

2022 Survey Highlights

Following the establishment of the National Pro Bono Target in 2007, the Centre has conducted a biennial survey concerning pro bono at medium to large law firms in Australia since 2008. The following is a summary of the key notable results and trends in pro bono legal practice identified through the 2022 National Law Firm Pro Bono Survey (**Survey**).

Survey results – snapshot

The 2022 Survey results demonstrate that the Australian pro bono community has continued to mature and grow since the previous Survey in 2020.

Forty-seven firms responded to the 2022 Survey, collectively employing 15,512.1 full-time equivalent (**FTE**) lawyers. This was a 69% response rate and represents the largest number of responding firms on record since the Survey was first conducted. There was a notable increase in the number of Group C firms (with 50 – 200 FTE lawyers). All but one (a Group C firm) of the responding firms is a Target signatory.

Three key results stand out:

1. **Highest number of pro bono hours on record:** Respondents to the 2022 Survey reported the highest total number of pro bono hours on record (564,530.7 hours, being 23.5% more than the figure reported in 2020), and the highest number of average pro bono hours per lawyer on record (36.4 hours per lawyer, up from an average of 35.5 hours in 2020).
2. **More dedicated pro bono staff than ever before:** In 2022, 81% of responding firms indicated that they had at least one dedicated pro bono manager, being someone whose primary responsibility it was to coordinate their firm's pro bono legal work. Amongst the top 10 largest firms, this figure was 100%. In total, firms reported employing 140.7 full-time equivalent dedicated pro bono staff, more than double the number reported in 2020.
3. **Increased recognition of the positive impacts of pro bono work:** A very significant majority of firms reported enjoying a wide range of positive impacts as a result of their pro bono practices, including opportunities for staff to develop additional skills (96% of responding firms), increased pride in the firm (91% of responding firms), increased staff satisfaction (83% of responding firms) and increased ability to attract new staff to the firm (74% of responding firms).

However, the results of the Survey indicate there is still **room for growth** within the pro bono practices of large firms. In particular:

- The average pro bono participation rate by staff at responding firms was reported at only 57% and has decreased marginally since 2018. This suggests that there are many individual practitioners in large law firms who are currently doing no pro bono legal work and who could benefit from more opportunities, encouragement or incentives to do so.
- Approximately 40% of respondent firms did not set an operational budget for their pro bono practice, despite it being best practice to do so.

- Only 26% of responding firms reported that they had worked with in-house counsel of a corporate or government client on a pro bono matter or project during the 2022 FY. This figure has declined since 2016, despite the growing number of in-house lawyers becoming involved in pro bono legal work in a structured way.

Firms reported experiencing the same top challenges to their pro bono practices that have been reported since 2010. These included firm capacity (89% of responding firms), concern about conflicts of interest with fee paying clients (33% of responding firms) and insufficient expertise in relevant areas of the law (31% of responding firms). Nearly 60% of firms reported they were still impacted by the COVID-19 pandemic.

Overall, firms have emerged with strong pro bono practices that continue to assist the most vulnerable members of our society and the crucial not-for-profit and community organisations that support them. While areas for improvement remain, the impressive quantity and range of pro bono work being undertaken by large Australian firms is cause for optimism for the future of the sector.

Key findings by topic

Below is a summary of the key findings of the 2022 Survey report by topic. Please refer to the relevant section of the report for a more detailed analysis, and a range of helpful charts.

Topic	Key findings	Section of report
Involvement in pro bono work		
Pro bono hours per lawyer per year	<p>The average “pro bono hours per lawyer” reported across all Survey respondents was 36.4 hours for the 2022 FY, up from an average of 35.5 hours in 2020 and 34.1 hours in 2018.</p> <p>This was the highest number of average hours per lawyer ever reported by Survey respondents.</p>	2.3
Total hours of pro bono legal work	<p>In the 2022 FY, firms performed a total of 564,530.7 hours of pro bono legal work. This was the highest number of hours reported on record.</p> <p>This equated to 313.6 FTE lawyers doing pro bono legal work full-time for a year and was 23.5% higher than the total hours reported in 2020.</p>	2.2
Dedicated pro bono staff	<p>78.7% of firms reported that they had a combined total of 140.7 FTE “dedicated pro bono staff” as at 30 June 2022, being staff whose key responsibility was to undertake and/or manage pro bono legal work for the firm.</p> <p>The proportion of firms that had dedicated pro bono staff increased significantly since 2020 (+111.3%).</p>	5.3
Participation rate	<p>Firms reported an average pro bono participation rate of 57%. This was slightly down from 58.8% in 2020 and 61% in 2018. The overall participation rate has remained relatively stagnant over time.</p> <p>Firms reported an average partner participation rate of 46.3%. This represented a decrease from the rate of 48.7% in 2020 but was higher than the rate of 42% recorded in 2018.</p>	2.8 2.8.2

