE lawyers employed by responding Survey firms has fluctuated from year to year. In 2012, the figure was 11,460; it rose by 3% in 2014, dropped by 9% in 2016 and rose again by 6.8% in 2018, just exceeding the 2012 figure.

The number of FTE lawyers in firms comprising Groups A, B and C in 2018, as well as the changes from 2016 for each Group, are as follows:

- **Group A** (450 - 1,000 FTE lawyers): 9
  - Change: +27.3% since 2016 (nine firms compared to seven in 2016)
- **Group B** (201 - 449 FTE lawyers): 12
  - Change: -16.7% since 2016 (12 firms compared to 14 in 2016)
- **Group C** (50 - 200 FTE lawyers): 16
  - Change: -14.2% since 2016 (16 firms compared to 20 in 2016)

See Appendix 1: Survey Results, Section 1, Q2 for all responses.

1.3 What if we are an international firm?

In the Australian offices of international firms, particular factors may be at play which bring benefits or challenges to local pro bono programs. The firm’s offshore leadership may help to foster a strong pro bono culture in Australia; alternatively, the Australian offices may take a leading role in championing pro bono across the firm. There may be greater scope to take on large-scale projects or opportunities to focus on international or public interest issues.

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⁶ 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.
In the 2018 Survey, eight respondent firms (22%) identified themselves as “international law firms”, defined for the purposes of the Survey as a “law firm with more staff located overseas than in Australia”. Four were in Group A, two in Group B and two in Group C.\(^7\)

In 2016, there were nine firms identifying as “international law firms”: the same eight firms as in 2018 and one firm that did not respond to the question in 2018 (but which is known to have remained in that category).

Five of the eight international firms (63%) in 2018 reported that “more” pro bono legal work was done in their Australian offices than in their overseas offices. For one Group B firm and one Group C firm it was “about the same”, and one Group A firm was unable to answer the question. None of the firms reported that less pro bono legal work is done in Australia than overseas. These results are consistent with the 2016 Survey results and confirm the strength and stability of pro bono in Australia.

For all responses from international law firms please see Chart 1 below.

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**Chart 1: Do our Australian offices perform more or less pro bono work than those overseas?**

<table>
<thead>
<tr>
<th></th>
<th>2018 (8 firms)</th>
<th>2016 (9 firms)</th>
<th>2014 (8 firms)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>More</strong></td>
<td>5 firms</td>
<td>6 firms</td>
<td></td>
</tr>
<tr>
<td><strong>About the same</strong></td>
<td>2 firms</td>
<td>2 firms</td>
<td>1 firm</td>
</tr>
<tr>
<td><strong>Less</strong></td>
<td>1 firm</td>
<td>1 firm</td>
<td>1 firm</td>
</tr>
<tr>
<td><strong>Don't know</strong></td>
<td>1 firm</td>
<td>2 firms</td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** Where no entry exists for a category in a Survey year, no responses under that category were received.

See Appendix 1: Survey Results, Section 11, Q63 for all responses.

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\(^7\) Comparisons to Surveys pre-2014 are difficult and misleading, as in those Surveys the Centre asked whether firms had offices (of any size) overseas. In 2012, 12 of the 36 Survey respondents reported having offices overseas, compared to 10 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.
2  How much “pro bono legal work” do we do?

Recording and measuring “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.8

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.

2.1 What is “pro bono legal work”?

The Centre’s definition of “pro bono legal services”9 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 widely used in large and mid-sized firms;
- underpins the National Pro Bono Target Statement of Principles; and
- has been adopted by the Commonwealth, NSW and South Australian Governments to define ‘what counts’ in the pro bono requirements of their respective legal services panel arrangements.10

The Centre’s definition of “pro bono legal work” continues to be the primary definition used by large law firms in Australia.11 A pro bono policy should include a definition of “pro bono legal work” ideally aligned with the Centre’s definition of “pro bono legal services”. This definition should be one of the criteria against which requests for assistance are assessed, particularly in relation to “grey areas”.12

See Appendix 1: Survey Results, Section 2, Q1 for all responses.

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8 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.

9 See https://www.probonocentre.org.au/information-on-pro-bono/definition/ for the Centre’s definition of “pro bono legal services”. While undertaking a broad review of the National Pro Bono Target during the 2018 FY the Centre made changes to the definition of “pro bono legal services”. See the Centre’s website for its current definition.

10 See ‘Section 8 – How do government tender arrangements affect our pro bono legal services?’ for more information about the inclusion of pro bono conditions in government tender arrangements.

11 Based on responses to the 2016 Survey, the Centre’s definition was used by 38 out of 41 respondent firms (93%). In 2014, 39 out of 41 respondents (95%) reported using the Centre’s definition. This compares to 34 out of 36 respondents (94%) in 2012, and 24 out of 29 respondents (83%) in 2010. Since a large number of firms have been consistently using the Centre’s definition over consecutive survey periods, a question about usage was excluded from the 2018 Survey.

12 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.
### 2.2 How many hours of pro bono were provided?

“Pro bono hours per lawyer” is the preferred metric for measuring a firm’s pro bono contribution. “Total hours” of pro bono legal work illuminates the pro bono legal contribution of large law firms as a whole.

All 37 Survey respondents provided information on their firm’s total hours of pro bono legal work. Thirty-one out of the 37 Survey respondents were also Target signatories. Hours reported through the 2018 Survey by those 31 firms reflect the hours each firm reported against the Target for the same period. Please see the [Eleventh Performance Report of the National Pro Bono Target (2018)](https://www.probono.net/whole) for hours of pro bono reported against the Target for the FY 2018.

In the 2018 FY, respondents performed a total of **390,931 hours** of pro bono legal work. This equates to 217 FTE lawyers doing pro bono legal work full-time for a year.  

A break-down of those hours between Groups A, B and C and the change across each Group since 2016 is as follows:

- **Group A**: 223,743 hours (+19.9%)
- **Group B**: 121,953 hours (-16.7%)
- **Group C**: 45,235 hours (-0.6%)

It should be noted that the number of firms in each of Groups A, B and C has differed between 2016 and 2018 due to the changing number of FTE lawyers in each firm as well as firm mergers. See ‘Section 1 – Who are we?’ for further details about the respondent cohort. The above comparison of aggregate hours across Groups between 2016 and 2018 should be read in that context.

The aggregate cohort figure of 390,931 hours is slightly higher (0.53%) than that reported in 2016 (371,232 hours) equating to 206 FTE lawyers doing pro bono work full-time for a year, as well as the total hours reported in each of 2014, 2012 and 2010:

- **2014**: 374,942 hours
- **2012**: 343,058 hours
- **2010**: 322,343 hours

For the total hours of pro bono legal work reported by each respondent (de-identified), see Chart 2 below.

See [Appendix 1: Survey Results, Section 4, Q24 for all responses](https://www.probono.net/whole).

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13 This figure is calculated based on a 37.5 hour working week for 48 weeks per year.
Chart 2: Total pro bono hours - individual firms

- **Firm 1**: 39148.00
- **Firm 2**: 34052.00
- **Firm 3**: 32696.00
- **Firm 4**: 27782.90
- **Firm 5**: 24938.00
- **Firm 6**: 24818.00
- **Firm 7**: 16858.00
- **Firm 8**: 14496.80
- **Firm 9**: 8953.80
- **Firm 10**: 21315.00
- **Firm 11**: 14567.25
- **Firm 12**: 14026.00
- **Firm 13**: 12157.00
- **Firm 14**: 10814.00
- **Firm 15**: 9377.00
- **Firm 16**: 8789.40
- **Firm 17**: 8759.77
- **Firm 18**: 8007.00
- **Firm 19**: 6110.00
- **Firm 20**: 4723.80
- **Firm 21**: 3307.00
- **Firm 22**: 8847.43
- **Firm 23**: 8317.00
- **Firm 24**: 5252.26
- **Firm 25**: 4255.00
- **Firm 26**: 3821.00
- **Firm 27**: 2906.72
- **Firm 28**: 2856.81
- **Firm 29**: 1990.00
- **Firm 30**: 1796.00
- **Firm 31**: 1112.00
- **Firm 32**: 982.75
- **Firm 33**: 915.00
- **Firm 34**: 760.70
- **Firm 35**: 662.00
- **Firm 36**: 418.00
- **Firm 37**: 342.00

**Legend**:
- **Group A (9 firms)**
- **Group B (12 firms)**
- **Group C (16 firms)**
2.3 How many pro bono hours per lawyer do we do?

“Hours per lawyer per year” is an effective metric for comparing firms’ pro bono contributions, as opposed to only 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 this metric 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. Measuring pro bono legal work by hours, rather than financially, also makes pro bono referable to the individual professional responsibility of each lawyer to participate in pro bono legal work.\(^\text{14}\)

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,\(^\text{15}\) and incorporating this target into the firm’s pro bono policy.\(^\text{16}\)

Firms were asked to report the number of “pro bono hours per lawyer per year” that their lawyers performed in the 2018 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.\(^\text{17}\) All 37 respondent firms provided this information.

As always, the cohort of Survey respondents varies slightly from year to year. It is therefore difficult to compare pro bono hours per lawyer through this biennial Survey, since firms and lawyers go through considerable change in a two-year period and, as mentioned, different firms complete the Survey. This year, the figures also varied greatly between firms, from 2.2 hours per lawyer (a Group C firm) to 70.4 hours per lawyer (a Group B firm).

Overall average pro bono hours per lawyer per year reported by firms in Groups A, B and C are shown in Table 2 below.

The average “pro bono hours per lawyer” reported across all Survey respondents was 30.5 hours, down from 34.8 hours on average in 2016. As in 2016, Groups A and B each exceeded the National Pro Bono Target\(^\text{18}\) figure of 35 hours per lawyer. The figures in Table 2 illustrate the substantial increase in the contributions of Group B firms since 2014 (although there was a slight drop in average hours in 2018), and a significant number of firms in Group C.

**Table 2: Pro bono hours per lawyer per year**

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2016</th>
<th>2014</th>
<th>2012</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours of pro bono legal work per lawyer per year</td>
<td>30.5 (-12.4%)</td>
<td>34.8 (+9.8%)</td>
<td>31.7</td>
<td>29.9</td>
<td>29</td>
</tr>
</tbody>
</table>

\(^\text{14}\) 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*.

\(^\text{15}\) See *The Australian Pro Bono Best Practice Guide – element 8*.

\(^\text{16}\) See *The Australian Pro Bono Best Practice Guide – element 5*.

\(^\text{17}\) For more information, see “Pro bono hours per lawyer per year” in *Appendix 2: Definitions*.

\(^\text{18}\) For further information about the Target, see the Centre’s [website](#).
The total average number of hours per lawyer (30.5 hours) should be read in the context of other results within this Survey report. Whilst there was a 0.53% increase in 2018 in the total number of reported hours of pro bono legal work to 390,931 hours across the 37 Survey respondents, the same cohort reported that it employed 6.8% more lawyers in 2018 compared to 2016, serving to push down the average pro bono hours per lawyer in 2018. Additionally, a number of Survey respondents from Group C (who are not yet Target signatories) reported a very low average number of hours per lawyer in 2018 (one reported 2.2 hours per lawyer, another 6 hours per lawyer) also serving to push down the overall average number of hours per lawyer in the Survey cohort compared to the hours reported by Target signatories against the Target.

As shown in Table 2 above, the largest drop in hours per lawyer in 2018 is attributable to Group A (9.9% decrease), however it should be noted that while Group A’s number of pro hours increased by 19.9% in 2018 compared to 2016, Group A’s reported number of FTE lawyers increased by a much higher proportion, 27.3%. This has resulted in a reduced number of average pro bono hours per lawyer across the cohort. It should also be noted that there were only seven firms comprising Group A in 2016, compared to nine in 2018, with one Group A firm forming due to a merger, making it difficult to make a direct comparison of these results across the two Survey periods.

Four respondents (11%) reported performing 50 or more hours of pro bono legal work per lawyer in 2018 (one from Group A, two from Group B and one from Group C) and a further 11 respondents (30%) reported performing between 35 - 50 hours per lawyer (four from Group A, four from Group B and three from Group C).

This compares to four respondents (10%) 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 11 respondents (35%) performing between 35 - 50 hours per lawyer (five from Group A, three from Group B and three from Group C).

Across the total Survey cohort, 15 respondents (41%) provided 35 or more hours of pro bono legal work per lawyer in 2018, a decrease compared to the 45% of firms that achieved this result.

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19 See ‘Section 2.2 – How many hours of pro bono were provided?’.
20 See ‘Section 1.2 – How many lawyers do we have?’.
21 The average number of pro bono hours reported by Target signatories for the 2018 FY was 34.97 hours. See the Eleventh Annual Performance Report of the National Pro Bono Target. Note that this figure relates to all Target signatories, not just law firms with 50 or more lawyers.
22 See ‘Section 2.2 – How many hours of pro bono were provided?’.
23 See ‘Section 1.2 – How many lawyers do we have?’.
in 2016, but a significant increase compared to the 29% of firms that achieved this result in 2014. For the pro bono hours per lawyer per year reported by each respondent firm (de-identified) see Chart 3 below.

### Chart 3: Pro bono hours per lawyer per year - individual

<table>
<thead>
<tr>
<th>Firm</th>
<th>Pro bono hours per lawyer per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm 1</td>
<td>50.34</td>
</tr>
<tr>
<td>Firm 2</td>
<td>43.93</td>
</tr>
<tr>
<td>Firm 3</td>
<td>43.36</td>
</tr>
<tr>
<td>Firm 4</td>
<td>41.06</td>
</tr>
<tr>
<td>Firm 5</td>
<td>37.37</td>
</tr>
<tr>
<td>Firm 6</td>
<td>34.90</td>
</tr>
<tr>
<td>Firm 7</td>
<td>34.58</td>
</tr>
<tr>
<td>Firm 8</td>
<td>29.54</td>
</tr>
<tr>
<td>Firm 9</td>
<td>11.47</td>
</tr>
<tr>
<td>Firm 10</td>
<td>62.32</td>
</tr>
<tr>
<td>Firm 11</td>
<td>53.56</td>
</tr>
<tr>
<td>Firm 12</td>
<td>41.90</td>
</tr>
<tr>
<td>Firm 13</td>
<td>41.57</td>
</tr>
<tr>
<td>Firm 14</td>
<td>41.32</td>
</tr>
<tr>
<td>Firm 15</td>
<td>35.20</td>
</tr>
<tr>
<td>Firm 16</td>
<td>34.20</td>
</tr>
<tr>
<td>Firm 17</td>
<td>29.55</td>
</tr>
<tr>
<td>Firm 18</td>
<td>27.82</td>
</tr>
<tr>
<td>Firm 19</td>
<td>25.13</td>
</tr>
<tr>
<td>Firm 20</td>
<td>16.53</td>
</tr>
<tr>
<td>Firm 21</td>
<td>11.21</td>
</tr>
<tr>
<td>Firm 22</td>
<td>42.65</td>
</tr>
<tr>
<td>Firm 23</td>
<td>38.91</td>
</tr>
<tr>
<td>Firm 24</td>
<td>36.00</td>
</tr>
<tr>
<td>Firm 25</td>
<td>30.32</td>
</tr>
<tr>
<td>Firm 26</td>
<td>22.61</td>
</tr>
<tr>
<td>Firm 27</td>
<td>21.60</td>
</tr>
<tr>
<td>Firm 28</td>
<td>17.80</td>
</tr>
<tr>
<td>Firm 29</td>
<td>17.70</td>
</tr>
<tr>
<td>Firm 30</td>
<td>15.00</td>
</tr>
<tr>
<td>Firm 31</td>
<td>13.24</td>
</tr>
<tr>
<td>Firm 32</td>
<td>11.32</td>
</tr>
<tr>
<td>Firm 33</td>
<td>11.30</td>
</tr>
<tr>
<td>Firm 34</td>
<td>7.84</td>
</tr>
<tr>
<td>Firm 35</td>
<td>6.00</td>
</tr>
<tr>
<td>Firm 36</td>
<td>2.20</td>
</tr>
</tbody>
</table>

**Legend:**
- **Group A (9 firms)**
- **Group B (12 firms)**
- **Group C (16 firms)**
Change in individual firms’ reported pro bono hours per lawyer from 2016 to 2018

Thirty-three firms that provided “pro bono hours per lawyer” in the 2018 Survey also provided those hours in the 2016 Survey.

Of those 33 firms, eight (24%) reported an increase of more than 20% in the “pro bono hours per lawyer” performed compared to 2016 (none from Group A, three from Group B and five from Group C). Four (12%) reported a decrease of more than 20% (one from Group A, two from Group B and one from Group C). By comparison, in 2016 a larger group of 20 (56%) of the 36 of the 31 respondents who had reported in both 2016 and 2014 reported an increase of more than 20%, and two (6%) reported a decrease of more than 20%. In 2014, 13 (42%) of the 31 respondents who had reported in both 2014 and 2012 reported an increase of more than 20%, and four (13%) reported a decrease of more than 20%.

Please see Chart 4 below for the change in pro bono hours per lawyer reported by each respondent firm (de-identified) between 2016 and 2018.

See Appendix 1: Survey Results, Section 4, Q25 for all responses.
Chart 4: Change in pro bono hours per lawyer - 2016 to 2018

% Change in pro bono hours per lawyer from 2016 FY to 2018 FY

-31.64% 82.17%
-9.09% 41.52%
-8.71% 39.03%
-4.66% 12.18%
-4.56% 30.88%
-8.18% 18.14%
-8.57% 12.00%
-11.21% 8.29%
-19.46% 40.85%
-26.73% 12.00%
-31.90% 88.42%
-85.90% 83.21%
### 2.4 Pro bono performance of Target signatories compared to non-signatories

The **National Pro Bono Target** (formerly 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 provide at least 35 hours of pro bono legal work per lawyer per year.\(^{24}\)

As at 30 June 2018, the Target had 126 signatories in total: 93 firms and practices, and 33 individual solicitors and barristers. This included 37 firms with 50 or more FTE lawyers, all of whom were invited to respond to the 2018 Survey. Thirty-one of those 37 firms did so.

In 2018, all but one responding firm indicated that they were aware of the Target. In 2016 and 2014, all 41 respondent firms indicated that they were aware of the Target, an increase from 97% in 2012 and 90% in 2010.

As in previous Survey years, signatories to the Target performed better against key pro bono metrics (see **Table 3**).

**Table 3: Average pro bono performance of Target signatories compared to non-signatories**

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2016</th>
<th>2014</th>
<th>2012</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Target Sigs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Target Sigs</td>
<td>32.39</td>
<td>34.8</td>
<td>34.6</td>
<td>36.6</td>
<td>37.8</td>
</tr>
<tr>
<td>Non-Sigs</td>
<td>15.04</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(^{25})</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participation rate</td>
<td>64%</td>
<td>58%</td>
<td>54%</td>
<td>59%</td>
<td>66%</td>
</tr>
<tr>
<td></td>
<td>50%</td>
<td>56%</td>
<td>33%</td>
<td>43%</td>
<td>42%</td>
</tr>
</tbody>
</table>

In 2018, signatory firms continued to undertake significantly more hours or pro bono legal work on average than non-signatories, demonstrating the strong pro bono culture among firms that are Target signatories.

In the 2018 FY, 15 respondent firms met the Target of 35 hours of pro bono legal work per lawyer. This compares to the 17 respondent firms who met the Target of 35 hours of pro bono legal work per lawyer in previous years.

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\(^{25}\) In the 2016 FY, 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.
legal work per lawyer in the 2016 FY. Those firms, all of which are Target signatories, represent 47% (15 out of 32 firms) of respondents that were Target signatories. This compares to 49% (17 out of 35 firms) in 2016, 38% in 2014 (12 out of 32 firms) and 45% in 2012 (nine out of 12 firms). In 2010, seven out of 13 respondents that were Target signatories (54%) met the Target.

Effects of the Target on pro bono legal work

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 5 below.

### Chart 5: Effects of being a signatory to the Target

- Led to an increase in pro bono legal work done by the firm: 43% (2018), 69% (2016)
- Increased the firm’s focus on the legal needs of disadvantaged people and the organisations...: 34% (2018), 54% (2016)
- Decreased the amount of pro bono work being done by the firm: 8.5% (2018), 11% (2016)
- Had no effect: 8.5% (2018), 9% (2016)
- Other*: 8.5% (2018), 9% (2016)

*"Other" responses (3) 2018:
- The Target continues to provide a reference point for minimum pro bono contribution
- We signed the target many years ago. Difficult to assess impact
- The Target has led to better reporting in relation to the pro bono work we perform

**NOTE:** Where no entry exists for a category in a Survey year, no responses under that category were received.

See Appendix 1: Survey Results, Section 14, Q73-78 for all responses.

Proportion of lawyers undertaking 35 or more pro bono hours per year

The primary reason for undertaking pro bono legal work is the individual professional obligation of each lawyer to ensure access to justice. The professional obligation to undertake pro bono
legal work therefore 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 2018 FY, whether their firm was a signatory to the Target or not. Thirty-six firms responded to this question, the same number as in 2016. Thirty-three firms responded in 2014.

As outlined in Chart 6 below, on average, respondents indicated that 23% of lawyers undertook 35 hours or more of pro bono legal work in 2018, compared to 18% in 2016 and 15% in 2014. The three respondents that reported the highest proportions in 2018 were all in Group B (80%, 72% and 50%, respectively). The three respondents reporting the highest proportions in 2016 were a Group A firm (47%), a Group C firm (46%) and a Group A firm (36%).

All nine Group A respondents answered this question, averaging 23% of the lawyers at their firm meeting the Target (compared to 27% in 2016 and 24% in 2014), 11 Group B respondents reported an average of 32% meeting the Target (compared to 19% in 2016 and 16% in 2014) and 16 Group C respondents averaged 16% (compared to 14% in 2016 and 12% in 2014).

