



## **Second Performance Report on the National Pro Bono Aspirational Target**

**September 2009**

**National Pro Bono Resource Centre**  
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## **Acknowledgements**

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\* National Pro Bono Aspirational Target signatories

\* Staff at the National Pro Bono Resource Centre, especially, Maria Twomey and John Corker and intern Amy Zhou

## Background

The National Pro Bono Resource Centre (“**Centre**”) began development of the National Pro Bono Aspirational Target (“**Target**”) in early 2006 and launched it on 26 April 2007. All signatories that signed up before 31 December 2006 are Foundation Signatories.

As at 30 June 2009, the Target had 66 signatories (see Appendix 1) and covered approximately 4,600 legal professionals, being individual solicitors or barristers, and law firms. At the time of the publication of this report, the number of legal professionals covered by the Target has risen to approximately 5,700, effectively almost doubling the numbers of legal professionals covered by the Target since the First Performance Report on the Target in September 2008.<sup>1</sup>

The Target is contained in a Statement of Principles (see Appendix 2) and is a voluntary one of at least 35 hours of pro bono legal work per lawyer per year. It represents a minimum number of hours of pro bono legal work that all signatories aspire to undertake.

Key aims of introducing the Target were to raise the profile of a lawyer’s professional responsibility to enhance access to justice for those who would not otherwise have access to legal assistance, to highlight the shared nature of that responsibility across the legal profession, and to provide a benchmark for conduct of pro bono work.

In August 2009, the Centre provided each signatory with a questionnaire to assess their pro bono performance against the Target for the 2008/2009 financial year. The questionnaires varied for individual solicitors or barristers and law firms, however all signatories were asked to advise whether they had met the Target, and how they calculated the total number of pro bono hours.

Between August and September 2009, signatories reported back to the Centre on their performance against the Target. These responses form the basis of this report. The Centre will contact the signatories that did not report prior to September 2009 to discuss their performance against the Target and their ongoing commitment to the Target.

Under the Statement of Principles, the Centre is required to publish, within three months of the end of each year in the categories of law firm, solicitor and barrister, information on the performance of signatories against the Target in the previous year.

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<sup>1</sup> As at 30 July 2008, the Target had 57 signatories and covered approximately 2,900 legal professionals. For the first performance report on the Target, see:

<http://www.nationalprobono.org.au/page.asp?from=4&id=36>

## Executive summary

Between August and September 2009, 41 of the 66 signatories to the Target reported on their pro bono performance against the Target for 2008/2009. Although response rates by signatories were relatively low at 62 percent, the signatories who reported account for approximately 95 percent of all legal professionals covered by the Target. Eight out of nine of the largest signatory law firms, which account for more than 95 percent of people covered by the Target, reported on their performance against the Target.

Seventy percent of the signatories that reported on the Target (41 signatories) indicated that they had met the Target, compared with 83% of reporting signatories having met the Target last year.

According to the signatories that reported, 4377.7 full-time equivalent (FTE) lawyers and barristers are covered by the Target. These lawyers collectively undertook 183,771.5 hours of pro bono legal work, which equates to an average of 41.9 hours of pro bono legal work per lawyer for the 2008/2009 financial year. This compares with an average of 39.4 hours of pro bono work per lawyer the year before.<sup>2</sup>

Separate analyses for law firms, solicitors and barristers follow.

### Law firms

Twenty-six of the 40 signatory law firms (65%) reported on the Target.<sup>3</sup> Overall, 18 (69%) of the 26 reporting law firms indicated that they had met the Target. The 26 firms who reported indicated that 182,508 hours of pro bono legal work was undertaken by 4362.7 full-time lawyers in the 2008/2009 financial year. This is the equivalent to 88 lawyers working full-time pro bono all year (based on a 40 hour week), or an average of 41.8 hours of pro bono per lawyer.<sup>4</sup>

Eighteen firms (65%) indicated that their report was based on written records of pro bono work. The eight firms that did not keep written records of pro bono work were all firms with 5 lawyers or less.