Topic	Key findings	Section of report
<p>Internal targets</p>	<p>80.4% of firms set an internal target for their pro bono practice in the 2022 FY. This was the highest percentage on record by a significant margin.</p> <p>50% of firms that did set an internal target based that target on a minimum number of hours per lawyer per year. 82.6% of these firms set an internal target that either met or exceeded the National Pro Bono Target of a minimum of 35 hours of pro bono practice per lawyer per year.</p>	<p>6.3 6.3.1</p>
<p>Billable hour credit</p>	<p>Of the firms that required lawyers to meet billable hour targets, 71.7% provided some form of billable hour credit for pro bono work. The 2022 results were slightly lower than in 2020 (-6.3%) but remained higher than the significant dip in the proportion of firms that reported providing billable hour credit for pro bono work from 2014 to 2018.</p> <p>Pro bono legal work was recognised with <i>full</i> billable hour credit by 47.8% of firms. This was a slight decrease from 50% in 2020 (-4.4%), but remained higher than figures recorded from 2014 to 2018.</p>	<p>6.5.1</p>
<p>Recognition for pro bono work</p>	<p>84.8% of firms recognised pro bono work in performance appraisals, making this the most common form of recognition (as had been the case in every Survey year since 2010).</p> <p>Three areas of recognition grew since the last Survey, being:</p> <ul style="list-style-type: none"> • when considering promotion or advancement (nominated by 56.5% of firms in 2022); • when calculating bonuses (50%); and • in salary reviews (41.3%), <p>suggesting that firms were increasingly rewarding pro bono legal work in substantial ways.</p>	<p>6.5.6</p>

Areas of pro bono legal work and clients		
Areas of law	<p>Firms were asked to nominate the five areas of law and practice on which they spent the most time providing pro bono legal services for individuals in the 2022 FY. These were:</p> <ul style="list-style-type: none"> • Employment Law; • Immigration; • Administrative / Constitutional; • Wills / Probate / Estates; and • Housing / Tenancy. <p>Firms were also asked the same question in relation to organisations. The most nominated areas of law were:</p> <ul style="list-style-type: none"> • Commercial Agreements (e.g. leases); • Employment Law; • Corporate law (including incorporations); • Governance; and • Charity and deductible gift recipient status (DGR) applications. 	<p>3.2.1</p> <p>3.2.2</p>
Clients	<p>The 2022 Survey asked firms to nominate the main client groups supported within their top five areas of pro bono practice for individuals. The most nominated client groups were:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander peoples; • people who were financially vulnerable; and • refugees and asylum seekers. <p>Firms were also asked the same question in relation to organisations. The most nominated client groups were:</p> <ul style="list-style-type: none"> • not-for-profit organisations and charities; • Indigenous organisations, including Aboriginal Land Councils; and • community legal centres. 	<p>3.2.4</p>
Work for individuals vs organisations	<p>In the 2022 FY, on average, firms undertook 43.7% of their pro bono legal work for individuals, and the remaining 56.3% for organisations.</p> <p>This compared to 46.5% for individuals in 2020, and 47% for individuals in 2018.</p> <p>These results suggest that the upward trend in the proportion of pro bono work being provided for individuals (which was observed between 2014 and 2018) has plateaued.</p>	<p>3.1</p>

<p>Most rejected areas of law and practice</p>	<p>The Survey asked firms to indicate the five areas of law or practice in which they rejected the most requests for assistance in the 2022 FY (for reasons other than means or merit).</p> <p>The areas of law most rejected by firms with respect to individuals in the 2022 FY were:</p> <ul style="list-style-type: none"> • Family Law (not including family violence); • Criminal Law; • Family violence / domestic violence; and • Wills / Probate / Estates. <p>The areas of law most rejected by firms with respect to organisations in the 2022 FY were:</p> <ul style="list-style-type: none"> • DGR status applications; • Employment Law; and • Tax (other than DGR). 	<p>3.3</p>
<p>Social enterprises</p>	<p>In the 2022 FY, 29.8% of firms provided pro bono legal services for social enterprises. This was down from 39.5% in 2020 and 36.4% in 2018.</p> <p>While most of the work for social enterprises was still being done at the largest firms (Group A), some of this work was being taken up by mid-sized firms (Groups B and C).</p>	<p>3.4</p>
<p>Pro bono service delivery models</p>		
<p>Sources of pro bono work</p>	<p>Referral schemes, professional organisations and community legal centres were the most common methods of sourcing pro bono legal work in the 2022 FY, accounting for 44.6%. Direct requests were the second most common source, accounting for 39.3%.</p> <p>The most prevalent referral schemes were Justice Connect (which referred matters to 72.3% of Survey respondents), followed by LawRight (48.9%) and Law Access (WA) (46.8%).</p>	<p>4.1 4.2</p>
<p>Secondments</p>	<p>55.3% of firms reported that they provided a pro bono secondment in the 2022 FY. This is down from 68.4% of firms in the 2020 FY (the highest proportion on record).</p>	<p>4.3</p>
<p>Partnering with in-house lawyers</p>	<p>25.5% of firms partnered with in-house counsel of a corporate or government client on a pro bono matter or project in the 2022 FY. This was, by a small margin, the lowest figure on record, comparing with 28.9% in 2020, 26% in 2018 and 39% in 2016.</p>	<p>4.4</p>