See Appendix 1: Survey Results, Section 4, Q26 for all responses.
Anticipated pro bono performance in 2019 financial year

For the second time, all respondent firms (not just Target signatory firms) were asked to report on whether they anticipated reaching an annual average of at least 35 pro bono hours per lawyer per year during the following financial year.

Nineteen firms (51%) responding to the 2018 Survey indicated that they did anticipate meeting the Target in the 2019 FY. Of these firms, 18 (95%) were signatories to the Target and 17 (89%) reported meeting the Target in the 2018 FY.

This is similar to the 21 firms (51%) indicating that they did anticipate meeting the Target in the 2017 FY. Of those 21 firms, 20 (95%) were signatories to the Target and 17 firms (81%) reported meeting the Target in the 2016 FY.

Ten firms (37%) reported that they did not expect to meet the Target in the 2019 FY, three firms did not know, and five firms did not answer the question. None of these 18 firms had met the Target in the 2018 FY, and 14 were Target signatories.

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

See Appendix 1: Survey Results, Section 14, Q81 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.28

Twenty out of the 37 respondents (54%) reported on the proportion of total firm practice hours that their firm’s pro bono legal work represented.29 The average proportion was 3.46%. This compares to the average proportion of 2.36% among 27 responding firms (66% of the 41 respondents) to the 2016 Survey.

Nine (45%) of the 20 respondents who answered this question were from firms making pro bono contributions equivalent to at least 3% of their total number of hours of legal work. One firm was making a contribution of 10%, and another (both Group B firms) 15% of their total hours of legal work.

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28 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”.

29 Of the 20 respondents that answered this question, ten (50%) indicated that their answer was an estimate.
2.5 How much of this work was provided for a “substantially reduced fee”?

Pro bono legal work is defined by the Centre as “giving legal assistance for free or at a substantially reduced fee...”. For the second 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. Of the 31 respondents that answered this question, 26 (84%) advised that all of their work was provided without charge. Five firms (16%) indicated that they give some legal assistance for a substantially reduced fee. This compares to 24 (69%) of the 35 respondents to this question in the 2016 Survey indicating that all of their work was provided without charge.

The Group averages in 2018 and 2016 for the provision of pro bono legal work “without charge” were:

- Group A: 2018 – 86% (six of the seven responding firms); 2016 – 99%
- Group B: 2018 – 90% (nine of the 10 responding firms); 2016 – 97.1%
- Group C: 2018 – 79% (11 of the 14 responding firms); 2016 – 93.1%

In the 2018 Survey respondents were asked to provide details of the substantially reduced fee work each firm had undertaken in the 2018 FY. The responses indicate that the majority of substantially reduced fee work undertaken was provided for organisations – not-for-profit and charitable organisations. Fee reductions varied from 30% to 60%, with most responding firms indicating that they offered a 50% reduction.

See Appendix 1: Survey Results, Section 4, Q30 for all responses.

2.6 Individual lawyer participation in pro bono legal work

Firms are encouraged to have a strategy for broad engagement of staff, supporting lawyers to participate in the firm’s pro bono program and ensuring it is straightforward for them to do so. Best practice in pro bono involves ensuring that there is a clear understanding throughout the

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30 Following a review of the National Pro Bono Target consultation with Target signatories upon its 10-year anniversary in 2018 the Centre chose to retain work done for a “substantially reduced fee” in the definition of “pro bono legal services” with a number of additional requirements for how that work is reported. Please see Appendix 2 for a full definition of “pro bono legal services” and the Target Guidance Notes for clarification about the meaning of the term “substantially reduced fee” and how to count and report this work for the purposes of the Target.

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 Target, refers to the percentage of lawyers at firms who had performed at least one hour of pro bono legal work in the 2018 FY. 

In 2018, 36 out of 37 firms (97%) responded to this question. Please see Chart 7 below, which compares average participation rates to previous Surveys in 2016, 2014, 2012 and 2010. Please also see below Chart 8, which shows all firms’ results de-identified.

Please also refer back to Table 3 in ‘Section 2.4 – Pro bono of performance of Target signatories compared to non-signatories’ for a breakdown of participation rates between Target signatories and non-Target signatories in 2018 and previous Surveys.

In 2018, participation rates varied greatly among respondents from 25% (a Group B firm) to 90% (a Group C firm). The lowest participation rate among all respondents (25%) was significantly higher than the lowest participation rate of 7.5% indicated by respondents to the 2016 Survey.

Four firms in 2018 reported a participation rate of more than 80%, compared to seven firms in 2016 and three firms in 2014. A further eight firms in 2018 reported a participation rate of between 70-80%.

The average participation rate across all firms was the same in 2018 as in 2016, 61%.

A slight reduction in participation was reported by Group A firms in 2018 – down from 72% in 2016 to 68% in 2018, but there was a rise in participation rates among both Group B and Group C firms. In 2018, Group B firms reported a participation rate of 60%, compared to 55% in 2016. Group C firms reported a participation rate of 57% in 2018, compared to 55% in 2016.

The greatest variance in participation rates in 2018 came from Group C firms, with one firm reporting a rate of 27% and another a rate of 90%.

See Appendix 1: Survey Results, Section 4, Q20 for all responses.

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33 See The Eleventh Annual Performance Report on the National Pro Bono Target, p.5, for participation rates reported for the 2018 FY.
34 As set out in paragraph 4 of Part 1 of the Guidance Notes, “firm’s lawyers” includes law graduates not yet admitted to legal practice but does not include paralegals.
Chart 7: Pro bono participation rates (average)

(Average % of lawyers who provided at least 1 hour of pro bono legal work in 2018 FY)
Chart 8: Pro bono participation rates - individual firms

(Chart showing pro bono participation rates for individual firms, with rates ranging from 0% to 100%)

- Firm 1: 84.00%
- Firm 2: 80.50%
- Firm 3: 80.00%
- Firm 4: 75.00%
- Firm 5: 74.60%
- Firm 6: 68.00%
- Firm 7: 65.00%
- Firm 8: 63.50%
- Firm 9: 61.00%
- Firm 10: 50.00%
- Firm 11: 47.00%
- Firm 12: 48.00%
- Firm 13: 47.00%
- Firm 14: 45.00%
- Firm 15: 47.00%
- Firm 16: 45.00%
- Firm 17: 40.00%
- Firm 18: 37.00%
- Firm 19: 30.00%
- Firm 20: 27.00%
- Firm 21: 90.00%
- Firm 22: 81.00%
- Firm 23: 80.00%
- Firm 24: 75.00%
- Firm 25: 66.89%
- Firm 26: 66.00%
- Firm 27: 64.00%
- Firm 28: 59.00%
- Firm 29: 58.50%
- Firm 30: 53.00%
- Firm 31: 48.00%
- Firm 32: 47.00%
- Firm 33: 40.00%
- Firm 34: 35.00%
- Firm 35: 30.00%
- Firm 36: 27.00%

Pro bono participation rate

(% of lawyers who provided at least 1 hour of pro bono legal work in 2018 FY)
Change in individual firms’ participation rates from 2016 to 2018

Of the 32 firms that responded to this question in both 2018 and 2016, 6 firms (18%) reported a significant (more than 20%) increase in their participation rate (two from Group B and four from Group C). A further seven firms (22%) reported a significant (more than 20%) decrease (two from Group A, one from Group B and four from Group C). Two Group C firms reported an increase in their participation rates of more than 175%.
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 again 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 2018 FY.

The 31 firms that answered this question reported an average partner participation rate of 42% (with the same firms reporting an overall lawyer participation rate of 61%). This compares to an average partner participation rate of 46% in 2016.

This represents a decrease of 4% from the average partner participation rate of 46% in 2016 (compared to the 60% of all lawyers participating in pro bono at these same firms) and an increase on the partner participation average in 2014 (40%).

The decrease in partner participation rates is attributable to firms in all of Groups A, B, and C (Group A’s rate decreased from 53% in 2016 to 49% in 2018, Group B’s rate decreased from 40% in 2016 to 32% in 2018 and Group C’s rate decreased from 48% in 2016 to 43% in 2018).

The increase in partner participation in 2016 was largely attributable 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.

The number of firms reporting particularly high partner participation rates was similar to 2016, with one Group A firm reporting a figure of 78% and two Group C firms reporting a figure of 75%. This compares to one Group C firm reporting a figure of 80% and one Group A firm reporting 79% in 2016. The highest figure in 2014 was 75%.
Five firms reported a partner participation rate of over 60% compared to seven firms in 2016 and five in 2014.

*See Appendix 1: Survey Results, Section 4, Q22 on for all responses.*

### Paralegal participation in pro bono legal work

In 2018, as an optional question firms were asked to report on their total paralegal hours (performed by paralegals on pro bono work of a legal nature). Twelve firms responded to this question. The total number of paralegal hours reported across the 12 firms was 4,343 hours (3% of total pro bono hours reported by these 12 firms). The average number of paralegal hours reported across the 12 firms was 362 hours per firm, with Group A firms reporting an average of 1,126 hours, Group B reporting an average of 118 hours and Group C reporting an average of 300 hours, highlighting the varying use of paralegals to assist with pro bono work across the firms.

Ten of the 12 responding firms provided the number of full-time equivalent paralegals that undertook the above reported paralegal hours. The average number of full-time equivalent paralegals across the 10 firms was 11 per firm, with the highest number of paralegals reported being 32 (a Group C firm) and the lowest number being two (a Group B firm).

*See Appendix 1: Survey Results, Section 14, Q79-80 for all responses.*
3 What type of pro bono legal work do we do?

The type of pro bono legal work undertaken by a firm depends on a range of factors which include:

(a) the firm’s areas of expertise;
(b) the interests of its staff and leadership;
(c) the firm’s strategic objectives concerning providing access to justice and addressing unmet legal need;
(d) any formally defined areas of focus for the pro bono program, which are themselves influenced by factors (a), (b) and (c);
(e) whether requests for pro bono assistance are received from CLCs, referral organisations or directly from clients; and
(f) most of all, the firm’s capacity to assist at the relevant time.

3.1 Who do we help – individuals or organisations?

Firms were asked to calculate the proportion of pro bono legal work that they carried out for individuals and for organisations in the 2018 FY, based on the number of new files opened.35

A key aim of pro bono legal work is to provide access to justice to individuals who are experiencing disadvantage or marginalisation. Accordingly, many large firms focus a significant proportion of their pro bono work on directly assisting disadvantaged individuals.

Many firms, however, also assist not-for-profits or mission-based organisations whose core business is assisting people in need or furthering the public interest. Assisting organisations encourages broad and deep participation in pro bono by creating opportunities for lawyers in large firms to apply their existing commercial legal skills on a pro bono basis.

In the 2018 FY, on average responding firms undertook 47% of their pro bono legal work for individuals, continuing an upward trend from 2012 (37%) through to 2014 (35%) and 2016 (44%). Responses from firms ranged from 0% of work done for individuals (one Group C firm) to 95% (one Group C and one Group B firm).

In 2018, 17 firms (46%) did at least half of their pro bono legal work for individuals: the same number that reported doing so in the 2016 Survey (47.5% of responding firms). These 17 firms vary in size and their pro bono practices range from nascent to long-established. The mixture of firms in this category suggests a diversity of approach across the cohort and an increasingly mature pro bono community. For overall and Group A, B and C averages see Chart 11 below.

35 Thirty-five of 37 Survey respondents answered this question, of whom 23 (62%) indicated that their answer was an estimate.
Group A firms performed on average 42% of their pro bono legal work for individuals, significantly less than in 2016 (53%) but comparable to 2014 and 2012 (both 44%). Four out of nine Group A respondents reported performing more work for individuals than for organisations, with one firm reporting that they performed 67% for individuals.

By contrast, in Group B, an average of 60% of pro bono legal work directly assisted individuals, well up on the results in 2016 (50%), 2014 (33%) and 2012 (40%). Eight of the ten firms that responded to this question performed more work for individuals than for organisations, including two that reported 95% for individuals.

Group C also showed a continuing shift towards assisting individuals, with an average of 40% of pro bono work undertaken in that category (up from 37% in 2016, 31% in 2014 and 32% in 2012). Five of the 16 Group C firms reported doing at least half their pro bono work for individuals, with two firms reporting 92% or more for individuals.
These results suggest a growing trend in mid-sized firms towards assisting individuals, while the largest firms continue to apply their strong corporate and commercial skillsets to supporting not-for-profits and other mission-based organisations.

See Appendix 1: Survey Results, Section 5, Q32 for all responses.

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

Firms were 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 31 firms indicating that they do have a specific focus and providing details on this. Four firms (one in Group A and three in Group C) advised that their program does not have a specific focus.

As to be expected, while there are certain areas of law and client groups that recur, responses vary widely.

Areas of law

Firms reported the five areas of law in which they spent the most time providing pro bono legal services in the 2018 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:

<table>
<thead>
<tr>
<th>Area of law</th>
<th>Nominations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment law</td>
<td>20</td>
</tr>
<tr>
<td>Governance</td>
<td>14</td>
</tr>
<tr>
<td>Commercial Agreements (e.g. leases)</td>
<td>13</td>
</tr>
<tr>
<td>Corporate Law (including incorporations)</td>
<td>13</td>
</tr>
<tr>
<td>Charity and Deductible Gift Recipient (DGR) Status Applications</td>
<td>13</td>
</tr>
<tr>
<td>Wills / Probate / Estate</td>
<td>12</td>
</tr>
<tr>
<td>Human Rights</td>
<td>11</td>
</tr>
<tr>
<td>Immigration</td>
<td>11</td>
</tr>
<tr>
<td>Intellectual Property</td>
<td>10</td>
</tr>
<tr>
<td>Administrative / Constitutional</td>
<td>9</td>
</tr>
<tr>
<td>Debt</td>
<td>8</td>
</tr>
<tr>
<td>Discrimination</td>
<td>8</td>
</tr>
<tr>
<td>Housing / Tenancy</td>
<td>6</td>
</tr>
</tbody>
</table>

Although Employment law remains the most nominated area of law, in the 2018 Survey it was listed by fewer firms than in 2016 (20 down from 23).

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36 Pro bono legal work in employment law may involve representing individuals or organisations.
There was also a drop in firms listing Immigration law (11 down from 16), Commercial agreements (e.g. leases) (13 down from 22), Housing/Tenancy (six down from nine) and Consumer law (two down from seven).

By contrast, there was a rise in firms nominating Intellectual property (10 up from five in 2016), Wills/Probate/Estates (12 up from nine), Corporate law (including incorporation) (13 up from eight), Environmental law (four up from one) and Human rights (11 up from nine).

Please see Chart 12 below, which lists all areas of law nominated and compares to previous Surveys in 2016, 2014 and 2012 and 2010.

See Appendix 1: Survey Results, Section 2, Q14 and Section 5, Q34 for all responses.
Chart 12: Top five areas of law and practice (Part I)
Chart 12: Top five areas of law and practice
(Part II)

NOTE: Where no entry exists for a category in a Survey year, no responses under that category were received. *This category was included for the first time in 2012. **This category was included for this first time in 2018.
**Practice areas**

For the purpose of analysis, the 37 areas of law used in the Survey can be grouped into nine broad practice areas:

<table>
<thead>
<tr>
<th>Area of law</th>
<th>Practice area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coronial Inquiries</td>
<td>Criminal</td>
</tr>
<tr>
<td>Criminal Law</td>
<td></td>
</tr>
<tr>
<td>Family Violence/Domestic Violence</td>
<td></td>
</tr>
<tr>
<td>Fines</td>
<td></td>
</tr>
<tr>
<td>Family Law (not including Family Violence)</td>
<td>Family</td>
</tr>
<tr>
<td>Employment law</td>
<td>Employment</td>
</tr>
<tr>
<td>Bankruptcy</td>
<td>Civil</td>
</tr>
<tr>
<td>Consumer Law</td>
<td></td>
</tr>
<tr>
<td>Debt</td>
<td></td>
</tr>
<tr>
<td>Intellectual Property</td>
<td></td>
</tr>
<tr>
<td>Personal Injury</td>
<td></td>
</tr>
<tr>
<td>Victims Compensation</td>
<td></td>
</tr>
<tr>
<td>Powers of Attorney/ Guardianship</td>
<td>Estate management</td>
</tr>
<tr>
<td>Superannuation</td>
<td></td>
</tr>
<tr>
<td>Trusts</td>
<td></td>
</tr>
<tr>
<td>Wills / Probate / Estate</td>
<td></td>
</tr>
<tr>
<td>Agreements with / Tenders to Government for pro bono clients</td>
<td>Commercial</td>
</tr>
<tr>
<td>Banking/Finance</td>
<td></td>
</tr>
<tr>
<td>Charity and Deductible Gift Recipient (DGR) Status Applications</td>
<td></td>
</tr>
<tr>
<td>Commercial Agreements (e.g. leases)</td>
<td></td>
</tr>
<tr>
<td>Construction Law</td>
<td></td>
</tr>
<tr>
<td>Corporate Law (including incorporations)</td>
<td></td>
</tr>
<tr>
<td>Governance</td>
<td></td>
</tr>
<tr>
<td>Tax (other than DGR)</td>
<td></td>
</tr>
<tr>
<td>Immigration</td>
<td>Immigration</td>
</tr>
<tr>
<td>Animal Law</td>
<td>Public interest</td>
</tr>
<tr>
<td>Discrimination</td>
<td></td>
</tr>
<tr>
<td>Environment</td>
<td></td>
</tr>
<tr>
<td>Human Rights</td>
<td></td>
</tr>
<tr>
<td>Administrative/Constitutional</td>
<td>Public/administrative</td>
</tr>
<tr>
<td>Housing / Tenancy</td>
<td></td>
</tr>
<tr>
<td>Immigration</td>
<td></td>
</tr>
<tr>
<td>Privacy / Freedom of Information</td>
<td></td>
</tr>
<tr>
<td>Social Security</td>
<td></td>
</tr>
<tr>
<td>Town Planning / Local Government</td>
<td></td>
</tr>
</tbody>
</table>

In the 2018 Survey, firms predominantly listed areas of law that can be classified as Commercial law, Public/administrative law or Civil law. The 2016 results show a similar pattern, as Chart 13 below demonstrates.
Areas of law in firms that assist individuals / organisations

Amongst firms that prioritise directly assisting individuals, the most nominated areas of law were Employment law and Administrative/constitutional law, followed by Immigration, Debt, and Wills/Probate/Estate, followed by Consumer law, Human rights, Discrimination and Commercial agreements (including leases).

Firms that predominantly assist organisations listed their areas of law as (in order from highest to lowest) Employment law, followed by Governance and Charity/DGR, followed by Intellectual Property, then Commercial agreements (including leases), Wills/Probate/Estates, then Corporate Law, then Discrimination.

Clients

For the first time firms were asked who, within their top five areas of law, were their client groups. The most nominated client group was “Asylum seekers” (16 firms), despite an overall drop in focus on Immigration law. Fifteen firms listed “Aboriginal and Torres Strait Islander” clients. In broad terms the other client groups listed were women and/or domestic violence survivors (10 firms), homeless persons (eight firms), children and young people (seven firms), people experiencing discrimination and/or LGBTIQ and/or people with a disability (seven firms), not-for profits (four firms), victims of crime (two firms) and people who are financially vulnerable (one firm).

See Appendix 1: Survey Results, Section 4, Q35 for all responses.

37 I.e. at least 67% of their pro bono legal work is done for individuals.
38 I.e. at least 67% of their pro bono legal work is done for organisations.
3.3 In what areas of law and practice do we reject requests for assistance?

The Survey asked firms to indicate the five areas of law or practice in which they rejected the most requests for assistance (for reasons other than means or merit). A high rate of rejections across firms tends to indicate a high level of unmet legal need.

Reasons for rejecting requests for pro bono assistance include:

- there is a conflict of interest;
- the matter falls outside the firm’s areas of focus or other policy guidelines;
- the firm lacks expertise in the relevant area of law; or
- the firm lacks capacity to accept the matter.

In every Survey since 2008, Family law and Criminal law have been the two most rejected areas of law. The 2018 Survey was no exception, with 12 firms nominating Criminal law (the same as in 2016) and nine firms nominating Family Law (compared to 16 in 2016). Large law firms traditionally specialise in general civil law, and have little internal expertise in family law and criminal law.39

Notably, in 2018 Immigration law matters were rejected by fewer firms than in 2016 (six firms, down from 11). Given there was also a drop in firms nominating Immigration as a top five area of law (from 16 to 11), it appears that pro bono work in this area is becoming more concentrated in the hands of a few firms.

In other areas of law, the pattern in 2018 was similar to that in 2016, with Debt (eight compared to nine in 2016), Employment (six compared to seven in 2016), Charity and DGR (five in both 2018 and 2016), and Family violence/DV (four compared to five) among the most rejected areas.

Please see Chart 14 below, which lists all rejected areas of law nominated and compares to previous Surveys in 2016, 2014, and 2012 and 2010.

See Appendix 1: Survey Results, Section 5, Q36 for all responses.

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39 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 14: Top five most rejected areas of law and practice (Part I)

NOTE: Where there is no entry for a Survey year indicated, no relevant responses were received that year.
Chart 14: Top five most rejected areas of law and practice (Part II)

NOTE: Where there is no entry for a Survey year indicated, no relevant responses were received that year.
**Most rejected practice areas**

Grouping the 37 areas of law into practice areas, the Survey results suggest that in the 2018 FY requests for pro bono assistance were most often rejected in Commercial Law (which includes Debt) and Criminal Law.

**Chart 15** below sets out the top five most rejected areas of law in 2016 and 2018, grouped in practice areas.

![Chart 15: Top 5 most rejected areas of law (grouped in practice areas) in 2016 and 2018]

3.4 **Pro bono legal services for social enterprises**

For the first time, respondents were asked if they had provided pro bono legal services for social enterprises in the 2018 FY.