Participation rates by lawyers were high. Across the 26 firms, the average participation rate of lawyers involved in pro bono at their firm during the 2008/2009 financial year was 72%.

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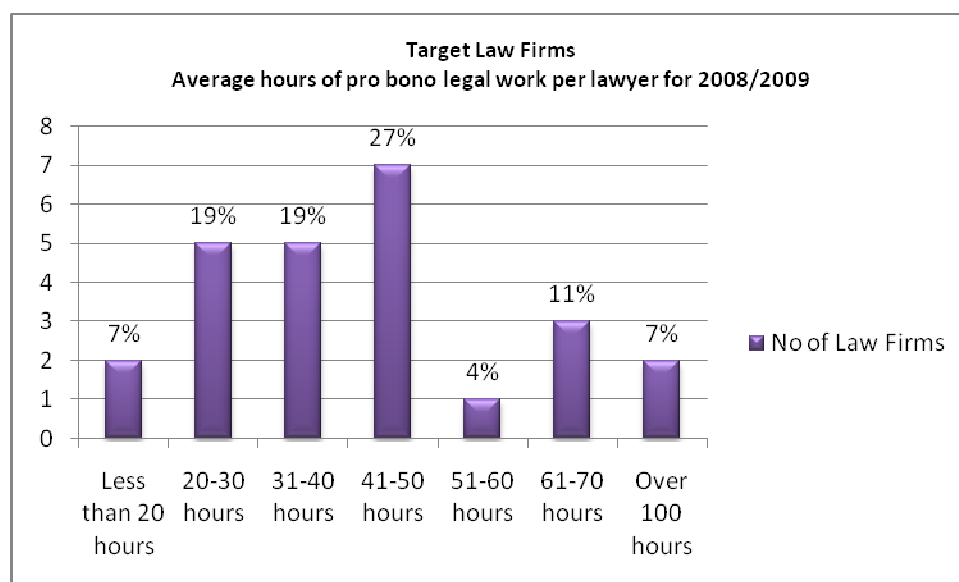
<sup>2</sup> In 2008, 18 signatory firms reported that 115,356 hours of pro bono work was done by 2894.8 full time lawyers in the 2007/2008 financial year.

<sup>3</sup> In the process of collecting the data from the 2008/2009 financial year, four law firms advised the Centre that they wished to be removed from the list of signatories and did not intend to report on the Target.

<sup>4</sup> As the Human Rights Law Resource Centre reported that they undertook a very large number of pro bono hours, their pro bono hours or full-time lawyers were not included in the calculation to arrive at the average figure. If it is included in the calculation, an average of 44.4 pro bono hours is the result.

Performance against the Target varied broadly as follows<sup>5</sup>:

- two firms (7%) reported less than 20 hours of pro bono per lawyer
- five firms (19%) reported 20-30 pro bono hours per lawyer
- five firms (19%) reported 31-40 pro bono hours per lawyer
- seven firms (27%) reported 41-50 pro bono hours per lawyer
- one firm (4%) reported 51-60 pro bono hours per lawyer
- three firms (11%) reported 61-70 pro bono hours per lawyer, and
- two firms (7%) reported more than 100 hours pro bono hours per lawyer<sup>6</sup>.



Eight of the 26 reporting law firms (31%) provided training to lawyers to help them provide pro bono legal assistance during the 2008/2009 financial year. This included training in dealing with disadvantaged and mentally ill clients, cultural awareness, domestic violence, Apprehended Violence Orders, discrimination, stolen wages, acting for victims of sexual assault, victim's compensation and will drafting.

Those who did not meet the Target advised the Centre on whether they would meet the Target in the following year:

- one (13%) indicated that they would not meet the Target in the following year
- three (37%) indicated that they thought they would meet the Target, and
- four (50%) didn't indicate whether they thought they would meet the Target.