Managing pro bono practices		
Pro bono managers	<p>80.9% of firms indicated that they had at least one dedicated pro bono manager. This was marginally higher than 76.3% in 2020, but significantly lower than 97% in 2012.</p> <p>In both 2022 and 2020, 50% of firms with a pro bono manager had that person performing the role full-time.</p>	5.1
Operational budgets	<p>59.6% of firms set an operational budget for their pro bono practice in the 2022 FY.</p> <p>These figures increased slightly since 2020 (when 52.6% of firms reported setting a budget).</p> <p>64.3% of firms reported having a larger budget in 2022 than in 2020. Another 21.4% said that the budget was the same size, and only 3.6% reported having a smaller budget.</p>	6.4
Substantially reduced fee work	<p>23.4% of firms provided some legal assistance for a substantially reduced fee in the 2022 FY. The remaining 76.6% provided all pro bono work without charge.</p> <p>The proportion of firms providing work for a substantially reduced fee increased from 21.6% in 2020 and 16% in 2018.</p>	2.7
Disbursements	<p>70.2% of firms indicated that they paid for external disbursements in pro bono matters in the 2022 FY.</p> <p>This was comparable to 68.4% of firms in 2020, but lower than 85.3% in 2018 and 78% in 2016. The disbursements that incurred the most costs in 2022 were filing fees, followed by search costs and interpreters' fees.</p>	6.6
Pro bono practice evaluations	<p>70.2% of firms reported evaluating their pro bono practice. This result was lower than 79% in 2020 and 78% in 2018. Firms reported using a range of methods to evaluate the social impact of their work as well as the impact of pro bono work on the firm.</p> <p>Respondents identified a range positive impacts on their firms as a result of their pro bono practices, including:</p> <ul style="list-style-type: none"> • opportunities for staff to develop additional skills (identified by 95.7% of firms); • increased pride in the firm (91.3%); • increased staff satisfaction (82.6%); 	6.7

	<ul style="list-style-type: none"> increased opportunities for lawyers to undertake direct client work (78.3%); the ability to attract new staff to the firm (78.3%); and improved public reputation of the firm (74.9%). 	
Government tender arrangements	85.1% of firms indicated that they were on at least one government tender panel. 63.8% indicated they were on the Commonwealth Government Legal Services Panel.	8.1
Commercial tender arrangements	97.2% of firms indicated that they were asked to respond to questions relating to their pro bono practices when tendering to be on a panel to do legal work for a corporation in the 2022 FY.	8.2
Success factors and challenges		
Factors key to the success of pro bono practices	<p>Firms were asked to identify the three most crucial factors to the success of their pro bono practices. The most nominated factor was “a strong social justice and pro bono culture supported by management”, followed by “a dedicated pro bono leader” and “strong and deep relationships with community partners” in shared second place.</p> <p>“Management and partner support and leadership” has been the most nominated factor in every Survey since 2012.</p>	6.1
Challenges	<p>Firms were asked to identify the top three challenges to their pro bono practices. The most nominated factors were “firm capacity”, followed by “concerns about conflicts of interest with fee paying clients” and “insufficient expertise in relevant areas of the law”.</p> <p>“Firm capacity” has been nominated as the top challenge in every Survey since 2010, while concern about conflicts of interest and insufficient expertise have occupied second and third place in every year (though not necessarily in the same order).</p>	6.2
Impact of the COVID-19 pandemic	<p>57.4% of firms reported that the COVID-19 pandemic had impacted their pro bono practice either positively or negatively in the 2022 FY.</p> <p>Larger firms were more likely to report being affected by COVID-19, but smaller firms were more likely to report negative effects rather than positive effects.</p>	6.2.2