Commencing 1 July 2018, clause 1 of the Centre’s definition of “pro bono legal services” was amended to include work done for “charities, other not-for-profit organisations or social enterprises, in each case where their sole or primary purpose is to work in the interests of low income or disadvantaged members of the community, or for the public good”. The amendment recognises that, increasingly, firms are acting on a pro bono basis for organisations that use their revenue and/or enterprise model to assist vulnerable and disadvantaged members of the community and that social enterprises are an increasingly common structure being used for an organisation to pursue social, humanitarian, cultural or environmental goals.

All nine Group A firms indicated that they include this type of work in their pro bono programs. Of the nine responding Group B firms, only one does so, of the 15 responding Group C firms,

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40 See above under Practice Areas.
only two do so. These results indicate that currently most of this work is done in the largest firms.

**Chart 16** below indicates the number of firms in each Group that undertook this type of work in the 2018 FY.

![Chart 16: Firms undertaking pro bono legal services for social enterprises](image)

*See Appendix 1: Survey Results, Section 5, Q37 for all responses.*

### 3.5 Reconciliation Action Plans (RAPs)

Firms were asked if they have a Reconciliation Action Plan (RAP). Fifteen firms indicated that they do. Eighteen firms do not, and four firms did not respond to the question.

**Chart 17** below indicates the number of firms in each Group that have a RAP.

![Chart 17: Firms with a Reconciliation Action Plan](image)
RAPs were introduced in firms as early as 2007 (one Group C firm) and as recently as 2018 (one Group A firm). Five of the 15 RAPs were introduced in 2014.

Of the 15 firms that do have a RAP, 10 firms (67%) indicated that Aboriginal & Torres Strait Islanders are one of the three key client groups for whom they provide pro bono legal services. This includes five firms from Group A, two firms from Group B and three firms from Group C. This compares with only two firms (13%), one from Group A and one from Group B, that do have a RAP but did not nominate Aboriginal & Torres Strait Islanders as a key client group.

Five out of the 18 firms that reported that they do not have a RAP (28%) indicated that they do still provide services for the Aboriginal & Torres Strait Islander client group, including one Group A firm, and two firms from Group B and C. A further 12 firms that do not have a RAP (67%) indicated that Aboriginal & Torres Strait Islanders are not one of their key client groups. This includes three firms from Group B and nine firms from Group C.

As the results indicate, a large proportion of firms with RAPs are also nominating Aboriginal & Torres Strait Islanders as a top three client group, with only two firms with RAPs indicating otherwise, suggesting a correlation between the two.

Please refer back to Clients in Section 3.2 for the breakdown of the respondents nominated client groups.

*See Appendix 1: Survey Results, Section 5, Q38-39 for all responses.*
4  What service delivery models do we use?

This section examines which service delivery models are used by firms and how firms partner with others to source their pro bono work, second lawyers to other organisations, and work on pro bono projects with the in-house lawyers of their commercial or government clients.

The sourcing of pro bono legal work and provision of pro bono services to both individuals and organisations is highly dependent on firms’ ability to develop and foster relationships with partners. These relationships provide firms with valuable insight into areas of unmet legal need.41

4.1 Where do we source our pro bono legal work?

Firms were asked to calculate (by number of files opened or new matters commenced on existing files42 in the 2018 FY) the respective sources of their pro bono legal work in percentage terms.43 Thirty-five firms answered this question.44

The responses received in 2018 were broadly similar to those obtained in 2016, 2014 and 2012 but with some trends of change over time.45 As in 2016, on average, the highest percentage of pro bono legal work was received through direct requests, although the proportion has decreased since 2016 (32% in 2018 compared to 38% in 2016).46 Conversely, the proportion of pro bono legal work sourced from community legal centres continued to increase to 29% in 2018 compared to 20% in 2016, 18% in 2014 and 16% in 2012).

The balance of pro bono legal work was sourced from:

- Pro bono referral schemes and organisations where the trend was downward: 24.5% in 2018 (compared to 26% in 2016, 27% in 2014 and 31.5% in 2012);

42 For clarity, in 2018 firms were asked to report on all new matters, by number of files opened as well as new matters commenced on existing files.
44 Of the 35 respondents to this question, 31 (89%) indicated that their answer was an estimate.
45 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.
46 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.
Aboriginal and Torres Strait Islander Legal Services (ATSILS): 4.5% in 2018 (compared to 5% in 2016);\textsuperscript{47} 
Legal Aid: 3% in 2018 (compared to 2% in 2016);\textsuperscript{48} and 
Other sources: 7% in 2018 (compared to 10% in 2016).\textsuperscript{49}

For overall and Group A, B and C averages see Chart 18 below.

![Chart 18: Sources of pro bono legal work](chart)

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 gradually dropped, and the proportion of matters being sourced from community legal centres is gradually rising.

This trend is most evident in Group A firms where the proportion of matters sourced:

- from direct requests continued to rise from 38% in 2016 to 41% in 2018;
- from community legal centres increased from 25% in 2016 to 28% in 2018; and
- from pro bono referral organisations and schemes decreased from 29% in 2016 to 14% in 2018.

Group B firms are placing increasing reliance on community legal centres for work, where the proportion of matters sourced:

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\textsuperscript{47} Ibid.
\textsuperscript{48} Ibid.
\textsuperscript{49} Ibid.
from community legal centres increased from 32% in 2016 to 37.5% in 2018;  
from pro bono referral organisations and schemes decreased slightly from 29% in 2016 to 28% in 2018; and  
from direct requests decreased from 26% in 2016 to 22% in 2018.

Group C firms are also placing increasing reliance on community legal centres for work, where the proportion of matters sourced:

- from community legal centres increased starkly from 10% in 2016 to 23.5% in 2018;  
- direct requests decreased from 46% in 2016 to 35% in 2018; and  
- from pro bono referral organisations and schemes remained the same at 27% in both 2016 and 2018.

See Appendix 1: Survey Results, Section 3, Q17 for all responses.

4.2 Which pro bono organisations do we partner with?

Of the 35 firms that responded to this Survey question in 2018:

- Twenty-seven are members of Justice Connect\(^{51}\) (in 2016 there were 24 and in 2014 there were 25) comprised of:
  - eight out of nine Group A firms;  
  - nine out of 12 Group B firms; and  
  - 10 out of 14 Group C firms.

- Nineteen are members of LawRight (formerly QPILCH) (in 2016 and 2014 there were 24) comprised of:
  - eight out of nine Group A firms;  
  - five out of 12 Group B firms; and  
  - six out of 14 Group C firms.

- Five are members of JusticeNet SA (in 2016 there were six and in 2014 there were five) comprised of:
  - one out of nine Group A firms;  
  - two out of 12 Group B firms; and  
  - two out of 14 Group C firms.

- Eleven take referrals from Law Access WA (in 2016 there were 15) comprised of:
  - five out of nine Group A firms;  
  - four out of 12 Group B firms; and  
  - two out of 14 Group C firms.

- Twenty take referrals from the Public Interest Advocacy Centre (in 2016 there were 13) comprised of:
  - nine out of nine Group A firms;

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\(^{50}\) The two firms which didn’t respond to this question are from Group C.  
\(^{51}\) This question referred to Justice Connect including the Homeless Persons’ Legal Clinic Victoria.
seven out of 12 Group B firms; and
four out of 14 Group C firms.

- Six take referrals from the Law Society of NSW Pro Bono Scheme (in 2016 there were seven) comprised of:
  - four out of nine Group A firms;
  - one out of 12 Group B firms; and
  - one out of 14 Group C firms.

- Six take referrals from the ACT Pro Bono Clearing House (in 2016 there were seven) comprised of:
  - four out of nine Group A firms;
  - two out of 12 Group B firms; and
  - 0 out of 14 Group C firms.

- One takes referrals from the Tasmania Pro Bono Clearing House (in 2016 there was also one) comprised of:
  - 0 out of nine Group A firms;
  - one out of 12 Group B firms; and
  - 0 out of 14 Group C firms.

- None of the firms responding to this question took referrals from the Law Society NT Pro Bono Clearing House. In 2016, two of the responding firms did.

The data above is depicted in Chart 19 below.
Thirteen firms also nominated “other” pro bono referral schemes and organisations (and other legal services) from whom they received referrals in the 2018 FY.

See Appendix 1: Survey Results, Section 3, Q19 for all responses.

4.3 Do we offer secondments?

Responses to the 2018 Survey indicate that secondments remain an effective model for providing pro bono assistance. Secondees, especially those seconded on a full-time basis, can make a substantial contribution to the core services and/or major projects of community legal centres or other benefiting organisations.

In 2018, as in previous years, firms were asked if they provided secondments during the 2018 FY. Eighteen (51%) of the 35 respondents to this question indicated that they had. This compares to 19 firms (46%) in 2016, 18 firms (44%) in 2014 and 19 firms (53%) in 2012.

Similar to 2016 and 2014, in 2018 those 18 firms comprised of:

- eight of the nine (89%) Group A firms;
- seven out of 12 (58%) responding Group B firms; and
- four out of 16 (25%) Group C firms.
**Structure of secondments**

For the second time, firms were asked to report on the structure of their secondments in relation to part-time (P/T) or full-time arrangements (F/T), and their duration. Fifteen of the 18 firms that indicated that they provided secondments also indicated that they provided full-time and part-time secondments as depicted in Chart 20.

![Chart 20: Structure of Secondments](image)

In 2016, respondent firms indicated the following split:

- All full-time: two firms
- Mostly full-time: three firms
- Equally full-time and part-time: two firms
- Mostly part-time: three firms
- All part-time: five firms

The duration of full-time secondments in the 2018 FY ranged from five days to six months, with the most common duration being six months. The duration of part-time secondments ranged from half a day per week to three days per week. The most common form of part-time secondments was one day a week. Part-time secondments ranged from one month to 12 months in duration, with the most common duration being either three months, or ongoing arrangements.

**Secondment trends**

When asked to remark on any noticeable trends identified since 2016, a number of firms commented that they have had less capacity for secondments, and that it is harder to find lawyers - especially junior lawyers - to place on secondment, particularly longer-term ones.
4.4 Do we partner with in-house lawyers?

Approximately 25% 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.\(^{52}\) In-house lawyers possess expertise and skills that they can use to assist disadvantaged and marginalised individuals and the organisations that assist them. Participation in well-managed pro bono programs and clinics can also broaden and enhance in-house lawyers’ skills and expertise in new areas of law and practice. Yet 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.\(^{53}\)

The Centre asked respondents to report on their pro bono legal work performed in partnership with in-house lawyers. Nine firms (26% of the 34 firms responding to this question) had worked with the in-house lawyers of a corporate or government client on a pro bono matter or project in the 2018 FY. This is a marked decrease from 39% in 2016 but similar to the 27% of firms which reportedly did so in 2014.

Twenty-five firms (74% of responding firms) had not, or did not know, if they had worked with in-house counsel. Three firms did not answer the question.

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

- providing legal education in schools (TalkLaw project) and partnering on the National Children’s & Youth Law Centre Cyberlaw project;
- legal clinics and law reform projects;
- not-for-profit client clinics;
- asylum matters - provided training and partnering on matters;
- delivery of legal information sessions; and
- drafting legal guides and research papers.

Firms were asked if they had attempted to clear positional/commercial conflicts for potential pro bono matters with their government or corporate clients in the 2018 FY. Six firms responded that they had, and all six noted that this process had been successful.

See Appendix 1: Survey Results, Section 12, Q65-67 for all responses.

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5 How do we manage our pro bono program?

Firms take various approaches to the coordination of their pro bono programs. However, in developing a productive and sustainable program, the Centre encourages firms to enlist at least one senior pro bono leader to manage the program.\footnote{The Australian Pro Bono Best Practice Guide – element 2.}

Firms looking to develop a pro bono coordination structure are also encouraged to consider the following factors:

- how many dedicated pro bono staff members will work within the program;
- the need for a pro bono committee;
- the time the pro bono coordinator can spend on pro bono legal work; and
- what, if any, fee relief the coordinator(s) will receive.

5.1 Who manages/coordinates our pro bono work?

In 2018, 33 out of 37 responding firms (89\%) indicated that they had a pro bono coordinator or practice manager (a person whose primary responsibility is to coordinate their firm’s pro bono legal work). This compares to 37 out of 41 respondents (90\%) in 2016, and 38 out of 41 respondents (93\%) in 2014.\footnote{In 2012, 35 out of 36 firms (97\%) indicated they 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\%). 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.}

All nine Group A respondents indicated that they had pro bono coordinators or practice managers (hereafter referred to as coordinators). Out of Group B’s 12 respondents, 11 firms had coordinators. In Group C, 13 out of the 16 respondents indicated that they had coordinators. These results indicate that a consistently large proportion of firms across Groups A, B and C find appointing a coordinator beneficial.

The larger a pro bono practice, the more important the management and coordination function becomes. In 2018, an increasing number of firms retained full-time pro bono coordinators. Seventeen firms out of 37 (46\%) indicated that they have a full-time coordinator, compared to 15 firms out of 37 (41\%) in 2016 and 12 out of 35 (34\%) in 2014.

See Chart 21 below for the proportions of firms in Groups A, B and C with full-, part- and no coordinators for both 2018 and 2016.

See Appendix 1: Survey Results, Section 2, Q3 for all responses.
In previous Surveys, firms were asked whether their pro bono coordinators were partners, other solicitors or non-legal staff members. In 2018, firms were again asked about the seniority of their pro bono coordinators. The results illustrate that there is a growing number of dedicated and unique pro bono manager roles, which firms indicated were in the “Other” category with titles different to partner, special counsel, senior associate and as otherwise listed in the question. Out of the ten firms that answered “Other”, five were from Group A, one was from Group B and four were from Group C. The titles included “Head of Pro Bono & Community”, “Pro Bono Counsel/Head of Pro Bono”, “Director” and “National Pro Bono Manager”.

Please see Chart 22 below for a breakdown of the seniority of pro bono coordinators in 2018. This compares to the following results in 2016 and 2014:\textsuperscript{56}

- 2016: In 19 firms the pro bono coordinators were partners, in seven they were special counsel, in four firms they were senior associates, in two they were associates/lawyers and in one firm the coordinator was a non-legal staff member.
- 2014: In 20 firms the pro bono coordinators were partners, in 17 they were solicitors and in one firm the coordinator was a non-legal staff member.

\begin{figure}
\centering
\includegraphics[width=\textwidth]{chart21.png}
\caption{Chart 21: Pro Bono Coordinators and Managers}
\end{figure}

\textsuperscript{56} In 2014, 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 answers referred only to Chairs of Pro Bono Committees who had little or no responsibility for day-to-day coordination of pro bono legal work.
These results should be read in conjunction with the numbers reported through the Survey of “dedicated to 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 a firm’s formal pro bono practice at 30 June 2018. Please see Section 5.3 – ‘Do we have lawyers primarily dedicated to our pro bono program?’.

See Appendix 1: Survey Results, Section 2, Q4 for all responses.

Pro bono coordinators in other offices in Australia

In 2018, firms were again 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?” Thirty-three firms answered this question, with 31 indicating that they have other offices in Australia. In 2016, 35 of the 37 firms with pro bono coordinators also had more than one office in Australia.

In 2018, the 31 firms with other offices in Australia answered as follows:

- 1) Yes - all: 11 firms (35%) – Group A (six firms); Group B (four firms); Group C (one firm)
- 2) Yes - most: five firms (16%) – Group A (one firm); Group B (three firms); Group C (one firm)
- 3) Yes - some: three firms (10%) – Group A (two firms); Group B (0 firms); Group C (one firm)
- 4) No: 12 firms (39%) - Group A (0 firms); Group B (four firms); Group C (eight firms)

In 2018, the largest proportion of firms (39%) indicated that they do not have pro bono coordinators in other offices, followed by 35% which have coordinators in all of their other offices. This compares to 40% not having coordinators in other offices in 2016, with the largest proportion (43%) indicating that they had coordinators in all other offices.
As the above results indicate, the majority of firms indicating that they have coordinators in all or most other offices are from Groups A and B. By contrast, the majority of firms without coordinators in other offices are Group C firms, indicating a notable difference in approach depending on the size of the firm.

Fee relief/credit for pro bono coordinators

In the initial stages of development of a pro bono program, coordinators often devote significant time to the role, often without benefiting from any formal fee relief or credit. Firms should recognise this time and formalise fee relief as a way of supporting the pro bono practice and the chosen coordinator.\(^{57}\)

Of the 33 firms with coordinators, 26 (79\%) reported that their coordinators did receive some measure of payment, fee relief or billable credit specifically for acting in this role. This is a larger proportion than in 2016, when 70\% reported providing this compensation, and a marked increase from the 2014 Survey results which indicated that only 34\% were provided with fee relief at that time. In 2012, the result was as low as 17\%.\(^{58}\)

Pro bono coordinators and “pro bono legal work”

A pro bono coordinator’s role is complex and encompasses unique challenges. In *The Australian Pro Bono Manual*\(^ {59}\) the Centre discusses the wide range of management, oversight, administration, planning and relationship-building tasks that pro bono coordinators are typically responsible for.

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 support available to the coordinator from other staff or team members.

The non-legal work involved in coordinating and managing a pro bono program is fundamental to its establishment and maintenance, and it is unsurprising to see that many of the coordinators of the largest and most sophisticated pro bono programs devote a substantial amount of time to these tasks.

The 2018 Survey again asked firms if coordinators undertake any pro bono legal work (as per the Centre’s definition, i.e. legal work for specific clients/matters)? Thirty-one out of the 33 respondent firms with a coordinator (94\%) reported that the coordinator does undertake pro bono legal work. This compares to 32 out of 37 respondents (86\%) indicating that their coordinators did so in 2016, and 33 out of 37 respondents (89\%) indicating they did so in 2014.

\(^{57}\) 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.

\(^{58}\) 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”.

\(^{59}\) 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.
However, when asked what percentage of the time this person spends in this role was spent undertaking pro bono legal work in the 2018 FY, as in previous years responses ranged widely in 2018, from 9% to 100%. The average across the 29 firms providing a response was 41% (compared to 36% in 2016 and 33% in 2014).

However, 24 out of 29 respondents indicated that their responses were estimates. The figures are therefore not wholly illustrative. Various factors, such as firm size and whether the coordinator is full- or part-time, play a role. A number of firms also reported a figure of “100%” which may have resulted in a misunderstanding of the intent of the question.

*See Appendix 1: Survey Results, Section 2, Q5-12 for all responses.*

### 5.2 Do we have a pro bono committee?

A pro bono committee is comprised of various staff members from across the firm who can each provide support for the pro bono program. It is particularly beneficial to have senior partners represented on the committee. Senior partners can strategically place pro bono programs as a priority and champion their benefits. Partners can also provide valuable guidance to a firm’s pro bono coordinator or team.60

Whilst a pro bono committee is not deemed essential, the 2018 Survey results indicate that a large majority of responding firms have formed committees to support the coordination of their pro bono programs.

In 2018, 25 out of 37 responding firms (68%) indicated that they had a pro bono committee as follows:

- Group A: six out of nine firms;
- Group B: nine out of 12 firms; and
- Group C: 10 out of 16 firms.

These numbers are similar to those reported by firms in 2016 and 2014.61 In 2016, 29 out of 41 responding firms (71%) indicated that they had a pro bono committee.

*See Appendix 1: Survey Results, Section 2, Q13 for all responses.*

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

As pro bono programs develop it is essential that firms seek to build a pro bono team to support the coordinator to deliver on agreed pro bono initiatives. Pro bono coordinators may dedicate their time to the program on a full- or part-time basis. Their role may focus on overall

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60 See the section on pro bono committees in *The Australian Pro Bono Manual – Chapter 1.9.2: Key roles and structures in detail.*

61 The format of this question changed in 2014 and has since been adopted in both 2016 and 2018. 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.”
coordination of the program and management of individual projects, or on undertaking pro bono legal work themselves. In many if not most cases, it will be both.

Firms were asked if they had 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 the firm’s formal pro bono practice at 30 June 2018. In 2018, 24 respondents reported a total of 53.8 FTE “dedicated pro bono lawyers” and 13.55 FTE paralegals and administrative staff, totalling 67.35 FTE staff. See Table 4 below.

Substantial increase in numbers of lawyers dedicated to pro bono in 2018

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 staff. In 2018, 24 respondents reported a total of 49.8 FTE “dedicated pro bono lawyers” (a 4.3% increase) and 15.55 FTE paralegals and administrative staff (a 108.7% increase), totalling 65.35 FTE staff. Overall, this represents an 18% increase in dedicated pro bono lawyers and other staff involved in pro bono legal work.

Table 4: “Dedicated pro bono lawyers” and other staff

<table>
<thead>
<tr>
<th></th>
<th>Group A (7 firms)</th>
<th>Group B (9 firms)</th>
<th>Group C (8 firms)</th>
<th>TOTAL (24 firms)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Partners</strong></td>
<td>2.8</td>
<td>3.8</td>
<td>1.8</td>
<td>8.4</td>
</tr>
<tr>
<td><strong>Special Counsel</strong></td>
<td>1.8</td>
<td>4.5</td>
<td>0</td>
<td>6.3</td>
</tr>
<tr>
<td><strong>Senior Associates</strong></td>
<td>8</td>
<td>4.6</td>
<td>3.4</td>
<td>16</td>
</tr>
<tr>
<td><strong>Associates/Lawyers</strong></td>
<td>3.8</td>
<td>8.2</td>
<td>4.6</td>
<td>16.6</td>
</tr>
<tr>
<td><strong>Graduates</strong></td>
<td>1</td>
<td>1.5</td>
<td>0</td>
<td>2.5</td>
</tr>
<tr>
<td><strong>Paralegals/Administrative Staff</strong></td>
<td>3.55</td>
<td>8.6</td>
<td>1.4</td>
<td>11.55</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
</tbody>
</table>

62 Firms were asked to count these lawyers as full-time equivalents. As indicated in the Survey questionnaire, firms were asked to refrain from including lawyers on secondment to other organisation(s), unless they continued 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.