Signatories advised whether the Target had any impact on their pro bono practice:

- 10 firms (38%) reported that the Target encouraged the firm's staff to do pro bono work
- Five firms (19%) reported that the Target led to an increase in the firm's pro bono practice
- Five firms (19%) reported that the Target increased the firm's focus on the needs of disadvantaged people

<sup>5</sup> One firm was not able to calculate pro bono hours per lawyer due to being a signatory to the Target only part of the financial year.

<sup>6</sup> Both of these were firms had 5 lawyers or less.

- One firm (4%) reported that the Target set a useful benchmark for the firm to exceed
- 11 firms (42%) reported that the Target had no effect

The reporting law firm signatories that reported fall within two distinct categories: those with more than 100 lawyers, and those with less than 10 lawyers, with only one firm in-between with 25-30 lawyers.

### **Top performers of large law firms**

This year, there were nine signatories to the Target with 100 or more lawyers.<sup>7</sup> Last year there were five. Seven of these firms demonstrated an impressive pro bono performance for the year.<sup>8</sup> These seven firms all met the Target, providing a total of 177,906.6 hours of pro bono legal services across Australia.

Collectively these seven law firms undertook an average of 45.2 pro bono hours per lawyer, up from 39.2 hours per lawyer across the top five firms last year.

Performance against the Target was as follows:

- four law firms reported 41-50 pro bono hours per lawyer
- two law firms reported 61-70 pro bono hours per lawyer, and
- one firm reported more than 70 pro bono hours per lawyer.

Participation rates were high at 77%, which is higher than the overall law firm participation rate of 72%.

These seven large firms advised the Centre whether the Target had any impact on their pro bono practice:

- three firms reported that the Target encouraged the firm's staff to do pro bono work.
- two firms reported that the Target increased the pro bono work done by the firm,
- one firm reported that the Target set a useful benchmark for the firm to exceed, and
- two firms reported that the Target had no effect.

The firm that did not meet the Target reported that the Target had increased the pro bono work done by the firm.

### **Top performers of smaller law firms**

Eighteen smaller firms reported on the Target this year. Of these, one firm had 26 lawyers, one firm had seven lawyers, and 16 firms had five lawyers or less on staff.

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<sup>7</sup> Includes one firm with 98.5 full time equivalent lawyers.

<sup>8</sup> One firm did not report in time, and one firm did not meet the Target.

Eleven of the 18 firms reported meeting the Target, providing a total of 2,780 hours of pro bono work across Australia or an average of 53.5 hours per lawyer per year<sup>9</sup>.

The average participation rate among smaller firms that met the Target was slightly lower than the overall law firm average at 70%.<sup>10</sup>

Performance against the Target was as follows:

- five firms reported between 35-40 pro bono hours per lawyer
- three firms reported 41-50 pro bono hours per lawyer
- one firm reported 51-60 pro bono hours per lawyer, and
- two firms reported over 100 pro bono hours per lawyer.

The 11 signatories who met the Target advised the Centre whether the Target had any impact on their pro bono practice<sup>11</sup>:

- five firms indicated that the Target encouraged the firm's staff to do pro bono work
- two firms reported that the Target led to an increase in the firm's pro bono practice
- four firms reported that the Target increased the firm's focus on the needs of disadvantaged people
- six firms reported that the Target had no effect.

## **Solicitors**

Seven of the 12 individual signatory solicitors (58%) reported on their pro bono performance against the Target.<sup>12</sup>

Of those who reported, five solicitors (71%) had met the Target. This is in contrast to 100% of reporting signatories having met the Target in the 2007/2008 financial year. On average, each solicitor spent 90.5 hours undertaking pro bono work in the 2008/2009 financial year. The spread of hours was as follows:

- one solicitor undertook 25-30 hours of pro bono work
- one solicitor undertook 31-40 hours of pro bono work
- two solicitors undertook 50-60 hours of pro bono work
- one solicitor undertook 80-90 hours of pro bono work
- one solicitor undertook over 100 hours of pro bono work, and
- one solicitor undertook over 250 hours of pro bono work.