63 Is it not possible to make a direct comparison with the equivalent 2014 Survey results because secondees were expressly asked to be excluded – see footnote 62 above – from both the 2016 and 2018 results. Likewise, in 2012 respondents 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 2012 with later Survey results.
The ‘total’ Survey results for dedicated pro bono staff in 2016 were:

- 8.95 FTE dedicated pro bono partners
- 4.6 FTE dedicated pro bono special counsel
- 13.5 FTE dedicated senior associates
- 14.65 FTE dedicated associates/lawyers
- 5 FTE dedicated graduates
- 7.45 FTE dedicated paralegals/administrative staff; and
- 1.1 FTE dedicated ‘other’ staff

See Appendix 1: Survey Results, Section 2, Q11 for all responses.
6 How do we plan our pro bono program?

A firm’s ability to develop a thriving pro bono program that engages a large number of lawyers to participate and addresses unmet legal need is dependent on the effort it makes to effectively design, structure and coordinate its program on an ongoing basis.

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

- understanding the factors which are key to its success;
- establishing leadership and capable coordination for the program;
- 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 to credit and recognise the time lawyers spend on pro bono legal work; and
- incorporating a mechanism by which the program is evaluated.

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

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

The highest number of respondents (13 out of 32) nominated management and partner support and leadership as the single most crucial factor to the success of their firm’s pro bono program.65 This was also the single most crucial factor nominated in 2016 (19 out of 40 firms), 2014 (15 out of 37 firms) and 2012 (12 out of 34 firms).66

Having a broad and diverse range of pro bono opportunities was identified as the second most crucial factor (eight out of 32 firms). Other factors identified include the strength of client relationships, the willingness of lawyers to participate in a pro bono program, and having a dedicated pro bono partner or committed team.

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64 See further The Australian Pro Bono Manual — Chapter 1.1: Planning Pro Bono for the Firm.

65 This is consistent with the first element of The Australian 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.” — The Australian Pro Bono Best Practice Guide – element 1.

66 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?”
6.2 What are the challenges we face?

Firms were asked to select the top three challenges to their firm’s pro bono program from a predetermined list, which included an “other” option. The list of challenges from which respondents could choose was identical to the list provided in the 2016, 2014, 2012, and 2010 Surveys.

Thirty-four firms responded to this question. The top challenge identified by respondents was again “firm capacity”. This challenge was selected by 26 firms (76%) across Groups A, B and C. This represents a decrease from 2016 when 34 firms (83%) nominated it as the top challenge, but nonetheless it was again the top challenge identified by respondents by a significant margin. Firm capacity was also the challenge nominated by the most firms in 2014 (62%), 2012 (42%), and 2010 (66%).

“Insufficient expertise in relevant areas of law” (32%) and “concern about conflict of interest with fee paying clients” (29%) were the next two most often nominated challenges, as they were in 2016, 2014, 2012 and 2010.

A number of challenges particularly affected Group A firms, Group B firms or Group C firms. For example, the six firms that nominated “lack of management or partner support within the firm” were all from Groups B and C. The seven firms that selected “Pro bono hours do not count as billable hours or for financial targets” were also all from Groups B and C. All but one of the firms nominating “Ability to fund external disbursements” were from Groups B and C. However, more than half of the Group A firms (five out of the nine) nominated “concern about conflict of interest with fee paying clients” as a top challenge.

“Other” challenges identified in addition to those in the prescribed list include identifying appropriate pro bono opportunities (two Group A firms) and staff changes (one Group B and one Group C firm).

See Appendix 1: Survey Results, Section 15, Q83 for all responses.

Best practice pro bono and areas for improvement

In May 2016, the Centre published The Australian Pro Bono Best Practice Guide.67 In 2018, firms were asked for the second time 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 three most nominated elements where firms felt their programs could be improved echoed the results of the 2016 Survey:

• broad engagement of staff and appropriate training (nominated by 13 firms in 2018 and 15 firms in 2016);
• adequate crediting and recognition of pro bono legal work within the firm (12 firms in 2018 and 2016); and
• strong and deep relationships with community partners (nine firms in 2018 and 12 firms in 2016).

Of the 13 respondent Group C firms, seven nominated both “broad engagement” and “adequate crediting” as areas for improvement. Six of the seven firms that nominated “a strong social justice and pro bono culture supported by management” were from Groups B (three firms) and C (three firms).

See Appendix 1: Survey Results, Section 15, Q86 for all responses.

New and innovative approaches to pro bono delivery

Firms are continuing to innovate to maximise the impact of their programs. For the second time, firms were asked if they are delivering pro bono legal assistance in any new or innovative ways since the last Survey (2016), which they wish to share.

Nine firms indicated that they are in a variety of different ways. The responses were:

Group A firms:
• building an evaluation framework;
• focusing on the use of technology to assist disadvantaged and vulnerable clients, e.g. the tax app with Justice Connect, and sponsoring the Technology & Human Rights conference with the Australian Human Rights Commission;
• a significant increase in the firm’s pro bono program generally; and
• creation of a law reform project allowing the firm to build upon its work done with organisations and community for many years.

Group B firms:
• working with a community legal centre to resource a new clinic;
• having a motor vehicle clinic with a large Sydney community legal centre, providing advice within the firm’s area of expertise and therefore not requiring supervision from, nor imposing upon the resources of, the community legal centre; and
• a greater focus on resource-based projects for systemic change, and interactive online training, continuing legal education training and website-based service provision and information.

Group C firms:
• participating in a joint project between Victoria Legal Aid and two other law firms. Training lawyers via online training modules to enable them to prepare merits
6.3 Do we set internal targets for our pro bono legal work?

Firms were asked if they set an overall target for their pro bono legal work in the 2018 FY and how that target related to the National Pro Bono Target. A “target” refers to a firm’s goal in relation to pro bono performance or output in terms of:

- number of hours or hours per lawyer; or
- financial value (i.e. a dollar amount or capped percentage of gross billables/net revenue, etc).

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.

Thirty-five firms answered this question. Most respondents (24 firms or 70%) indicated that their firm set some sort of overall target for its pro bono program in the 2018 FY. This represents an increase compared to 2016 (63% of firms), but as a proportion of responding firms is lower than in 2014 (76%) and 2012 (75%).

When asked which form the target took, the majority of responding firms (12 out of 35, or 34%) indicated that their target represented a set number of hours or hours per lawyer that the firm aimed to provide in the year. Another 10 firms out of the 35 (29%) indicated that their target represented a minimum number of hours or hours per lawyer to be provided in the year.

By contrast, in 2016, a target representing a minimum number of hours was nominated by the most firms (14 out of 40 firms, or 35%), closely followed by a target representing a set number of hours or hours per lawyer (13 out of 40 firms, or 33%).

Eleven firms (31%) indicated that they did not set a target for their pro bono legal work in the 2018 FY (two Group A firms, two Group B firms and seven Group C firms).

Chart 23 below outlines the responses to this question in 2018 and 2016.

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68 In Surveys prior to 2016, 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.

69 See The Australian Pro Bono Manual – Chapter 1.8: Setting targets and budgets for pro bono legal work and programs.

Respondents were also asked to compare the size of their target to its size two years ago. Of the 26 firms that responded to this question, the majority (16 firms, or 62%) indicated that their target remained the same in 2018, compared to 15 firms (56%) in 2016, and seven firms (23%) in 2014.

Seven firms (27%) indicated that the figure was “larger” than in 2016, compared to 12 firms (44%) indicating in 2016 that their target was “larger” than in 2014. In 2018, one firm (a Group B firm) indicated that its target was smaller in 2018 than in 2016. No firm indicated that its target had reduced in 2016 compared to 2014.

Size of target compared to National Pro Bono Target

For the second time, respondents that indicated that they set a target representing 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 Target of 35 hours per lawyer per year. The results demonstrate that a consistently large proportion of respondents (69% in 2018 and 85% in 2016) report using or even exceeding the Target as the basis for their own internal pro bono targets.

Twenty-six respondents reported on this question in 2018, and 27 did so in 2016, as follows:
• 11 firms out of 26 (42%) indicated that the target they set represented more than 35 hours of pro bono legal work per lawyer, compared to 10 out of 27 (37%) in 2016;
• seven firms out of 26 (27%) indicated that the target they set represented 35 hours of pro bono legal work per lawyer, compared to 13 out of 27 (48%) in 2016;
• five firms out of 26 (19%) indicated that the target they set was less than 35 hours of pro bono legal work per lawyer, compared to three out of 27 (11%) in 2016; and
• no firm 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, compared to one firm in 2016.

See Appendix 1: Survey Results, Section 6, Q40-42 for all responses.

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

Firms are encouraged to set an annual operational budget for their pro bono programs, in the same way that a budget is set for any other practice group.\(^{71}\)

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 of best practice that pro bono legal work is undertaken to the same standard as commercial legal work.\(^{72}\)

In 2018, firms were asked for the second time\(^{73}\) whether their firm “set an annual operational budget for its pro bono program in the 2018 FY.” Thirty-five firms answered this question. The responses can be found in Chart 24 below.

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\(^{71}\) 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.


\(^{73}\) 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 ‘Section 6.3 – Do we set internal targets for our pro bono work?’.
In 2018, the majority of responding firms (19 in total, or 54%) indicated that they had set an operational budget in the 2018 FY, a significant increase on 2016 where only 16 firms (39%) reported doing so.

However, a large number (15 firms, or 43%) still did not set an operational budget in the 2018 FY. Ten of those firms (67%) were from Group C. This number, although high, is pleasingly lower than the 23 firms (56%) indicating they did not set, or did not know if they set, and operational budget in 2016. Eleven of those firms were also from Group C.

Of the 19 firms that did set an operational budget in the 2018 FY, 16 indicated whether that budget was smaller, larger or the same as it was two years ago. Of the 16 firms, seven firms (44%, compared to 56% in 2016) indicated that their budget had increased. Six firms (38%, compared to 25% in 2016) reported that their budget had remained the same and one firm (6%, compared to two firms or 13% in 2016) reported that their budget had decreased. As in 2016, in 2018 one firm did not know.

These results demonstrate that an increasing number of firms are continuing to set budgets to support their pro bono programs, with the majority either maintaining a consistent budget, or increasing that budget, in the last two years.

*See Appendix 1: Survey Results, Section 6, Q43-44 for all responses.*

### 6.5 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 and questions about disbursements have been asked in all Surveys conducted by the Centre since 2008.

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
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.

As 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-four firms answered this question in 2018. Twenty-nine (85%) out of the 34 firms indicated that they paid for external disbursements in 2018, including all nine Group A firms, eight out of 10 Group B firms, and 13 out of 15 Group C firms. This represents an increase in payment of external disbursements compared to 2016, when 32 out of 41 firms (78%) paid for external disbursements, including all seven Group A firms, 12 out of 14 Group B firms (86%) and 13 out of 20 Group B firms (65%).

Firms were asked to nominate up to three categories of disbursements where they had incurred the most costs. “Interpreters’ fees” was nominated by the most firms (16 out of 29 firms, or 55%), followed by “search costs” (14 out of 29 firms, or 48%), “travel and accommodation” (13 out of 29 firms, or 45%) and “filing fees” (12 out of the 29 firms, or 41%).

In 2016 “search costs” (22 out of 31 firms, or 69%) and “filing fees” (17 out of 31 firms, or 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, or 45%) and “interpreter fees” (11 out of 31 firms, or 35%) were the third and fourth most nominated disbursements.

These results demonstrate that an increasing number of firms have paid for interpreters’ fees in the 2018 FY, and in many instances do not have access to the free interpreting services that are sometimes available to CLCs. It also reflects that most community legal centres operating legal advice clinics for asylum seekers have inadequate funding for interpreters. In the 2018 FY, several community legal centres working to meet the urgent need experienced by “legacy caseload” asylum seekers were looking to their pro bono partner firms to cover these costs and without the ability of firms to cover these costs they could not participate.

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74 See The Australian Pro Bono Manual — Chapter 1.12: Costs and disbursements.
75 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.
76 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.”
77 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.
The increased number of firms paying for interpreters’ fees in the 2018 FY is also likely to reflect the inadequate training of, and access to, interpreters in Aboriginal and Torres Strait Islander (ATSI) languages. Following recent funding cuts to the Kimberley Interpreting Service (KIS) and Aboriginal Interpreter Service (AIS), legal assistance providers (particularly in Western Australia, South Australia and the Northern Territory) have found that ATSI language interpreters are in short supply.

**The cost of disbursements**

For the second time, firms were asked to “estimate the total costs of external disbursements incurred by the firm” in the 2018 FY. Seventeen firms (46%) provided a figure. The numbers provided suggest that all but three firms were providing estimates. As in 2016, a number of firms advised that the information was “not available” or provided general responses such as “minimal” or “tens of thousands”.

As in 2016, the costs of disbursements ranged widely. Three firms indicated a figure of $500 or under or noted that payments were “minimal” (one from Group A, two from Group C). Six firms indicated a figure of between $1,500 and $5,000 (one from Group A, two from Group B and three from Group C). Three firms nominated an amount of between $8,000 and $15,000 (one from Group A and two from Group B). Larger nominated figures by individual firms include $20,000 (Group C), $31,340 (from Group A), approximately $50,000 (one from Group A and one from Group C), $84,000 (one from Group A) and as high as $140,000 (one from Group A).

The wide range of responses echoes the results of the 2016 Survey, which indicated incurrence of external disbursement costs ranging from under $5000 up to $80,000.

*See Appendix 1: Survey Results, Section 9, Q54-55 for all responses.*

### Disbursement Assistance Schemes

In 2018, firms were again asked whether they had applied to a disbursement assistance scheme in the last two years. 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.\(^{78}\)

**Applied?**

Thirty-five firms responded to this question. In 2018 more firms reported that they had applied to assistance schemes (seven firms, or 20%) than in 2016 when only two firms (5%) reported that they had applied for assistance. This compares to four firms (10%) in 2014, nine firms (25%) in 2012 and seven firms (24%) in 2010.

**Which schemes?**

\(^{78}\) 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*. 

72
6.6 How do we credit and recognise pro bono legal work?

The manner in which pro bono time is credited and recognised plays an important role in signalling the importance of pro bono legal work to the firm and its lawyers. 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.79

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.

Thirty-five firms responded to this question. Of the 35 respondents:

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79 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. See 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.
• 27 firms (77%) required their lawyers to meet both billable hour and financial targets (compared to 28 firms, or 68%, in 2016);
• Seven firms (20%) required their lawyers to meet billable hour targets only (compared to nine firms, or 22%, in 2016);
• No firm (0%) required its lawyers to meet financial targets only (compared to one firm, or 2%, in 2016);
• One firm (3%) did not require its lawyers to meet either billable or financial targets (compared to three firms, or 7%, in 2016).

These results indicate that a dual requirement to meet both billable hour and financial targets is increasingly the most common method of crediting individual lawyers’ work by firms in the Survey cohort.

**Pro bono time: billable hours vs non-billable hours**

In 2018, 20 firms provided some form of billable hour credit for pro bono work. This represents 59% of the 34 firms that required lawyers to meet billable hour targets, slightly higher than the 54% of firms that provided some form of billable hour credit for pro bono legal work in 2016. The 2018 and 2016 figures both represent a continuing recovery from the declining trend in previous Survey years (46% in 2014, 66% in 2012 and 74% in 2010).

See **Chart 25** below for a comparison between firms’ treatment of pro bono hours for billable hour and financial targets in the 2010, 2012, 2014, 2016 and 2018 Surveys.
"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). Pro bono legal work was recognised with full billable hour credit by 12 firms in the 2018 FY, or 35% of the 34 firms that require their lawyers to meet billable hour targets, compared to 38% in 2016, 40% in 2014, 51% in 2012 and 64% in 2010.
Based on Survey data since 2010, there is a downward trend in firms providing full billable hour credit for pro bono work, with many firms instead treating pro bono hours as billable hours but reduced in value for the purposes of financial targets, or billable but capped at a certain number of pro bono hours per week/month/year. A large number of firms are also treating pro bono legal work as a “special” category of non-billable work. This trend continued to be evident in 2018, with 11 firms reporting that pro bono hours are treated as non-billable but are recorded as special non-billable or “pro bono hours” (and having a lower or negligible value for the purposes of financial targets, if applicable). As in 2016, this trend was particularly evident in Group C, where 44% of respondents in this category recorded pro bono hours as “special non-billable”.

Two additional firms (both in Group A) noted in the “Other” category that pro bono hours are treated as non-billable but recorded as “pro bono hours”, with one firm noting that these hours are taken into account when evaluating team members’ performances, and another noting that approved pro bono hours will be recognised for the purpose of assessing whether an individual has met their financial performance targets and is eligible for incentive payments. Another firm (from Group B) noted that treatment of hours varies from practice to practice since different billing practices are used across the firm, and one further firm (from Group C) noted that it treats some pro bono hours as billable hours but others not, for example, hours of work done at clinics are not treated as billable.

Change in treatment of pro bono hours

While the overall figures for 2018 and 2016 are similar, it is notable that of the 30 firms that reported in both 2018 and 2016, seven firms changed the way they treated pro bono hours. Three of these seven firms moved from recording pro bono hours as special non-billable hours to billable hours, including one Group B firm and two Group C firms. One firm moved from treating pro bono hours as billable hours for the purpose of billable hour targets but not recognised at all in financial targets, to recognising reduced credit in relation to financial targets (a Group C firm).

In the other direction, one Group C firm moved from recording pro bono hours as billable but capped, to special non-billable. A Group B firm moved from giving full billable credit to treating pro bono hours as billable hours for the purpose of billable hour targets but reduced in value for the purposes of financial targets. Another Group B firm moved from giving full billable credit to noting that the treatment of pro bono hours varies from practice to practice to reflect different billing practices across the firm.

Group A results

Seven of the nine (78%) Group A respondents reported treating hours of pro bono legal work as billable hours. This is similar to the 2016 Survey results, which indicated that six of the seven

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80 Due to the nature of two firms’ responses in the “Other” category they have been recategorised as “non-billable but recorded as special non-billable (and having a lower or negligible value for the purposes of financial targets, if applicable)”.

81 Of these 3 respondents, one provided full billable hour credit; one 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.
Group A respondents (86%) reported treating hours of pro bono legal work as billable hours. In 2018, five 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 two Group A firms treated pro bono hours as non-billable hours but recorded them in a special non-billable (pro bono) category. One of the two firms reported that these hours were taken into account when evaluating team members' performances, and the other firm reported that they are recognised for the purpose of assessing whether an individual has met their financial performance targets and is eligible for incentive payments.

Groups B and C results

Six of the 10 (60%) responding Group B firms and seven of the 15 (47%) Group C firms that require their lawyers to meet billable hour targets or financial targets reported treating pro bono hours as billable hours. The remaining firms all treated pro bono hours as a special category of non-billable hours, with the exception that one Group B firm noted that pro bono hours are treated differently between practice areas, and one Group C firm reported that some pro bono hours are treated as billable hours, and others are not, e.g. the pro bono hours done by the firm at clinics was not treated as billable.

Consistency across offices

Of the 32 respondents to this question that had multiple offices in Australia, 30 respondents (94%) reported that the treatment of pro bono legal work was consistent across all of their firm’s offices in Australia. This is consistent with the 2016 Survey results, which indicated that 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 their Australian offices.

In 2018, two firms did not know if treatment of pro bono hours was consistent across their Australian offices and no firm reported that treatment of pro bono work was inconsistent across its Australian offices.

See Appendix 1: Survey Results, Section 7, Q45-47 for all responses.

How else do we recognise our lawyers’ pro bono work?

Firms with best practice pro bono programs recognise pro bono legal work when undertaking a lawyer’s performance assessment, advancement, and bonuses. 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.

As in previous years, respondents were asked if their firm recognised or rewarded pro bono legal work in various ways. For the second time, respondents were specifically asked if pro bono legal

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82 The Australian Pro Bono Best Practice Guide – element 7 and The Australian Pro Bono Manual, Chapter 1.11 – Crediting and recognising pro bono legal work.
work was recognised or rewarded when calculating bonuses. See Chart 26 below. Thirty-four firms responded to this question.

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. Pleasingly, in 2018 a larger number of firms (32, or 94%) indicated that they recognised pro bono legal work as part of their lawyers’ performance appraisals. This is a sharp rise from the 78% of firms recognising pro bono legal work in this way in 2016, and is also larger than the proportion which did so in 2014, namely 85%.

**NOTE:** Where no entry exists for a category in a Survey year, no responses under that category were received.
The responses in 2018 also indicated a continuing rise in the recognition of pro bono through internal awards, events and communication. In 2018, pro bono was recognised in this way by 29 respondents (85%), compared to 73% of firms in 2016, 60% in 2014, 45% in 2012, and 48% 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 salary reviews, the awarding of bonuses, and when considering promotion or advancement.

In 2018, 56% of respondents indicated that they recognised or rewarded pro bono legal work when considering promotion or advancement, 29% in salary reviews and 35% when calculating bonuses. These results are all marginally higher than those reported in 2016, with the exception that the proportion of firms recognising pro bono work in salary reviews remained consistent at 29%.

One firm out of the 34 firms responding to this question indicated that it did not recognise and/or reward the pro bono performance of its lawyers in any of the ways depicted in Chart 26 above.

See Appendix 1: Survey Results, Section 7, Q48 for all responses.

6.7 How do we evaluate our pro bono program?

Evaluation is increasingly an area of focus for many firms in the Survey cohort, as organisations seek to maximise impact with limited resources. Evaluations are increasingly being undertaken by firms to ensure that the objectives set out in their pro bono policies or strategic plans are met, reviewed annually and kept up to date.

System for evaluation

Firms were asked whether they had a system for evaluating their pro bono program as a whole. Thirty-two firms answered this question. Twenty-five firms (78%) reported that they did have an evaluation system. This result was much higher than the results received in 2016, when 56% of firms reported that they had an evaluation system (compared to 54% in 2014, 56% in 2012 and 58% in 2010).

In 2018, those firms that did use an evaluation system included six out of the eight responding Group A firms (75%), eight out of the nine responding Group B firms (89%), and 11 out of the 15 responding Group C firms (73%). This compares to 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%) in 2016.

Evaluation methodology

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.

In 2018, those firms that did evaluate their pro bono programs were asked to briefly describe the evaluation methodology they used. While a wide variety of responses were received, three key trends are apparent from the results.

First, a number of firms indicated that the evaluations they carry out are for the purpose of reporting to senior management – whether in Australia or overseas offices. Secondly, a number of firms are reviewing their strategy, focus areas and partnerships to ensure they are addressing unmet legal need, even if that evaluation is informal in nature. Thirdly, a number of firms regularly review their pro bono practices to calculate hours spent on pro bono work and, for some firms, participation rates across the firm.

See Appendix 1: Survey Results, Section 10, Q60 for all responses.

Factors on which evaluations are based

As in 2014 and 2016, firms that indicated 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. In 2018, 21 firms answered this question. 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” (16 out of 21 firms, or 76%); “social impact” (15 out of 21 firms, or 71%); and “participating lawyer satisfaction” (13 out of 21 firms, 62%). “Number of pro bono hours” and “social impact” were also the top two factors selected by respondents in 2016, followed by “client feedback”. See Chart 27 below for all responses in 2018.

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85 Three respondents selected fewer than three factors, including two that selected two factors and one that selected one factor. Another respondent selected four factors, the first three of which were included for the purpose of analysis.
Comparing the 2018 Survey responses to those in 2016, the top two factors nominated by firms in both years, in the following order, were “number of pro bono hours”, with 16 firms in 2018 (76%) and 17 firms in 2016 (81%), and “social impact”, with 15 firms in 2018 (71%) and 13 firms in 2016 (62%). In 2018, “participating lawyer satisfaction” was the third most nominated factor, with 13 firms in 2018 (62%) compared to only nine in 2016 (43%). The increase is largely attributable to Group C firms, with only five firms nominating this factor in 2016 compared to eight in 2018. By contrast, “client feedback” was selected as the third most significant factor in 2016, with 11 firms in 2016 (52%). In 2018 that factor fell to fourth place with 11 firms (52%).

The 2018 results indicate that firms placed less significance on “whether the program has assisted the firm in meeting its commercial goals” than in 2016. In 2016, that factor was indicated as a top three significant factor by four firms (19%, and all from Group C), but only one firm in 2018 (5%, and also from Group C).86 Conversely, in 2018 more firms placed significance

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86 As indicated in Chart 27, this factor was the fourth significant factor nominated by the firm and has therefore been omitted from the analysis.
on “feedback from third parties (i.e. referral organisations)” than in 2016. One firm in 2016 (5%) from Group C nominated this factor, compared to five firms across the cohort in 2018 (24%). The five firms nominating this factor in 2018 were one from Group A, two from Group B and two from Group C).

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.

See Appendix 1: Survey Results, Section 10, Q61 for all responses.

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, 17 indicated that they found the evaluation process useful.

The reasons for this varied, but a number of key themes that continued in 2018 were:

- Evaluation assists firms to improve client service and ensure they are meeting unmet legal need.
  - “It is always important to ensure that we are contributing to the most appropriate causes in an effective manner.”
  - “We find that evaluating our pro bono practice 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.”

- Evaluation assists firms to strategically plan for the future of the pro bono program.
  - “It assisted in shaping the practice and developing new projects.”
  - “It is generally useful to assess the satisfaction with the pro bono program, the results we are getting and the spread of pro bono opportunities.”

- Evaluation helps firms to gauge interest and review participation in the pro bono program internally.
  - “The review assists in identifying how participation can be increased.”
  - “It told us how our lawyers felt.”

See Appendix 1: Survey Results, Section 10, Q62 for all responses.
7 How do we approach the relationship between pro bono and corporate social responsibility?

The objectives of a firm’s corporate social responsibility (CSR) or community engagement (CE) program and its legal pro bono program are often aligned, both reflecting the values and corporate citizenship objectives of the firm. Notwithstanding this alignment, firms treat the relationship between their pro bono legal and corporate social responsibility programs in a variety of ways. Some keep the programs separate, with independent budgets and initiatives. Others are integrated and share a budget.

While aligning these programs is appropriate, best practice suggests that a firm’s pro bono legal program, although it may share thematic alignment with its CSR or CE program, should have distinct objectives, an independent budget and be evaluated separately. 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 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.

The 2016 Survey asked law firms about their CSR or CE program for the first time since 2012. In 2018, the Survey asked, “Does your firm have a corporate social responsibility (CSR), community engagement (CE) or community service (CS) program?” Of the 37 firms surveyed, 31 respondents (84%) indicated that they had a program in place. In 2016, 33 firms (80%) reported having a program. This is the same proportion that reported having a program in 2012 (80%).

The Survey data since 2012 therefore indicates that the majority of firms are continuing to benefit from, and see the value associated with, having a CSR or CE program in place.

In 2018, firms were 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.”


88 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.”
Responses reflect a variety of approaches to aligning CSR and legal pro bono programs. The majority of Group A respondents indicated that their CSR and legal pro bono programs are separately managed and budgeted for. Some respondents suggested that their programs formally share commonalities in terms of principles and objectives. This reflects the majority of Group A responses. One respondent from Group A, for example, indicated that its pro bono and community engagement are “operationally distinct” but are “thematically aligned to maximise impact”. Another Group A respondent indicated that it has a “heavily combined and integrated community and pro bono program with separate budgets but common objectives.” Other Group A respondents indicated that although they have not sought formal alignment of objectives between their legal pro bono and CSR programs and they are managed distinctly, but they are managed by the same team, or pro bono falls within the broader CSR practice.

The majority of Group B firms indicated that their pro bono and CSR programs are separate in terms of management, budget and objectives. One Group B respondent indicated that their programs “are separately managed but reflect each other’s aims” but that they “have their own budget” and “own plans”.

In contrast, many Group C firms indicated that each of legal pro bono and CSR have their own budget but are currently managed by the same person, or by the same broad Committee overseeing both programs. One Group C firm indicated that its programs are “managed together to achieve coordination.”

Overall, there is a wide variety of different approaches to management of legal pro bono and CSR, but 2018 Survey responses indicate a trend towards these programs being separately managed, with their own policies and budgets, with some firms seeking to achieve common objectives through both programs.

See Appendix 1: Survey Results, Section 2, Q15-16 for all responses.
8 How do government tender arrangements affect our pro bono legal 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 their legal panel arrangements.”

There are currently four Australian jurisdictions that include pro bono conditions in their tender arrangements for the purchase of legal services from law firms: the Commonwealth, Victoria, South Australia 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.

The Commonwealth Legal Services Multi Use List (LSMUL) requirements commenced on 1 June 2012 and ceased on 30 June 2018. As of 1 July 2018, interim arrangements which preserve the Commonwealth procurement framework are in place until a new panel scheme takes effect on 1 July 2019. Two key features of the LSMUL, which have been carried across to the interim arrangements and to the new panel scheme, are:

(a) that participating firms of 50 or more FTE lawyers (and in the case of the new panel arrangements, all other participating firms) must be signatories to the National Pro Bono Target; and

(b) that participating firms must report annually on their pro bono performance using the Centre’s definition of “pro bono legal services”.

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90 For more information on these arrangements see the Centre’s website at [https://www.probonocentre.org.au/provide-pro-bono/government-tender-arrangements/](https://www.probonocentre.org.au/provide-pro-bono/government-tender-arrangements/).
92 For more information on the South Australian Panel Scheme, please contact the [South Australian Crown Solicitor’s Office](https://www.procurepoint.nsw.gov.au/2015068).
94 See further [https://www.ag.gov.au/LegalSystem/LegalServicesCoordination/Pages/purchasing-legal-services.aspx](https://www.ag.gov.au/LegalSystem/LegalServicesCoordination/Pages/purchasing-legal-services.aspx).
While the arrangements in the other jurisdictions vary, the NSW and SA schemes encourage firms to use best endeavours to meet the target of 35 hours per lawyer per year and reference the Centre’s definition.

### 8.1 Participation in government tender schemes

In the 2018 Survey firms were asked whether they participated the LSMUL, the Victorian Government Legal Services Panel (Victorian Panel), and for the first time, the New South Wales Government Legal Services Panel (NSW Panel) and the South Australia Government Legal Services Panel (SA Panel).

Twenty-eight of the 35 respondents to this question (80%) indicated they were on the Commonwealth LSMUL, a drop from 2016 (37 firms - 90%) and 2014 (36 firms – 88%), but higher than the figures in 2012 (23 firms – 64%) and 2010 (16 firms - 55%).

Eighteen firms (51%) reported they were listed on the Victorian Panel, compared with the 2016 figure of 17 firms (41%). Twenty-two firms (63%) were listed on the NSW Panel and one firm (3%) reporting being listed on the SA Panel.

Chart 28 sets out the number of firms in Groups A, B and C that were listed in each panel or scheme.

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**Chart 28: Firms participating in government tender schemes**

<table>
<thead>
<tr>
<th>Scheme</th>
<th>Number of firms</th>
</tr>
</thead>
<tbody>
<tr>
<td>LSMUL</td>
<td>9 Group A, 8 Group B, 11 Group C</td>
</tr>
<tr>
<td>Victorian Scheme</td>
<td>8 Group A, 5 Group B, 5 Group C</td>
</tr>
<tr>
<td>NSW Scheme</td>
<td>9 Group A, 7 Group B, 6 Group C</td>
</tr>
<tr>
<td>SA Scheme</td>
<td>2 Group C</td>
</tr>
</tbody>
</table>

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95 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.
Firm comments on government tender arrangements

Firms were asked to report on the form and operation of the LSMUL, NSW Panel, Victorian Panel and SA Panel as they relate to the requirement to report on pro bono legal work.

Factors that impact the efficacy of the pro bono requirements in government tender schemes include:

- the way in which pro bono legal services is defined;
- the metric used to measure and evaluate pro bono legal services;
- whether and how the pro bono legal services are tied to the jurisdiction;
- the weight given to a firm’s pro bono legal work both at the scheme’s entry point and at the point of allocation of legal services;
- the enforceability of the obligation to undertake pro bono legal work;
- the reporting requirements;
- the consistency of the scheme with other similar schemes; and
- how conflicts of interest are managed.

General Comments

Two firms made general comments calling for national consistency across jurisdictions. A degree of uniformity in defining and measuring pro bono legal services, and in reporting requirements, reduces the administrative burden for the vast majority of large firms that belong to several schemes:

- “It would be helpful if a uniform system could be established and put into operation so that firms do not have to report the same information on multiple occasions and to multiple state and federal bodies.”
- “We would prefer all systems to be consistent nationally.”

Another firm made a general comment touching on the limitations of hours-based targets and the need to consider the quality and impact of pro bono legal work:

- “We are concerned that the govt panels are inadvertently resulting in some firms, especially those new to pro bono, taking on pro bono work to just meet targets for panels rather than developing an effective pro bono practice.”

LSMUL

Five firms provided comments specifically on the operation of the LSMUL.

At the time of the Survey, details of the forthcoming panel arrangements had not been released, and some firms drew on their experience of the LSMUL to express their preferences.

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96 For further discussion on the use of hours per lawyer as a metric for measuring pro bono legal work, see the Centre’s report: National Pro Bono Target: Target at Ten Years (Final Report, June 2018).

97 See the Commonwealth Request for Tender to Establish a Legal Services Panel for the Australian Government, released 8 November 2018.
for the new arrangements. One firm commented on the impact of government arrangements on their ability to develop a pro bono culture:

- “Very helpful to get buy-in for the pro bono programme”.

Another confirmed the utility of integrating the Target into panel arrangements:

- “Whether or not pro bono targets are included in the new panel deed will have a significant impact on the amount of pro bono work undertaken by the firm.”

There was also a desire for transparency as to how data reported under the panel arrangements would be used, and the provision of a pro bono liaison officer:

- “Don't mind aspirational target as goal but would like to see more structured assessment of reporting and also a person like in Victoria that is able to assist with conflict management.”
- “[The] new guidelines should be made clearer.”

**Victorian Panel**

Four firms commented specifically on the operation of the Victorian Panel. In addition to a desire for uniformity across jurisdictions, firms indicated that they would value a less onerous scheme:

- “Difficult and timely to produce required reports due to definition being technical for categorisation, classification and recalculation using their panel agreed rates.”

However, there were also comments commending the leverage achieved through imposing the pro bono requirement as a contractual obligation:

- “This is the most time-consuming response process, but the contractual obligation means it is the process most closely watched by the commercial partners in firm.”
- “Think this works well although onerous.”

**NSW Panel**

Four firms commented specifically on the operation of the NSW Panel. Comments pertaining specifically to that scheme focused on the need for clarity and transparency:

- “This feels like an unknown quantity at the moment. What happens with the data provided? What role does it play?”

*See Appendix 1: Survey Results, Section 13, Q68-72 for all responses.*

**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
8.2 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 second time, firms were asked if they had attempted to clear “positional/commercial conflicts for potential government or corporate clients in the 2018 FY.” Six firms responded to this question and all indicated that they had tried to clear positional conflicts. Five firms indicated that this process had been successful, while one firm reported that it had been successful “on occasion”.

See Appendix 1: Survey Results, Section 12, Q67 for all responses.

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98 For further discussion regarding overcoming and managing commercial conflicts, see The Australian Pro Bono Manual – Chapter 2.2.2: Conflicts of interest.
Appendix 1: Survey Results

This appendix contains the questionnaire for the 2018 National Law Firm Pro Bono Survey, complete with survey responses for each question.

Where appropriate, the results have been divided into Groups according to the size of the respondent firms: Group A, Group B, and Group C. In some cases, text responses have been wholly or partially modified or excluded in order to maintain respondents’ anonymity. Typing errors have also been corrected, where identified.

Where total responses for any question are fewer than 37 (total number of Survey respondents), this signifies that certain respondents did not answer the question.

Section 1 – About your firm

1. Question 1 requested each firm’s contact details for the purposes set out in Section 1 of the Survey questionnaire. Answers to this question are therefore omitted from this Appendix 1.

2. 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 2017/2018 financial year (2018 FY)?

E.g. 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 your answer, please average the number of FTE lawyers on the first day and last day of the 2018 FY, i.e.:

(FTE lawyers at 1 July 2017 + FTE lawyers at 30 June 2018) ÷ 2 = [ ]

Individual answers removed to protect respondent anonymity. There are:

- Group A (firms with between 450-1,000 FTE lawyers) – 9 firms.
- Group B (firms with between 201-449 FTE lawyers) – 12 firms.
- Group C (firms with between 50-200 FTE lawyers) – 16 firms.

Section 2 – About your firm’s pro bono program

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

- No – Total: 4 firms – Group B: 1 firm, Group C: 3 firms.

4. Is that person:

- A Special Counsel – Total: 5 firms – Group A: 0 firms, Group B: 3 firms, Group C: 2 firms.
- A Senior Associate – Total: 2 firms – Group A: 0 firms, Group B: 1 firm, Group C: 1 firm.
- An Associate/Lawyer – Total: 2 firms – Group A: 0 firms, Group B: 0 firms, Group C: 2 firms.
- A non-legal staff member – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- Other (please specify) – Total: 10 firms – Group A: 5 firms, Group B: 1 firm, Group C: 4 firms. See below for the specified responses.

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Pro Bono Counsel / Head of Pro Bono</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Head of Pro Bono &amp; Community</td>
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<tr>
<td></td>
<td>Director</td>
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</tbody>
</table>
We have a dedicated pro bono team made up of a Partner, Special Counsel and Senior Associate. This combination is equivalent to 1.6 FTE lawyers.

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>Director</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP C</td>
<td>Pro Bono Manager (admitted lawyer)</td>
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<tr>
<td></td>
<td>National Pro Bono Manager (also a practising lawyer)</td>
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<td></td>
<td>Chief Operating Officer</td>
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<td></td>
<td>Director of Pro Bono and Responsible Business (also a qualified lawyer)</td>
</tr>
</tbody>
</table>

5. Do they:

- Perform the role full time – Total: 17 firms – Group A: 7 firms, Group B: 7 firms, Group C: 3 firms.
- Perform the role part time – Total: 16 firms – Group A: 2 firms, Group B: 4 firms, Group C: 10 firms.

6. Do they receive some measure of payment, fee relief or billable credit specifically for acting in the role?

- Yes – Total: 26 firms – Group A: 8 firms, Group B: 10 firms, Group C: 8 firms.
- No – Total: 7 firms – Group A: 1 firm, Group B: 1 firm, Group C: 5 firms.

7. Does this person undertake any pro bono legal work (i.e. legal work for specific clients/matters)?

- No – Total: 2 firms – Group A: 0 firms, Group B: 0 firms, Group C: 2 firms.

8. What percentage of the time that this person spends in this role was spent undertaking pro bono legal work in the 2018 FY?

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<tr>
<th>GROUP A</th>
<th>25%</th>
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<td>70%</td>
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<td>Partner 20%, Special Counsel 100%, Senior Associate 100%</td>
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<td>GROUP B</td>
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<td>GROUP C</td>
<td>13.3%</td>
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<td>20%</td>
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</table>
9. Is this answer an estimate?


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

- Yes, most – Total: 5 firms – Group A: 1 firm, Group B: 3 firms, Group C: 1 firm
- Yes, some – Total: 3 firms – Group A: 2 firms, Group B: 0 firms, Group C: 1 firm.
- No – Total: 12 firms – Group A: 0 firms, Group B: 4 firms, Group C: 8 firms.
- Unavailable – Total: 2 firms – Group A: 0 firms, Group B: 0 firms, Group C: 2 firms.

11. 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 2018? 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: 8.4 – Group A: 2.8, Group B: 3.8, Group C: 1.8.
- Special Counsel – Total: 6.3 – Group A: 1.8, Group B: 4.5, Group C: 0.
- Senior Associates – Total: 16 – Group A: 8, Group B: 4.6, Group C: 3.4.
- Graduates – Total: 2.5 – Group A: 1, Group B: 1.5, Group C: 0.
- Paralegals / Administrative Staff – Total: 11.55 – Group A: 3.55, Group B: 6.6, Group C: 1.4.
- Other – Total: 8 – Group A: 3, Group B: 3, Group C: 2. Please see the below for the specified responses.

12. If you entered a figure (greater than zero) against “Other” in the question above, please list these role/s:

<table>
<thead>
<tr>
<th>GROUP A</th>
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</thead>
<tbody>
<tr>
<td>Head of Pro Bono &amp; Community.</td>
<td></td>
</tr>
<tr>
<td>Pro Bono Counsel / Head of Pro Bono.</td>
<td></td>
</tr>
<tr>
<td>Pro Bono Director.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Australia Pro Bono Associate.</td>
<td></td>
</tr>
<tr>
<td>National Manager, Pro Bono Services.</td>
<td></td>
</tr>
<tr>
<td>Based in community legal centres as long-term secondees for dedicated provision of pro bono work.</td>
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</tbody>
</table>

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<thead>
<tr>
<th>GROUP C</th>
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</thead>
<tbody>
<tr>
<td>Pro Bono Manager.</td>
<td></td>
</tr>
<tr>
<td>Pro Bono Solicitor and Head of Corporate Social Responsibility.</td>
<td></td>
</tr>
</tbody>
</table>

13. Does your firm have a Pro Bono Committee?

14. 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.

<table>
<thead>
<tr>
<th>Option</th>
<th>Total:</th>
<th>Group A:</th>
<th>Group B:</th>
<th>Group C:</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>12</td>
<td>3</td>
<td>3</td>
<td>6</td>
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<tr>
<td>Yes</td>
<td>31</td>
<td>7</td>
<td>11</td>
<td>13</td>
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<tr>
<td>No</td>
<td>6</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

**GROUP A**
We act for low income and vulnerable people who cannot obtain Legal Aid, and for the NFPs which support low income and vulnerable people.
Reducing inequality & poverty (particularly around children & young people).
Our pro bono practice has four focus areas in Australia: Reconciliation, disability & health, homelessness and building the rule of law. Our pro bono practice is directed at relevant legal issues arising from those areas.
Access to justice, homelessness, disadvantaged equity, alleviation of poverty.
Homelessness, refugees’ issues, Indigenous issues, education for the most disadvantaged, access to justice more broadly and social finance and impact investments.
The key focus areas are Aboriginal and Torres Strait Islander Australians and people in regional, rural and remote areas. We also respond to critical or emerging areas of community need.