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<sup>9</sup> Altogether the 18 smaller firms provided 3,101 hours of pro bono assistance or 40.2 hours per lawyer in the 2008/2009 financial year.

<sup>10</sup> This is due to a number of sole practitioners reporting a participation rate of 100% in the overall participation rate.

<sup>11</sup> Signatory firms were able to nominate more than one alternative

<sup>12</sup> Two solicitors did not wish to report on the Target and asked to be removed from the list of signatories.

Two solicitors (28%) indicated that the Target increased the awareness of the need for pro bono services of pro bono, while another two (28%) indicated that the Target highlighted the importance of recording and reporting pro bono work. A further three solicitors (44%) reported that the Target had no impact on the quality or quantity of their pro bono work.

## **Barristers**

Eight of the fourteen individual signatory barristers (57%) reported on the Target.<sup>13</sup> Of those who reported, only three (37%) had met the Target. Those barristers that did not meet the Target undertook an average of 22.1 hours of pro bono during the year and indicated that they expected to meet the Target in the next financial year.

On average, each barrister who reported spent 78 hours on pro bono legal work during the 2008/2009 financial year.

Of those who met the Target:

- one barrister undertook over 400 hours of pro bono work
- one barrister undertook over 70 hours of pro bono work, and
- one barrister undertook over 40 hours of pro bono work

Three of the eight respondents reported that the Target had no impact on the quantity or quality of pro bono work undertaken, while two indicated that the Target led to a greater focus on pro bono, and a further two barristers indicated that the Target encouraged record keeping of pro bono hours.

## **Appendix 1 - Target Signatories**

## **Appendix 2 - Statement of Principles**

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<sup>13</sup> Two barristers did not wish to report on the Target and asked to be removed from the list of signatories.





# APPENDIX 1 Target Signatories as at 30 June 2009

## Foundation Signatories

### *Law Firms*

Allens Arthur Robinson  
Arnold Bloch Leibler  
Barbara Garrick & Associates Lawyers  
Ben Gelin Solicitors  
Besley & Hughes  
Blake Dawson  
Brock Partners  
CE Cranney & Co  
Clayton Utz  
Connah Steed & Co  
Gilbert+Tobin  
Logical Legal Solicitors  
MacGregor Solicitors  
McDonnell Schroder Solicitors  
McPhee lawyers  
McMillan Boylson  
Ryan Lawyers  
Sachs Gerace Lawyers  
Sarah & Associates  
Slattery Thompson  
Winn Legal

### *Solicitors*

Richard Clarke, Australian Capital Territory  
Michael Corbin, New South Wales  
David Durham, Queensland  
Graham Jones, New South Wales  
Anthony Jucha, New South Wales  
Otto Stichter, New South Wales  
Stephen Rees, Queensland

### *Barristers*

Peter Britten-Jones, South Australia  
Simon Freitag, Western Australia  
Philip Greenwood, New South Wales  
Paul Kerr, New South Wales  
Julia Lonergan, New South Wales  
Craig McIntosh, Western Australia  
Bernadette O'Reilly, New South Wales  
Noeline Rudland, New South Wales  
Richard Thomas, Australian Capital Territory

## **2007 Signatories**

### *Law Firms*

AM legal  
Coyne and Whitemore  
Di Lizio & Associates  
Human Rights Law Resource Centre  
Stella Stuthridge & Associates

### *Solicitors*

Geovanna Baute, New South Wales  
Nicholas Linke, South Australia  
Joharna Wynaden, Western Australia

### *Barristers*

David Godwin, New South Wales  
Nick Eastman, New South Wales  
Stephen Estcourt, QC, Tasmania  
F.J. Purnell S.C., Australian Capital Territory