**GROUP B**
Disability, refugees, Indigenous, elder abuse, homelessness.
We prioritise work for Indigenous people, people with disability, refugee and asylum seekers, human rights and discrimination matters and organisations assisting each group. However, we do not exclude work from other disadvantaged and marginalised people.
Secondments to CLCs; commercial / employment advice / drafting resources for charitable organisations; training on a range of issues.
Our broad areas of focus are: people seeking asylum and refugees, Aboriginal and Torres Strait Islander people, economic injustice. These areas are not exclusive, and we undertake a diverse range of work.
Local community impact.
In addition to strong support for community legal centres / Citizens Advice Bureaux, the firm provides extensive support to a range of community-based organisations across Australia, including: Mission Australia / Salvation Army / Salvos Legal / Homeless Persons Legal Services / Domestic violence support services / The National Centre Against Bullying, part of the Alannah & Madeline Foundation / Not-for-profit community groups focused on supporting children or the elderly / Asylum Seeker Resource Centre / Refugee and Immigration Legal Centre / Health-related not-for-profit community groups.
Asylum seekers, seniors’ law / elder abuse, not for profits / charities.
Youth (including Education), Poverty, Health, Arts, Environment, Elderly, Aboriginal & Torres Strait Islanders, LGBTQI, Human Trafficking.
Cyber civil rights, anti-human trafficking.
Child rights, migrant rights and trafficking and Rule of Law.
Women and older people experiencing family violence, ATSI Australians and organisations and human rights matters.

**GROUP C**
Access to justice; health and mental health; Indigenous education and capacity building; rural and remote communities and their activities; community arts; promoting philanthropy and corporate giving.
Women, Children, Aboriginal and Torres Strait Islanders & the Environment.
Homelessness, Indigenous Australians, refugees and asylum seekers, women and children in need and mental health.
Current focus on: refugee rights, seniors’ rights, self-represented litigants, program and work performed is broader than that though.

Refugee law. Climate justice.

Aboriginal and Torres Strait Islander peoples and NFPs, environmental NGOs, cultural and religious causes, particularly Jewish causes, in governance, general commercial, tax, admin law, land rights and native title and some test cases litigation.

Asylum seekers, Indigenous communities, people with disabilities.

Access to justice, access to education and employment, helping displaced people.

Law Right, self-representation service for QCAT, State and Federal Courts, Cancer Council and local sporting organisations. Areas of practice include litigation, commercial, corporations, taxation, administrative law, family and estates.

Not for profits, and secondments to Streetlaw, MHLC and Law Access.


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

○ No – Total: 5 firms – Group A: 0 firms, Group B: 2 firms, Group C: 3 firms.

16. 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?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Holistic.</th>
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<tbody>
<tr>
<td>Heavily combined and integrated community and pro bono program with separate budgets but common objectives.</td>
<td>Pro bono and community engagement are operationally distinct but thematically aligned to maximise impact.</td>
</tr>
<tr>
<td>The two programs are completely separate. Our pro bono program does have its own objectives but does not have its own budget.</td>
<td>They are separately managed programs. Our pro bono practice has a policy and budget which is separate from our CSR programs.</td>
</tr>
<tr>
<td>Director manages both programs with a small team dedicated to the full program. The budgets are separate, but all are managed by the Director, with some flexibility between budgets.</td>
<td>Pro bono is a standalone legal practice. CR is a broader engagement program, but pro bono and CR work very closely together. Pro bono partner is also the head of Corporate Responsibility. Pro bono and CR are managed separately, through separate people (except for the partner) budgets and objectives.</td>
</tr>
<tr>
<td>The pro bono practice is separately run and managed with its own policy, procedures and budget. The pro bono practice is however a part of the larger CSR program and lawyers in the pro bono practice are also part of the CSR committee (among others).</td>
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<tr>
<th>GROUP B</th>
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<tbody>
<tr>
<td>Our Pro Bono Practice and Community Program each have their own policy, with clear objectives and separate budgets. However, both are managed by the same team.</td>
<td>They are separately managed but reflect each other’s aims. Own budget, own plans.</td>
</tr>
<tr>
<td>We have a greening group made up of staff who are interested in working on environmental initiatives. This is managed separately to the pro bono program.</td>
<td>These types of programs are not managed by the pro bono program. However, the pro bono team have a lot of input into this type of work at the firm.</td>
</tr>
<tr>
<td>They are separately managed with separate objectives and budget.</td>
<td>They are separately managed with separate objectives and budget.</td>
</tr>
<tr>
<td>They are separate. The pro bono program has its own objectives and budget.</td>
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</tbody>
</table>
We have a Pro Bono legal practice with its own budget and objectives which is managed on a day to day basis by Pro Bono Counsel. We have a separate Community Service program with its own objectives and budget. The Community Service program is managed on a day to day basis by our Community Service Lead and overseen by Pro Bono Counsel.

Separately managed. PB program has no separate budget.

Separately managed programmes - CSR comes under the HR banner, though close cooperation and consultation exists with the pro bono committee.

Managed by same partner but with consultants allocated to work on community engagement.

GROUP C

Managed together to achieve co-ordination. Social outcomes.

The pro bono program is one element of the broader CSR program.

The Pro bono program is separately managed from our other programs. The Pro Bono Program is managed by our COO. The pro bono program has its own objectives, but no real budget attached to it.

Pro Bono legal program and CSR are currently managed together. Focus is currently on Bro Bono legal work, with CSR initiatives growing. Pro Bono legal program has its own objectives / policy and budget.

CSR is dealt with by a sub-committee of the Pro Bono Committee, and by Office Services Staff.

The Pro Bono legal program has a separate budget and separate objectives.

The pro bono and CSR program are managed by the same Partner. The programs operate separately, with the pro bono program having its own objectives and budget. However, we find that the two programs complement and support one another, creating a culture of contribution.

The dedicated pro bono solicitor coordinated both the pro bono and CSR programs. The programs have the same focus areas. The pro bono and CSR programs did not have a budget in 2017 / 18.

Separately managed with distinct budgets.

The CSR program includes pro bono work done by professional staff within the firm and is managed by the pro bono coordinator and pro bono committee. The CSR does not have a formal separate budget.

Pro bono program has its own objectives and budget, but Committee shares oversight of Pro Bono and Community Investment Work. We seek to do pro bono work for the charities that we partner with on volunteering.

We operate a separate pro-bono program with objectives and budget.

Separately managed. PB Program has objectives but no budget.

Our pro bono legal program is managed separately from our CSR program.

Section 3 – Sources of pro bono legal work

17. What percentage of your firm’s pro bono legal work (by number of new files opened or new matters commenced on existing files) in the 2018 FY originated from:

Please complete each option below and ensure your total answer adds up to 100. Please answer 0 against any option that does not apply.

**GROUP A**

<table>
<thead>
<tr>
<th>a) Pro bono referral schemes and organisations (this could include referrals, secondments, joint projects and/or clinics)</th>
<th>b) Community legal centres (this could include referrals, secondments, joint projects and/or clinics)</th>
<th>c) Legal Aid (this could include referrals, secondments, joint projects and/or clinics)</th>
<th>d) Aboriginal and Torres Straits Islander Legal Services (this could include referrals, secondments, joint projects and/or clinics)</th>
<th>e) Direct requests for assistance (from individuals and/or not-for-profit organisations)</th>
<th>f) Other sources (this could include internal projects)</th>
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<td>GROUP B</td>
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<tr>
<td>a) Pro bono referral schemes and organisations (this could include referrals, secondments, joint projects and/or clinics)</td>
<td>b) Community legal centres (this could include referrals, secondments, joint projects and/or clinics)</td>
<td>c) Legal Aid (this could include referrals, secondments, joint projects and/or clinics)</td>
<td>d) Aboriginal and Torres Straits Islander Legal Services (this could include referrals, secondments, joint projects and/or clinics)</td>
<td>e) Direct requests for assistance (from individuals and/or not-for-profit organisations)</td>
<td>f) Other sources (this could include internal projects)</td>
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<td>60</td>
<td>20</td>
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Group C

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<tbody>
<tr>
<td>a) Pro bono referral schemes and organisations (this could include referrals, secondments, joint projects and/or clinics)</td>
<td>b) Community legal centres (this could include referrals, secondments, joint projects and/or clinics)</td>
<td>c) Legal Aid (this could include referrals, secondments, joint projects and/or clinics)</td>
<td>d) Aboriginal and Torres Straits Islander Legal Services (this could include referrals, secondments, joint projects and/or clinics)</td>
<td>e) Direct requests for assistance (from individuals and/or not-for-profit organisations)</td>
<td>f) Other sources (this could include internal projects)</td>
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<td>38</td>
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18. Is this answer an estimate?

- **No** – Total: 5 firms – Group A: 1 firm, Group B: 2 firms, Group C: 2 firms.

19. If your firm undertook pro bono legal work originating from at least one pro bono referral scheme or organisation in the 2018 FY, please indicate all schemes/organisations from which you received a referral:

- **Law Access (Western Australia)** – Total: 11 firms – Group A: 5 firms, Group B: 4 firms, Group C: 2 firms.
- **Law Society NT Pro Bono Clearing House** – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- **Law Society of NSW Pro Bono Scheme** – Total: 6 firms – Group A: 4 firms, Group B: 1 firm, Group C: 1 firm.
- **Law Society of Tasmania Pro Bono Clearing House** – Total: 1 firm – Group A: 0 firms, Group B: 1 firm, Group C: 0 firms.
- **Other (please specify)** – Total: 13 firms – Group A: 3 firms, Group B: 5 firms, Group C: 5 firms. Please see the below for the specified responses.

**GROUP A**

Salvos Legal Humanitarian Service, YouthLaw ACT, Law Society ACT, StreetLaw.

Law Help (ORIC referrals).

LawHelp / TrustLaw.

**GROUP B**

Cancer Council Legal Referral Service.

LawHelp Scheme for Indigenous corporations.

Human Rights Law Centre, PILPG.

ACT Law Society Legal Advice Bureau, Belmont Neighbourhood Centre, Hunter Community Legal Centre, Salvo’s Legal Brisbane.

Cancer Council NSW.

**GROUP C**

WLS, Cancer Council, Arts Law, Youth Law.

Cancer Council.

Cancer Council Legal Referral Scheme.

TrustLaw.

20. What percentage of your Firm’s lawyers participated in (i.e. did at least one hour of) pro bono legal work in the 2018 FY?

Please refer to paragraph 4 of Part 1 of the Guidance Notes.

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21. Is this answer an estimate?

- **Yes** – Total: 12 firms – Group A: 0 firms, Group B: 4 firms, Group C: 8 firms.
- **No** – Total: 24 firms – Group A: 9 firms, Group B: 7 firms, Group C: 8 firms.

22. 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 2018 FY?

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<td>18 lawyers at partner level and above undertook PB work</td>
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<td>3 or 4 partners in total out of 22, approximately 18%</td>
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23. Is this answer an estimate?

- **Yes** – Total: 10 firms – Group A: 1 firm, Group B: 2 firms, Group C: 7 firms.
- **No** – Total: 21 firms – Group A: 8 firms, Group B: 8 firms, Group C: 5 firms.
24. How many hours of pro bono legal work did lawyers in your firm in Australia carry out in the 2018 FY?

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

| GROUP A | 32,696.00 |
|         | 16,858.00 |
|         | 34,052.00 |
|         | 8,953.80  |
|         | 27,782.90 |
|         | 39,148.00 |
|         | 24,818.00 |
|         | 24,938.00 |
|         | 14,496.80 |

| GROUP B | 8,759.77  |
|         | 21,315.00 |
|         | 9,377.00  |
|         | 14,026.00 |
|         | 14,567.25 |
|         | 8,007.00  |
|         | 10,814.00 |
|         | 4,723.80  |
|         | 8,789.40  |
|         | 6,110.00  |
|         | 3,307.00  |
|         | 12,157.00 |

| GROUP C | 1,990.00  |
|         | 5,252.20  |
|         | 2,856.81  |
|         | 8,317.00  |
|         | 342.00    |
|         | 982.75    |
|         | 2,906.72  |
|         | 8,847.43  |
|         | 4,255.00  |
|         | 1,796.00  |
|         | 915.00    |
|         | 1,112.00  |
|         | 3,821.00  |
|         | 760.70    |
|         | 418.00    |
|         | 662.00    |
25. How many hours of pro bono legal work per lawyer (averaged across the total number of full time equivalent lawyers in your firm) were carried out in the 2018 FY?

This figure is arrived at by taking the number of hours of pro bono legal work undertaken by your firm’s lawyers and dividing it by the total number of full time equivalent (FTE) lawyers working at your firm. For example, if your firm had undertaken 1,000 hours of pro bono legal work and employed 100 FTE lawyers it would have achieved 10 pro bono hours per lawyer per year.

| GROUP A | 37.37 |
|         | 34.58 |
|         | 29.54 |
|         | 43.36 |
|         | 43.93 |
|         | 50.34 |
|         | 41.08 |
|         | 11.47 |
|         | 34.90 |

| GROUP B | 35.20 |
|         | 41.32 |
|         | 62.32 |
|         | 27.82 |
|         | 16.53 |
|         | 53.56 |
|         | 41.90 |
|         | 29.55 |
|         | 34.20 |
|         | 25.13 |
|         | 41.57 |
|         | 11.21 |

| GROUP C | 6.00  |
|         | 13.24 |
|         | 30.32 |
|         | 42.65 |
|         | 2.20  |
|         | 21.60 |
|         | 70.33 |
|         | 17.80 |
|         | 36.00 |
|         | 15.00 |
|         | 11.32 |
|         | 38.91 |
|         | 17.70 |
|         | 7.84  |
|         | 22.61 |
26. What percentage of lawyers in your firm in Australia undertook 35 hours or more of pro bono legal work in the 2018 FY?

| GROUP A | 8.18  
|         | 29.00 
|         | 19.00 
|         | 5.80  
|         | 38.30 
|         | 27.80 
|         | 23.70 
|         | 24.00 
|         | 28.00 |
| GROUP B | 19.00 
|         | 14.50 
|         | 24.00 
|         | 72.00 
|         | 50.00 
|         | 21.40 
|         | 13.60 
|         | 80.00 
|         | 31.00 
|         | 2.00  
|         | 27.00 |
| GROUP C | 32.00 
|         | 20.00 
|         | 27.00 
|         | 14.61 
|         | 2.00  
|         | 13.38 
|         | 16.00 
|         | 26.00 
|         | 15.00 
|         | 12.00 
|         | 6.00  
|         | 25.00 
|         | 7.00  
|         | 6.00  
|         | 27.00 
|         | 5.00  |
27. Is this answer an estimate?
  ○ Yes – Total: 12 firms – Group A: 0 firms, Group B: 3 firms, Group C: 9 firms.

28. What percentage of your firm’s total billable hours does its pro bono legal work represent?

| GROUP A | 2.7 |
| GROUP B | 3.7 |
| GROUP C | 3.21 |

| GROUP A | 2.4 |
| GROUP B | 3.5 |
| GROUP C | 15 |
| GROUP A | 10 |
| GROUP B | 2 |
| GROUP C | 2.3 |
| GROUP A | 0.82 |
| GROUP B | 4 |

| GROUP A | 1.59 |
| GROUP B | 0.3 |
| GROUP C | 5.68 |
| GROUP A | 3 |
| GROUP B | 1.1 |
| GROUP C | 2 |
| GROUP A | 3 |
| GROUP B | 1.4 |
| GROUP C | 1.5 |

29. Is this answer an estimate?
  ○ Yes – Total: 10 firms – Group A: 0 firms, Group B: 4 firms, Group C: 6 firms.
  ○ No – Total: 10 firms – Group A: 3 firms, Group B: 4 firms, Group C: 3 firms.

30. (Optional) Are you including any substantially reduced fee pro bono work in your total reported hours of pro bono legal work?

*Please refer to the Guidance Notes when answering this and the following question.*

  ○ Yes – Total: 5 firms – Group A: 1 firm, Group B: 1 firm, Group C: 3 firms.

If yes, please specify how many hours in the 2018 FY.

| GROUP A | None. |
| GROUP B | 50 |
| GROUP C | 188.7 |
| GROUP C | 233 |
31. (Optional) The Centre is seeking to better understand the nature of substantially reduced fee pro bono work. Please provide details of the substantially reduced fee work your firm has undertaken in the 2018 FY (for example, was the work for individuals or organisations; what was the degree of fee reduction?).

| GROUP A | Generally legal work for NFPs and charitable organisations on a 50 / 50 fee paying / pro bono basis. Most of the work we do for a substantially reduced fee is done by our tax team when they are working beyond capacity and we would have to turn the work away otherwise. |
| GROUP B | Approximately 11.4% of all pro bono work was at a substantially-reduced fee. 11.5% at a 50% discount and 3% at a discount of between 51-99%. All for NFP / charity organisations. We also set pro bono rates based on lawyers' average realised rates, not rack rates. We have not included hours of work undertaken in our practice areas that do not time record in our estimate of hours as we do not have a reliable method for estimating those hours. Therefore, it is our view that the hours reported in this survey under-estimates the pro bono work done at the firm. For organisations 60% reduced. |
| GROUP C | 4 NFPs and 2 individuals. Generally, a 50% reduction in fees. We undertook one matter on a part pro bono basis (minimum 50% discount to our usual fees) given the sensitive and technical nature of the advice required, which otherwise would have conflicted with our commercial practice. As a compromise to charging full fee, we agreed to assist the NFP by offering a 'substantially reduce fee' arrangement. The client was very appreciative of the compromise reached. If and when we charge substantially reduced fees it will usually be for not for profit organisations (that we may or may not already act for pro bono in other matters), and whether we charge will depend on the matter and the relationship we have with the client. Usually the reduction is 30%-40% and sometimes much more of our standard hourly fees. In such circumstances we will often cap our fees too. This work was carried out for not for profit organisations at up to 40% less than standard hourly rates. |

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

32. What percentage of your firm’s pro bono legal work (by number of new files opened, or by other measure) in the 2018 FY was devoted to work for individuals or organisations?

NOTES:
1. Please ensure your answer adds up to 100%.
2. For the purposes of this survey, a secondee to a community legal organisation whose primary role is to provide advice to the centre’s clients should be considered to be working “for individuals”.
   Alternately, providing advice to the community legal organisation itself (in relation to governance, for example) should be considered to be work “for organisations.”
3. If you have a more accurate measure of the split of work between “individuals” and “organisations”, please provide your answers on this basis (for example, by number of hours rather than by number of new files opened).
   - Pro bono legal work for individuals (%)
   - Pro bono legal work for organisations (%)

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**GROUP B**

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<td>67 (by hours)</td>
<td>33 (by hours)</td>
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**GROUP C**

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**33. Is this answer an estimate?**


**34. To the best of your knowledge, in which five areas of law and practice did your firm in Australia spend the most time providing pro bono legal services in the 2018 FY (not including work undertaken by lawyers seconded to other organisations)?**

*Please list up to 5 areas.*
- Administrative / Constitutional – Total: 9 firms – Group A: 0 firms, Group B: 5 firms, Group C: 4 firms.
- Agreements with / Tenders to Government for pro bono clients – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Banking / Finance – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Bankruptcy – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Commercial Agreements (e.g. leases) – Total: 13 firms – Group A: 4 firms, Group B: 1 firm, Group C: 8 firms.
- Construction Law – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Consumer Law – Total: 2 firms – Group A: 0 firms, Group B: 1 firm, Group C: 1 firm.
- Coronal Inquiries – Total: 2 firms – Group A: 0 firms, Group B: 2 firms, Group C: 0 firms.
- Criminal Law – Total: 2 firms – Group A: 1 firm, Group B: 0 firms, Group C: 1 firm.
- Employment Law Total: 20 firms – Group A: 5 firms, Group B: 7 firms, Group C: 8 firms.
- Environment – Total: 4 firms – Group A: 2 firms, Group B: 0 firms, Group C: 2 firms.
- Family Law (not including Family Violence) – Total: 2 firms – Group A: 0 firms, Group B: 1 firm, Group C: 1 firm.
- Family Violence / Domestic Violence – Total: 3 firms – Group A: 0 firms, Group B: 2 firms, Group C: 1 firm.
- Fines – Total: 3 firms – Group A: 1 firm, Group B: 1 firm, Group C: 1 firm.
- Insurance – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- Personal Injury – Total: 2 firms – Group A: 0 firms, Group B: 1 firm, Group C: 1 firm.
- Privacy / Freedom of Information – Total: 2 firms – Group A: 0 firms, Group B: 0 firms, Group C: 2 firms.
- Powers of Attorney / Guardianship – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Professional Negligence – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- Royal Commissions – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- Social Security – Total: 1 firm – Group A: 0 firms, Group B: 1 firm, Group C: 0 firms.
- Superannuation – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Tax (other than DGR) – Total: 2 firms – Group A: 2 firms, Group B: 0 firms, Group C: 0 firms.
- Town Planning / Local Government – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Trusts – Total: 2 firms – Group A: 0 firms, Group B: 0 firms, Group C: 2 firms.
- Victims Compensation – Total: 4 firms – Group A: 2 firms, Group B: 0 firms, Group C: 2 firms.
- Other (please specify) – Total: 4 firms – Group A: 2 firms, Group B: 2 firms, Group C: 0 firms. Please see below:

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Disputes.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Elder Abuse.</td>
</tr>
</tbody>
</table>
As the large proportion of our work is done via secondment, it would be a mix of things and dependent on the community legal centre. Non-secondment work covered mostly commercial agreements and IP related work. Due to broad spread of work it is hard to identify just five areas.

None.

35. Within the 5 areas of law and practice you have nominated above, which client groups (if any) has this work been done for or for the benefit of? Please list up to three groups.

E.g. asylum seekers, Aboriginal and Torres Strait Islanders, victims of crime, children, homeless persons, women, LGBTIQ community, seniors.

Please enter “n/a” where appropriate.