## **2008 Signatories**

### *Law Firms*

Australian Government Solicitor  
DLA Phillips Fox  
G & D Lawyers Pty Ltd  
McCulloch & Buggy  
Moulis Legal  
Paradigm Legal  
Siracusa Legal  
Strategic Legal services & Consulting Pty Ltd

### *Solicitors*

Anne Gunasekera, Queensland  
Daniel Matta, New South Wales  
Alexandra Wolfsohn, New South Wales

### *Barristers*

Ashok Kumar, New South Wales

## **2009 Signatories**

### *Law Firms*

Corrs Chambers Westgarth  
Henry Davis York  
HHG Legal Group  
Trindade Farr & Pill  
Zeeman & Zeeman

## **APPENDIX 2 Statement of Principles**

### **Law Firm Statement**

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

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

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

- Our firm recognises its professional obligation to provide pro bono legal services.
- In furtherance of that obligation, our firm agrees to encourage and support the provision of pro bono legal services by all its lawyers.
- We agree to use our best efforts to ensure that, by no later than 30 June in each year, first year ending 30 June 2008, our firm's lawyers will undertake an average of a minimum of 35 hours of pro bono legal services each year per lawyer.
- In furtherance of these principles, our firm also agrees:
  - To provide training and supervision as required to enable our lawyers to meet the need for pro bono legal services in the community in matters undertaken by our firm, and
  - To monitor the firm's progress towards the targets established in this statement and to report its progress annually to the partners and staff of the firm and to the National Pro Bono Resource Centre.
- We acknowledge that when a lawyer provides pro bono legal services, he or she owes the pro bono client the same professional and ethical obligations that are owed to any paying client and accordingly the lawyer must give that work the same priority, attention and care as would apply to paid work.

### **Individual Lawyer (Solicitor or Barrister) Statement**

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

RECOGNISING that pro bono is not a substitute for the proper funding by government of Legal Aid agencies and Community Legal Centres.

- I am pleased to join with other lawyers across the country in subscribing to the following statement of principles and in pledging my best efforts to achieve the voluntary target described below.
- I recognise my professional obligation to provide pro bono legal services.

- I agree to use my best efforts to ensure that, by no later than 30 June in each financial year, first year ending 30 June 2008, I will undertake a minimum of 35 hours of pro bono legal services each year.
- In furtherance of these principles, I also agree to monitor my progress towards the target established in this statement and to report annually to the National Pro Bono Resource Centre (the Centre) whether I have met the Target in the previous year.
- I acknowledge that when I provide pro bono legal services, I owe the pro bono client the same professional and ethical obligations that are owed to any paying client and accordingly I must give that work the same priority, attention and care as would apply to paid work.

## **Reporting**

Each signatory should have in place systems to ensure that accurate records are kept of the pro bono work done. It is recognised that in exceptional circumstances the amount of pro bono legal work undertaken by a particular lawyer may need to be estimated by that person or his or her firm, for example pro bono coordinators spend time doing both vital administrative and pro bono legal work and are unlikely to record each separately.

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

Where lawyers are not in firms for the full year, the average figure to be worked out for a firm should be based on the number of full-time equivalent lawyers in the firm for the year. For a firm "lawyer" includes a law graduate and thus their pro bono hours can be counted.

The National Pro Bono Resource Centre intends to publish, within three months of the end of each year, in the categories of law firm, solicitor and barrister, the number of signatories and the percentage that have met the Target in the previous year in each category. It is NOT proposed to publish the names of those signatories that have met or not met the target.

*These Statements were developed by the Australian National Pro Bono Resource Centre in 2006 and incorporate, in part, language developed by the US Pro Bono Institute and utilized in its Law Firm Pro Bono Challenge SM. That language is used with the specific permission of the Institute and cannot be further utilized, copied, disseminated, or adapted, in whole or in part, without prior written permission from the Institute. To request permission please contact the Institute at [probono@probonoinst.org](mailto:probono@probonoinst.org).*