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Special interest group 1</th>
<th>Special interest group 2</th>
<th>Special interest group 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeless Persons.</td>
<td>ATSI.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Asylum seekers.</td>
<td>Disadvantaged / Homeless.</td>
<td>Children and Young People.</td>
<td></td>
</tr>
<tr>
<td>Homeless Persons.</td>
<td>Aboriginal and Torres Strait Islanders.</td>
<td>Women.</td>
<td></td>
</tr>
<tr>
<td>Homeless persons.</td>
<td>Aboriginal and Torres Strait Islanders.</td>
<td>Women.</td>
<td></td>
</tr>
<tr>
<td>Asylum seekers.</td>
<td>Aboriginal and Torres Strait Islanders.</td>
<td>Homeless persons.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal and Torres Strait Islanders.</td>
<td>Victims of crime.</td>
<td>Not for profits, charities and social enterprises.</td>
<td></td>
</tr>
<tr>
<td>Asylum Seekers.</td>
<td>Aboriginal and Torres Strait Islander people.</td>
<td>Homeless Persons.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>Special interest group 1</th>
<th>Special interest group 2</th>
<th>Special interest group 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>NFPs and charitable organisations.</td>
<td>Aboriginal and Torres Strait Islanders.</td>
<td>Legal issues associated with having cancer.</td>
<td></td>
</tr>
<tr>
<td>People seeking asylum and refugees.</td>
<td>Aboriginal and Torres Strait Islanders.</td>
<td>People with financial vulnerabilities.</td>
<td></td>
</tr>
<tr>
<td>Asylum seekers.</td>
<td>LGBTIQ community.</td>
<td>People with a disability.</td>
<td></td>
</tr>
<tr>
<td>Domestic violence survivors.</td>
<td>Asylum seekers.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Children (students).</td>
<td>Community health services.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Asylum seekers.</td>
<td>Women.</td>
<td>Transgender teenagers.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP C</th>
<th>Special interest group 1</th>
<th>Special interest group 2</th>
<th>Special interest group 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal and Torres Strait Islanders.</td>
<td>Women.</td>
<td>Children.</td>
<td></td>
</tr>
<tr>
<td>Asylum seekers.</td>
<td>Young people.</td>
<td>Women.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal and Torres Strait Islanders.</td>
<td>Women.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Homeless persons.</td>
<td>Children.</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Asylum seekers.</td>
<td>Aboriginal and Torres Strait Islanders.</td>
<td>Women and children in need.</td>
<td></td>
</tr>
<tr>
<td>Aboriginal and Torres Strait Islanders.</td>
<td>Environmental NGOs.</td>
<td>Victims of discrimination.</td>
<td></td>
</tr>
<tr>
<td>Asylum seekers / Refugees.</td>
<td>Cancer sufferers.</td>
<td>NFPs.</td>
<td></td>
</tr>
<tr>
<td>Asylum seekers.</td>
<td>Seniors.</td>
<td>Self represented litigants.</td>
<td></td>
</tr>
<tr>
<td>Asylum seekers.</td>
<td>ATSI.</td>
<td>People with disabilities.</td>
<td></td>
</tr>
</tbody>
</table>
36. To the best of your knowledge, in which areas of law or practice in the 2018 FY did your firm reject the most requests for assistance (for reasons other than means or merit)?

Please tick up to five.

- Administrative / Constitutional – Total: 3 firms – Group A: 1 firm, Group B: 0 firms, Group C: 2 firms.
- Agreements with / Tenders to Government for pro bono clients – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 2 firms.
- Banking / Finance – Total: 3 firms – Group A: 2 firms, Group B: 0 firms, Group C: 1 firm.
- Bankruptcy – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- Commercial Agreements (e.g. leases) – Total: 2 firms - Group A: 0 firms, Group B: 0 firms, Group C: 2 firms.
- Construction Law – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- Consumer Law – Total: 1 firm – Group A: 1 firm, Group B: 0 firms, Group C: 0 firms.
- Coronial Inquiries – Total: 1 firm – Group A: 0 firms, Group B: 1 firm, Group C: 0 firms.
- Corporate Law (including incorporations) – Total: 3 firms – Group A: 1 firm, Group B: 1 firm, Group C: 1 firm.
- Debt – Total: 8 firms – Group A: 5 firms, Group B: 1 firm, Group C: 2 firms.
- Discrimination – Total: 2 firms – Group A: 2 firms, Group B: 0 firms, Group C: 0 firms.
- Environment – Total: 1 firm – Group A: 0 firms, Group B: 1 firm, Group C: 0 firms.
- Family Law (not including Family Violence) – Total: 9 firms – Group A: 2 firms, Group B: 3 firms, Group C: 4 firms.
- Fines – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Human Rights – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Intellectual Property – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Personal Injury – Total: 3 firms – Group A: 0 firms, Group B: 0 firms, Group C: 3 firms.
- Privacy / Freedom of Information – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Powers of Attorney / Guardianship – Total: 1 firm – Group A: 0 firms, Group B: 1 firm, Group C: 0 firms.
- Professional Negligence – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Royal Commissions – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- Social Security – Total: 4 firms – Group A: 0 firms, Group B: 1 firm, Group C: 3 firms.
- Superannuation – Total: 1 firm – Group A: 0 firms, Group B: 1 firm, Group C: 0 firms.
- Tax (other than DGR) – Total: 4 firms – Group A: 2 firms, Group B: 0 firms, Group C: 2 firms.
- Town Planning / Local Government – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- Trusts – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- Victims Compensation – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Wills / Probate / Estate – Total: 3 firms – Group A: 2 firms, Group B: 0 firms, Group C: 1 firm.
- Other, please specify – Total: 4 firms – Group A: 1 firm, Group B: 0 firms, Group C: 3 firms. Please see below:

<table>
<thead>
<tr>
<th>Asylum seekers</th>
<th>Disabled</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asylum seekers</td>
<td>Victims of crime</td>
<td>N/A</td>
</tr>
<tr>
<td>Asylum seekers</td>
<td>Terminally ill</td>
<td>3rd world micro-financing women / education</td>
</tr>
</tbody>
</table>
37. Has your firm provided any pro bono legal services for social enterprises in the 2018 FY?

- No – Total: 21 firms – Group A: 0 firms, Group B: 8 firms, Group C: 13 firms.

38. Does your firm have a Reconciliation Action Plan (RAP)?

- No – Total: 18 firms – Group A: 1 firm, Group B: 5 firms, Group C: 12 firms.

39. When was the RAP introduced?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>2009</th>
<th>2018</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>2010</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2011</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2014</td>
</tr>
<tr>
<td>GROUP B</td>
<td>2014</td>
<td>2010</td>
<td>2014</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2009</td>
</tr>
<tr>
<td>GROUP C</td>
<td>2016</td>
<td>2007</td>
<td>2017</td>
</tr>
</tbody>
</table>

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

40. Did your firm set an overall target for its pro bono legal work in the 2018 FY?

Please tick all that apply.

- **YES** - it represented a maximum or capped number of hours or hours per lawyer to be provided in the year – Total: 1 firm – Group A: 0 firms, Group B: 1 firm, Group C: 0 firms.
- **YES** - it represented a minimum number of hours or hours per lawyer to be provided in the year – Total: 10 firms – Group A: 5 firms, Group B: 2 firms, Group C: 3 firms.
- **YES** - it represented a set number of hours or hours per lawyer that the firm aimed to provide in the year – Total: 12 firms – Group A: 1 firm, Group B: 5 firms, Group C: 6 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: 2 firms – Group A: 1 firm, Group B: 0 firms, Group C: 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 – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
**41. Was this target larger, smaller or the same as it was two years ago?**

- **Larger** – Total: 7 firms – Group A: 2 firms, Group B: 3 firms, Group C: 2 firms.
- **Smaller** – Total: 1 firm – Group A: 0 firms, Group B: 1 firm, Group C: 0 firms.
- **Same** – Total: 6 firms – Group A: 1 firm, Group B: 2 firms, Group C: 2 firms.
- **Don’t know** – Total: 2 firms: Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.

**42. If your firm set a target that represented a number of hours or hours per lawyer, did this target represent:**

This figure is arrived at by taking the number of hours of pro bono legal work undertaken by your firm’s lawyers and dividing it by the total number of full time equivalent (FTE) lawyers working at your firm. For example, if your firm had undertaken 1,000 hours of pro bono legal work and employed 100 FTE lawyers it would have achieved 10 pro bono hours per lawyer per year.

- **More than 35 hours of pro bono legal work per lawyer (e.g. higher than the figure set in the National Pro Bono Target)** – Total: 11 firms – Group A: 5 firms, Group B: 3 firms, Group C: 3 firms.
- **35 hours of pro bono legal work per lawyer (e.g. the figure set in the National Pro Bono Target)** – Total: 7 firms – Group A: 1 firm, Group B: 2 firms, Group C: 4 firms.
- **Less than 35 hours of pro bono legal work per lawyer (e.g. lower than the figure set in the National Pro Bono Target)** – Total: 5 firms – Group A: 0 firms, Group B: 3 firms, 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: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- **Not applicable** – Total: 3 firms – Group A: 1 firm, Group B: 0 firms, Group C: 2 firms.

**43. Did your firm set an annual operational budget for its pro bono program in the 2018 FY?**

- **Yes** – Total: 19 firms – Group A: 7 firms, Group B: 7 firms, Group C: 5 firms.
- **No** – Total: 15 firms – Group A: 2 firms, Group B: 3 firms, Group C: 10 firms.
- **Don’t know** – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.

**44. Is this annual operational budget larger, smaller or the same as it was two years ago?**

- **Larger** – Total: 7 firms – Group A: 2 firms, Group B: 4 firms, Group C: 1 firm.
- **Smaller** – Total: 1 firm – Group A: 1 firm, Group B: 0 firms, Group C: 0 firms.
- **Same** – Total: 6 firms – Group A: 2 firms, Group B: 2 firms, Group C: 2 firms.
- **Don’t know** – Total: 2 firms: Group A: 1 firm, Group B: 0 firms, Group C: 1 firm.

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

**45. Are lawyers in your firm required to meet billable hour targets or financial targets?**

- **Yes, both billable hour targets and financial targets** – Total: 27 firms – Group A: 7 firms, Group B: 7 firms, Group C: 13 firms.
- **Yes, billable hour targets only** – Total: 7 firms – Group A: 2 firms, Group B: 3 firms, Group C: 2 firms.
- **Yes, financial targets only** – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- **No** – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.

**46. 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: 12 firms – Group A: 5 firms, Group B: 4 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: 4 firms – Group A: 1 firm, Group B: 2 firms, 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: 4 firms – Group A: 1 firm, Group B: 0 firms, Group C: 3 firms.

○ 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: 9 firms – Group A: 0 firms, Group B: 3 firms, Group C: 6 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) – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.

○ Pro bono hours are not recorded at all – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.

○ Other, please specify – Total: 4 firms – Group A: 2 firms, Group B: 1 firm, Group C: 1 firm. Please see below:

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Pro bono hours are treated as non-billable hours, but are recorded as pro bono hours, and they are taken into account when evaluating team members’ performances.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pro bono hours are treated as non-billable hours 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 are eligible for incentive payments.</td>
</tr>
<tr>
<td>GROUP B</td>
<td>It varies from practice to practice as we have different billing practices across the firm.</td>
</tr>
<tr>
<td>GROUP C</td>
<td>Some pro bono hours are treated as billable hours, others are not e.g. work done at clinics is not treated as billable hours.</td>
</tr>
</tbody>
</table>

47. 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: 30 firms – Group A: 9 firms, Group B: 9 firms, Group C: 12 firms.

○ No – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.

○ Don’t know – Total: 2 firms – Group A: 0 firms, Group B: 0 firms, Group C: 2 firms.

48. Does your firm recognise and/or reward the **pro bono legal work** of your lawyers in any of the following ways?

Please tick all that apply.


○ When calculating bonuses – Total: 12 firms – Group A: 5 firms, Group B: 3 firms, Group C: 4 firms.

○ In salary reviews – Total: 10 firms – Group A: 3 firms, Group B: 2 firms, Group C: 5 firms.

○ Internal awards, events and communication – Total: 29 firms – Group A: 8 firms, Group B: 8 firms, Group C: 13 firms.

○ Other, please specify – Total: 1 firm – Group A: 1 firm, Group B: 0 firms, Group C: 0 firms. Please see below:

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Nominations for external awards (such as pro bono lawyer of the year).</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>None.</td>
</tr>
<tr>
<td>GROUP C</td>
<td>None.</td>
</tr>
</tbody>
</table>
49. How many pro bono secondments did you provide in the 2018 FY?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>7</td>
<td>3</td>
<td>6</td>
<td>4</td>
<td>4</td>
<td>7</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>GROUP B</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>17</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not specified</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GROUP C</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

50. Measured in hours, were the secondments provided by your firm:

- All provided on a full-time basis – Total: 2 firms – Group A: 1 firm, Group B: 1 firm, Group C: 0 firms.
- Mostly provided on a full-time basis – Total: 3 firms – Group A: 1 firm, Group B: 1 firm, Group C: 1 firm.
% Provided equally on a full- and part-time basis – Total: 2 firms – Group A: 1 firm, Group B: 1 firm, Group C: 0 firms.
% Mostly provided on a part-time basis – Total: 2 firm – Group A: 2 firm, Group B: 0 firm, Group C: 0 firms.
% All provided on a part-time basis – Total: 5 firms – Group A: 0 firm, Group B: 1 firm, Group C: 4 firms.

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

| GROUP A | 6 months.  
|         | 6 months.  
|         | 4 weeks.   
|         | 6 months.  
|         | 6 months.  

| GROUP B | 1 - 2 months.  
|         | 6 weeks x 2.  
|         | 3 months.    
|         | 3 months.    

| GROUP C | 5 days.  
|         | 3 months.  

52. 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.”

| GROUP A | 1 / 2 day per week.  
|         | Two days per week for three months.  
|         | One day per week.  
|         | 1 day per week for 3 months.  

| GROUP B | Two days a week for X months  
|         | 2 - 3 days for 3 - 6 months.  
|         | One morning per week ongoing.  

| GROUP C | 2 days per week for 12 months.  
|         | One day a week for a month.  
|         | One day per week for 8 weeks.  
|         | 3 days per week for 3 months.  

53. Are there any other noticeable trends in the form, duration and number of secondments provided by your firm since the last Survey, in July 2016?

| GROUP A | Less capacity for secondments.  
|         | The number of secondments is still similar, but it is becoming harder to find lawyers to place on secondment. It would be very difficult to add on more secondments.  

| GROUP B | We provided fewer pro bono secondments this financial year as compared with FY2017.  
|         | Secondments are not a large part of our pro bono work and are undertaken on an ad hoc basis.  
|         | Less junior capacity for secondments, hard to find capacity for long term secondments  

| GROUP C | This year was our first pro bono secondment.  

Section 9 – Disbursements

54. Did your firm pay for any external disbursements in pro bono matters in the 2018 FY?

Please nominate up to three categories where your firm incurred the most costs:

- Medical reports and appearance fees – Total: 10 firms – Group A: 5 firms, Group B: 3 firms, Group C: 2 firms.
- Other expert witness reports and appearance fees – Total: 3 firms - Group A: 0 firms, Group B: 1 firm, Group C: 2 firms.
- Filing fees – Total: 12 firms – Group A: 3 firms, Group B: 3 firms, Group C: 6 firms.
- Travel and accommodation – Total: 13 firms – Group A: 5 firms, Group B: 5 firms, Group C: 3 firms.
- Search costs Total: 14 firms – Group A: 2 firms, Group B: 7 firms, Group C: 5 firms.
- Barristers’ fees (advice or representation) – Total: 3 firms – Group A: 0 firms, Group B: 1 firm, Group C: 2 firms.
- Other, please specify – Total: 7 firms – Group A: 0 firms, Group B: 2 firms, Group C: 5 firms. Please see below:

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>No responses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>Did not pay disbursements.</td>
</tr>
<tr>
<td></td>
<td>None.</td>
</tr>
<tr>
<td>GROUP C</td>
<td>Miscellaneous.</td>
</tr>
<tr>
<td></td>
<td>Taxi fares and photocopying.</td>
</tr>
<tr>
<td></td>
<td>Did not pay disbursements.</td>
</tr>
<tr>
<td></td>
<td>Did not pay disbursements.</td>
</tr>
<tr>
<td></td>
<td>Did not pay disbursements.</td>
</tr>
</tbody>
</table>

55. If possible, please estimate the total costs of external disbursements incurred by your firm on behalf of its pro bono clients in the 2018 FY:

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>$50,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$84,000</td>
</tr>
<tr>
<td></td>
<td>$2,000</td>
</tr>
<tr>
<td></td>
<td>$8,500</td>
</tr>
<tr>
<td></td>
<td>$140,000</td>
</tr>
<tr>
<td></td>
<td>Minimal</td>
</tr>
<tr>
<td></td>
<td>$31,340</td>
</tr>
<tr>
<td>GROUP B</td>
<td>$15,000</td>
</tr>
<tr>
<td></td>
<td>$5,000</td>
</tr>
<tr>
<td></td>
<td>Tens of thousands</td>
</tr>
<tr>
<td></td>
<td>$1,500</td>
</tr>
<tr>
<td></td>
<td>$8,310.56</td>
</tr>
<tr>
<td>GROUP C</td>
<td>$5,000</td>
</tr>
<tr>
<td></td>
<td>$500</td>
</tr>
<tr>
<td></td>
<td>$49,962</td>
</tr>
<tr>
<td></td>
<td>$2,500 - $5,000</td>
</tr>
<tr>
<td></td>
<td>$20,000</td>
</tr>
</tbody>
</table>
56. Has your firm applied to any disbursement assistance scheme in the last two years?

- **Yes** – Total: 7 firms – Group A: 2 firms, Group B: 2 firms, Group C: 3 firms.
- **No** – Total: 24 firms – Group A: 7 firms, Group B: 8 firms, Group C: 9 firms.
- **Don’t know** – Total: 4 firms – Group A: 0 firms, Group B: 0 firms, Group C: 4 firms.

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

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Law Society scheme.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>NSW Law society. CLSD.</td>
</tr>
<tr>
<td>GROUP C</td>
<td>NSW Supreme Court. NSW Law Society. NSW Law Society Pro Bono Disbursement Trust Fund.</td>
</tr>
</tbody>
</table>

58. How was your experience in dealing with the scheme/s?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Law Society scheme - Very professional.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>NSW Law society - It is an accessible scheme but limited in what it provides. CLSD - Good experience but can only claim where we meet certain parameters.</td>
</tr>
<tr>
<td>GROUP C</td>
<td>NSW Law Society – Excellent. NSW Law Society Pro Bono Disbursement Trust Fund - My applications for pre-approval of interpreter fees were promptly approved. I haven’t sought reimbursement of those fees as we were either successful in recovering our costs and disbursements or the matters haven’t yet gone to hearing.</td>
</tr>
</tbody>
</table>

59. 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. Didn’t appear that any disbursements qualified under the schemes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>No projects that require this. Not worth it. Matters urgent. We generally carry the disbursements on a file. Too time consuming. We are not aware of any scheme(s) for disbursement assistance for pro bono legal services.</td>
</tr>
<tr>
<td>GROUP C</td>
<td>No particular or consistent reason. Because our clients tend to be larger charities, they have the means of paying for disbursements. We didn’t know about it plus we feel it is all part of the duty of carrying out pro bono work. Not aware of options and availability. None available.</td>
</tr>
</tbody>
</table>
Section 10 – Evaluating your firm’s pro bono program

60. Does your firm evaluate its pro bono program?

- No – Total: 7 firms – Group A: 2 firms, Group B: 1 firm, Group C: 4 firms

Please describe briefly the evaluation methodology.

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Internal review process.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The pro bono team is constantly reviewing its strategy, focus and partnerships to ensure that the work we do is having a positive impact on the disadvantaged and vulnerable people we seek to assist. This process is overseen by the firm’s Global Pro Bono &amp; Citizenship Council which is comprised by Senior Executives and Partners across the firm’s global network.</td>
</tr>
<tr>
<td></td>
<td>Ongoing monitoring of performance against targets.</td>
</tr>
<tr>
<td></td>
<td>We evaluate the pro bono practice yearly and on an ongoing basis. We review hours across our offices, participation and spread of work across teams, number of matters and types of matters (including whether matters are within our focus areas). We also review our secondments and clinics regularly.</td>
</tr>
<tr>
<td></td>
<td>We obtain feedback from pro bono participants.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP B</th>
<th>Participation rates, client feedback, number of pro bono hours provided.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual planning, assessment of board report, ongoing review of projects, rosters, case priorities etc.</td>
</tr>
<tr>
<td></td>
<td>Review feedback received from both the pro bono client as well as lawyers to assess benefits.</td>
</tr>
<tr>
<td></td>
<td>It is something we are working on at the moment, but at the moment the program reports progress on business plan goals to a steering committee.</td>
</tr>
<tr>
<td></td>
<td>Regular reporting.</td>
</tr>
<tr>
<td></td>
<td>We have an informal evaluation process. Pro Bono Counsel, together with the Pro Bono Group, regularly assesses the value of our programs and referral pathways. We also regularly review our focus areas to ensure we are addressing unmet legal needs that fit within the expertise (established or to be acquired through training) of our lawyers.</td>
</tr>
<tr>
<td></td>
<td>Impact and input.</td>
</tr>
<tr>
<td></td>
<td>Annual review with management.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP C</th>
<th>Against KPI’s regarding hours, client spread, participation rates and the national pro bono target.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reporting on: Hours (per office and department), New files, Participation rates, Referral sources, Areas of law, Cohorts assisted, Significant results.</td>
</tr>
<tr>
<td></td>
<td>Surveying: Firm wide, Lawyers in relation to individual pro bono services (e.g. clinics).</td>
</tr>
<tr>
<td></td>
<td>Review spread of participation across the firm, magnitude of support and make up of the various community partners.</td>
</tr>
<tr>
<td></td>
<td>Through presentations to the partnership.</td>
</tr>
<tr>
<td></td>
<td>Regular reviews of pro bono work and clinics. Quarterly reviews of all work and fee relief. Annual reporting and strategy review.</td>
</tr>
<tr>
<td></td>
<td>Informal regular review of total hours, nature of work performed, legal staff participating and referral organisations (mostly through reviewing data and seeking feedback orally.</td>
</tr>
<tr>
<td></td>
<td>By calculating the hours spent on pro bono work.</td>
</tr>
<tr>
<td></td>
<td>Pro bono committee meets to evaluate performance and applications for assistance. Review of hours for purposes of reporting to Australian Pro Bono Centre and Law Right annually.</td>
</tr>
<tr>
<td></td>
<td>Summary dashboards provided to partners overseeing programme, review by Central team in London.</td>
</tr>
<tr>
<td></td>
<td>Annual report and Responsible Business Committee.</td>
</tr>
</tbody>
</table>
61. Please tick the three most significant factors on which you based that evaluation.

- Client feedback – Total: 11 firms – Group A: 2 firms, Group B: 4 firms, Group C: 5 firms.
- Feedback from third parties (for example, pro bono referral schemes or organisations) – Total: 5 firms – Group A: 1 firm, Group B: 2 firms, Group C: 2 firms.
- Number of pro bono hours provided – Total: 16 firms – Group A: 2 firms, Group B: 5 firms, Group C: 9 firms.
- Whether the program has assisted the firm in meeting its commercial goals – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.
- Other please specify – Total: 2 firms – Group A: 1 firm, Group B: 1 firm, Group C: 0 firms. Please see below:

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Participation and spread of legal work throughout teams and offices.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>Participation rates.</td>
</tr>
<tr>
<td>GROUP C</td>
<td>None.</td>
</tr>
</tbody>
</table>

62. Did you find this evaluation (or evaluations) useful? In what way?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>We find that evaluating our pro bono practice 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. Yes, it is always important to ensure that we are contributing to the most appropriate causes in an effective manner. Yes. It keeps the pro bono practice focused and in line with our objectives.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>Yes, especially when we compare data from year to year. Of course, it is part and parcel of any law practice. The evaluation is useful, but we are looking at ways to make it more meaningful and measurable. Yes. Yes. It told us how our lawyers felt. Always good to review and set strategies going forward. Yes, assisted in shaping the practice and developing new projects.</td>
</tr>
<tr>
<td>GROUP C</td>
<td>It is generally useful to assess the satisfaction with the pro bono program, the results we are getting and the spread of pro bono opportunities. Yes, useful to compare against previous years and overall targets. Yes. Yes, because it helps to reconfirm our commitment to pro-bono and its central importance to the culture of our firm. Yes. Yes, the review assists in identifying how participation can be increased. Yes, we use this decide which projects to continue with and guide decisions on new projects.</td>
</tr>
</tbody>
</table>

Section 11 – International law firms and law firm mergers

63. Do your Australian offices provide more or less pro bono legal services per lawyer (on average) than your firm’s overseas offices?

If your firm does not have an overseas office, please skip this question.

64. 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 – Total: 8 firms – Group A: 4 firms, Group B: 2 firms, Group C: 2 firms.

Section 12 – Corporate and government clients

65. Has your firm worked with the in-house counsel of a corporate or government client on a pro bono matter or project in the 2018 FY?

○ Yes – Total: 9 firms – Group A: 5 firms, Group B: 3 firms, Group C: 1 firm.
○ Don’t know – Total: 2 firms – Group A: 1 firm, Group B: 0 firms, Group C: 1 firm.

66. What was the nature of these pro bono matter/s or project/s?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>TalkLaw project (legal education in schools) National Children’s &amp; Youth Law Centre - Cyberlaw project.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Partnering on legal clinics and law reform projects.</td>
</tr>
<tr>
<td></td>
<td>NFP client clinic.</td>
</tr>
<tr>
<td>GROUP B</td>
<td>Working on asylum matters - provided training and work with them on matters.</td>
</tr>
<tr>
<td>GROUP C</td>
<td>Delivery of legal information sessions; Drafting Legal Guides and Research Papers.</td>
</tr>
</tbody>
</table>

67. Has your firm attempted to ‘clear’ positional/commercial conflicts for potential pro bono matters with your government or corporate clients in the 2018 FY?

○ No – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
○ Yes – Total: 6 firms – Group A: 4 firms, Group B: 2 firms, Group C: 0 firms.

If so, has this been successful?

○ No – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
○ Yes – Total: 6 firms – Group A: 4 firms, Group B: 2 firms, Group C: 0 firms.

Section 13 – Government tender arrangements for legal services

68. Is your firm on the Commonwealth Government’s Legal Services Multi-Use List, the Victorian Government Legal Services Panel, and/or the NSW Government Legal Panel?

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Commonwealth Government’s Legal Services Multi-Use List</th>
<th>9 firms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NSW Government Legal Panel</td>
<td>9 firms</td>
</tr>
<tr>
<td></td>
<td>SA Government Legal Panel</td>
<td>1 firm</td>
</tr>
<tr>
<td></td>
<td>Victorian Government Legal Services Panel</td>
<td>8 firms</td>
</tr>
<tr>
<td></td>
<td>None of the above</td>
<td>0 firms</td>
</tr>
<tr>
<td>GROUP B</td>
<td>Commonwealth Government’s Legal Services Multi-Use List</td>
<td>8 firms</td>
</tr>
<tr>
<td>NSW Government Legal Panel</td>
<td>7 firms</td>
<td></td>
</tr>
<tr>
<td>----------------------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>SA Government Legal Panel</td>
<td>0 firms</td>
<td></td>
</tr>
<tr>
<td>Victorian Government Legal Services Panel</td>
<td>5 firms</td>
<td></td>
</tr>
<tr>
<td>None of the above</td>
<td>1 firm</td>
<td></td>
</tr>
</tbody>
</table>

**GROUP C**

| Commonwealth Government’s Legal Services Multi-Use List | 11 firms |
| NSW Government Legal Panel                             | 6 firms  |
| SA Government Legal Panel                              | 0 firms  |
| Victorian Government Legal Services Panel              | 5 firms  |
| None of the above                                       | 2 firms  |

Do you have any comments on the form and operation of the Commonwealth, NSW, SA and/or Victorian government tendering processes, in relation to the requirement to report on pro bono legal work?

### 69. Commonwealth comments

**GROUP A**

It would be helpful if a uniform system could be established and put into operation so that firms do not have to report the same information on multiple occasions and to multiple state and federal bodies.

We would prefer all systems to be consistent nationally.

**GROUP B**

Whether or not pro bono targets are included in the new panel deed will have a significant impact on the amount of pro bono work undertaken by the firm.

We are concerned that the govt panels are inadvertently resulting in some firms, especially those new to pro bono, taking on pro bono work to just meet targets for panels rather than developing an effective pro bono practice.

Don’t mind aspirational target as goal but would like to see more structured assessment of reporting and a person like in Vic that is able to assist with conflict management.

**GROUP C**

The tender process for the Commonwealth government requires member firms to be a signatory to the National Pro Bono Target.

Very helpful to get buy-in for the pro bono programme. New guidelines should be made clearer.

### 70. NSW comments

**GROUP A**

It would be helpful if a uniform system could be established and put into operation so that firms do not have to report the same information on multiple occasions and to multiple state and federal bodies.

We would prefer all systems to be consistent nationally.

This feels like an unknown quantity at the moment. What happens with the data provided? What role does it play?

**GROUP B**

Has improved.

We are concerned that the govt panels are inadvertently resulting in some firms, especially those new to pro bono, taking on pro bono work to just meet targets for panels rather than developing an effective pro bono practice.

Would be good if it was more like Vic system.

**GROUP C**

Guidance for reporting should be clearer.

### 71. SA comments

**GROUP A**

It would be helpful if a uniform system could be established and put into operation so that firms do not have to report the same information on multiple occasions and to multiple state and federal bodies.
72. Victoria comments

| GROUP A | It would be helpful if a uniform system could be established and put into operation so that firms do not have to report the same information on multiple occasions and to multiple state and federal bodies. |
| GROUP A | This is the most time-consuming response process, but the contractual obligation means it is the process most closely watched by the commercial partners in firm. |
| GROUP A | Difficult and timely to produce required reports due to: - Definition being technical for categorisation, classification and recalculation using their panel agreed rates. |
| GROUP B | Would be good to make consistent with Commonwealth requirements. |
| GROUP B | We are concerned that the govt panels are inadvertently resulting in some firms, especially those new to pro bono, taking on pro bono work to just meet targets for panels rather than developing an effective pro bono practice. |
| GROUP B | Think this works well although onerous. |

Section 14 – The National Pro Bono Target

73. Are you aware of the National Pro Bono Target of at least 35 pro bono hours per lawyer per year?

This figure is arrived at by taking the number of hours of pro bono legal work undertaken by your firm’s lawyers and dividing it by the total number of full time equivalent (FTE) lawyers working at your firm. For example, if your firm had undertaken 1,000 hours of pro bono legal work and employed 100 FTE lawyers it would have achieved 10 pro bono hours per lawyer per year.

- No – Total: 1 firm – Group A: 0 firms, Group B: 0 firms, Group C: 1 firm.

74. Is your firm a signatory to the National Pro Bono Target?

- Yes – Total: 30 firms – Group A: 9 firms, Group B: 9 firms, Group C: 12 firms.
- No – Total: 5 firms – Group A: 0 firms, Group B: 1 firm, Group C: 4 firms.

75. Why are you not a signatory to the National Pro Bono Target?

| GROUP A | None. |
| GROUP B | None. |
| GROUP C | Don’t think we have ever been asked. |
| GROUP C | We have internal targets we are working to. |

76. Do you wish to report on your performance on the National Pro Bono Target in the 2018 FY in conjunction with this survey?

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

IF YOU DO NOT WISH TO REPORT ON THE TARGET IN CONJUNCTION WITH THIS SURVEY, YOU WILL STILL NEED TO REPORT SEPARATELY.

- No – Total: 12 firms – Group A: 3 firms, Group B: 2 firms, Group C: 7 firms.
77. Did your firm meet the Target in the 2018 FY?


Note: Only 22 firms answered this question, please refer to Q.25 above for the hours of pro bono legal work per lawyer provided by all 37 respondents.

78. What effect (if any) has being a signatory to the Target had on the pro bono legal work undertaken by your firm?

Please tick all that apply.

- The Target led to an increase in the pro bono legal work done by the firm – Total: 15 firms – Group A: 5 firms, Group B: 6 firms, Group C: 4 firms.
- The Target increased the firm’s focus on the legal needs of disadvantaged people and the organisations that assist those people – Total: 12 firms – Group A: 2 firms, Group B: 4 firms, Group C: 6 firms.
- The Target had no effect – Total: 3 firms – Group A: 0 firms, Group B: 2 firms, Group C: 1 firm.
- The Target decreased the amount of pro bono legal work done by the firm – Total: 0 firms – Group A: 0 firms, Group B: 0 firms, Group C: 0 firms.
- Other (please specify) – Total: 3 firms – Group A: 1 firm, Group B: 0 firms, Group C: 2 firms. Please see below:

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>The Target continues to provide a reference point for minimum pro bono contribution.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GROUP B</td>
<td>None.</td>
</tr>
<tr>
<td>GROUP C</td>
<td>We signed the target many years ago. Difficult to assess impact.</td>
</tr>
<tr>
<td></td>
<td>The Target has led to better reporting in relation to the pro bono work we perform.</td>
</tr>
</tbody>
</table>

79. (Optional) Total paralegal hours (performed by paralegals on pro bono work of a legal nature):

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>1,720.6</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>532.2</td>
</tr>
<tr>
<td>GROUP B</td>
<td>111.4</td>
</tr>
<tr>
<td></td>
<td>156.4</td>
</tr>
<tr>
<td></td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>232</td>
</tr>
<tr>
<td></td>
<td>50</td>
</tr>
<tr>
<td>GROUP C</td>
<td>485.7</td>
</tr>
<tr>
<td></td>
<td>520</td>
</tr>
<tr>
<td></td>
<td>300 (approximately)</td>
</tr>
<tr>
<td></td>
<td>140</td>
</tr>
<tr>
<td></td>
<td>55.09</td>
</tr>
</tbody>
</table>

80. (Optional) The number of full-time equivalent paralegals that undertook the paralegal hours reported in the previous question.

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>Unknown.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unknown.</td>
</tr>
<tr>
<td>GROUP B</td>
<td>5.29</td>
</tr>
<tr>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>
81. Do you anticipate that your firm will reach an annual average of at least 35 pro bono hours per lawyer per year during the 2019 FY?

This figure is arrived at by taking the number of hours of pro bono legal work undertaken by your firm’s lawyers and dividing it by the total number of full time equivalent (FTE) lawyers working at your firm. For example, if your firm had undertaken 1,000 hours of pro bono legal work and employed 100 FTE lawyers it would have achieved 10 pro bono hours per lawyer per year.

- No – Total: 10 firms – Group A: 0 firms, Group B: 1 firm, Group C: 9 firms.
- Don’t know – Total: 3 firms – Group A: 1 firm, Group B: 2 firms, Group C: 0 firms.

Section 15 – What else can you tell us?

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

**GROUP A**

- Leadership support.
  - Leadership from the top of the Firm to build support and engagement.
  - The quality of lawyers with specialist pro bono expertise who work in the firm’s pro bono & citizenship team. They are highly skilled and dedicated pro bono practice professionals and as such are able to guide, oversee and implement the firm’s pro bono practice successfully and with impact.
  - Selecting appropriate causes to focus on.
  - Pro Bono performance is a KPI for all of our lawyers.
  - Ongoing and committed high level management support.
  - A dedicated pro bono partner and senior pro bono team.
  - Maintaining a broad number of opportunities to engage all staff.
  - Introduction of a diverse pro bono program which makes a significant impact on the broader community and success of our people.

**GROUP B**

- I would say leadership by the Board, Management and Partners to implement at office level and our Strategic Plan because these impact on all other factors.
- Prioritising client need, being proactive about forming and maintaining client relationships and dedicated pro bono roles which incorporate case work.
- Strong support and commitment from senior management. Full support from top management.
- The connection between the pro bono program and the firm’s values.
- Strong support and encouragement from management.
- Building strong relationships with pro bono clients.
- Broad range of client groups, legal issues and matter types.
- Partner support.
- Appropriate pro bono referrals and internal capacity to do the work.
Ensuring an active interest and participation of lawyers in the firm and a willingness to participate.
Whole of firm support.

GROUP C

Culture.
Providing engaging pro bono opportunities to lawyers as there is broad support for our pro bono program.
Communication.
Partner involvement and encouragement.
We focus on social justice and the most significant areas of legal need.
Management support and leadership.
Management support.
Encouraging solicitor participation.
Support at senior level.
Identifying pro bono programs in which our lawyers can participate.
The (few) committed people driving it.
Continued Partner and Senior Management support.

83. What are the top three challenges for your firm’s pro bono program?

○ Lack of information about pro bono opportunities – Total: 5 firms – Group A: 1 firm, Group B: 1 firm, Group C: 3 firms.
○ Lack of management or partner support within the firm – Total: 6 firms – Group A: 0 firms, Group B: 3 firms, Group C: 3 firms.
○ Concern about conflict of interest with fee paying clients – Total: 10 firms – Group A: 5 firms, Group B: 3 firms, Group C: 2 firms.
○ Pro bono hours do not count as billable hours or for financial targets – Total: 7 firms – Group A: 0 firms, Group B: 3 firms, Group C: 4 firms.
○ External economic climate – Total: 5 firms – Group A: 2 firms, Group B: 0 firms, Group C: 3 firms.
○ Ability to fund external disbursements – Total: 8 firms – Group A: 1 firm, Group B: 4 firms, Group C: 3 firms.
○ Significant structural changes within the firm – Total: 2 firms – Group A: 1 firm, Group B: 0 firms, Group C: 1 firm.
○ Already doing enough pro bono – Total: 5 firms – Group A: 0 firms, Group B: 1 firm, Group C: 4 firms.
○ Too much work to build the pro bono program – Total: 2 firms – Group A: 1 firm, Group B: 1 firm, Group C: 0 firms.
○ Other, please specify – Total: 5 firms – Group A: 2 firms, Group B: 2 firms, Group C: 1 firm. Please see below:

GROUP A
Finding the right pro bono work for some practice groups.
Identifying sufficient appropriate pro bono opportunities.

GROUP B
Changes in level of management / partner support when staff changes. Resourcing.
Need more dedicated people on the pro bono team.

GROUP C
Staff changes.

84. Is your firm delivering pro bono legal assistance in any new or innovative ways since the last Survey, in July 2016, which you wish to share?

GROUP A
We are now building an evaluation framework.
We have increased our focus on the program significantly in the last 12 months.

We have been focussing on the use of technology to assist disadvantaged and vulnerable clients (e.g., tax app with Justice Connect and sponsoring the Technology & Human Rights conference with the Australian Human Rights Commission).

Creation of a law reform project that allows us to build upon the work done with organisations and community for many years.

GROUP B

Working with a CLC to resource a new clinic.

We have a motor vehicle clinic with Marrickville Legal Centre. It is innovative in that we are providing advice within our area of expertise therefore not requiring supervision from MLC and therefore not imposing on their resources.

More research-based projects to get systemic change, more projects looking an interactive online training, CLE’S and website-based service provision and information.

GROUP C

We are participating in a joint project between Victoria Legal Aid and 2 other law firms. We are training lawyers via online training modules, so that they are able to prepare merits advice for potential judicial review of IAA refugee decisions. Matters are referred from Victoria Legal Aid, and their lawyers supervise our lawyers in preparing and settling the merits advice and deciding on whether the matter should be the subject of an application for judicial review.

The firm appointed a dedicated pro bono coordinator.

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

GROUP A

We are sharpening our objective and focus

We are at the early stages of our relaunch of the program, but we are excited out the program’s future.

GROUP B

Despite the limitations to what we can do, we nonetheless are able to make significant contribution to the community.

GROUP C

Answer omitted to maintain confidentiality.

86. 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:

- A strong social justice and pro bono culture supported by management – Total: 7 firms – Group A: 1 firm, Group B: 3 firms, Group C: 3 firms.
- A dedicated pro bono leader – Total: 3 firms – Group A: 1 firm, Group B: 1 firm, Group C: 1 firm.
- Broad awareness of the pro bono program within the firm – Total: 7 firms – Group A: 3 firms, Group B: 2 firms, Group C: 2 firms.
- Broad engagement of staff and appropriate training – Total: 13 firms – Group A: 3 firms, Group B: 3 firms, Group C: 7 firms.
- A pro bono policy and strategic plan – Total: 4 firms – Group A: 1 firm, Group B: 0 firms, Group C: 3 firms.
- Performance of pro bono legal work to the same standard as commercial work – Total: 2 firms – Group A: 0 firms, Group B: 1 firm, Group C: 1 firm.
- Adequate crediting and recognition of pro bono legal work within the firm – Total: 12 firms – Group A: 2 firms, Group B: 3 firms, Group C: 7 firms.
- Setting a firm-wide pro bono target and budget – Total: 2 firms – Group A: 0 firms, Group B: 0 firms, Group C: 2 firms.
- Strong and deep relationships with community partners – Total: 9 firms – Group A: 2 firms, Group B: 4 firms, Group C: 3 firms.
- A strategic risk management plan including accurate record keeping and a regular evaluation process – Total: 3 firms – Group A: 1 firm, Group B: 0 firms, Group C: 2 firms.
- Not applicable, or do not wish to answer – Total: 8 firms – Group A: 3 firms, Group B: 4 firms, Group C: 1 firm.
87. 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 | The sector benefits greatly from the Australian Pro Bono Centre’s ability to provide a swift and coherent response to sector wide issues, for example, CLC funding, pro bono best practise. This assists both our firm and the pro bono sector in general.
|         | There is a growing need for support of asylum seekers, but interpretation costs limit the amount of work we can undertake. A fee reduced or paid interpretation program would hugely benefit NFPs working in this space nationally as more law firms and in-house counsel would be able to provide assistance. |
| GROUP B | Resources on where to go or who to approach for available pro bono opportunities that the firm could be involved in across the country.
|         | Keep doing the great job you do supporting the firms’ programs. |
| GROUP C | The APBC website is a fantastic resource that I often utilise in my work and I commend APBC for maintaining it in such a user friendly and up to date way.
|         | Emphasise the importance of budget relief to management. |
|         | The resources provided by the centre are very helpful. |
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 for the Target, “lawyer” can refer to law graduates not yet admitted to practice, so their work can be included. It does not refer to paralegals or law clerks. To calculate the number of lawyers employed by your firm in the 2018 FY, please average the number of FTE lawyers on the first day and last day of the financial year:

\[
\text{(FTE lawyers at 1 July 2017 + FTE lawyers at 30 June 2018) ÷ 2}
\]

"Pro bono legal work" (n.b. definition as at 30 June 2018)

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; 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.

**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.

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

(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”\(^{99}\) 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.

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\(^{99}\) 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.
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.

9. In relation to pro bono legal services provided for a “substantially reduced fee”:
   - Signatories should report separately on pro bono legal services provided for a “substantially reduced fee” compared to pro bono legal services provided for no fee.
   - “Substantially reduced fee” pro bono hours reported to the Centre should only count on a pro rata basis based on the proportion that the reduced fee bears to the fee that would otherwise be charged. For example, if the fee charged is reduced by 75% of what would otherwise be charged for the matter, then 75% of the hours worked on the matter can be counted towards the Target.
   - The Centre will only count “substantially reduced fee” hours reported against the Target if those fees have been reduced by at least 50% of what would otherwise be charged for the matter.
   - The term “otherwise be charged for the matter” as used in this Note 9 refers to what the fee would be if the matter were not considered a pro bono matter.
   in future.
The Australian Pro Bono Centre is grateful for the support it receives from the Faculty of Law at UNSW Sydney which includes the use of the Faculty's premises and facilities.