



– National Survey –

**Report on the pro bono legal work of 25 large  
Australian Law Firms**

**September 2008**

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## **NATIONAL PRO BONO RESOURCE CENTRE**

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## Background

This is a report of responses to a survey of Australian law firms with more than 20 partners (“**the Report**”)

The data comes from the third of a series of national surveys of pro bono practice undertaken by the National Pro Bono Resource Centre (“**the Centre**”). The Centre embarked on the data gathering process in 2006 undertaking a survey of individual solicitors, followed in 2007 by a survey of barristers and a survey of particular law firms conducted in May 2008. Survey reports published to date are available at [www.nationalprobono.org.au](http://www.nationalprobono.org.au) .

The rationale for the surveys stemmed from an awareness that the Australian Bureau of Statistics (“**ABS**”) had not surveyed the profession since 2002 and did not intend to do so until 2009. The Centre also formed the view that it was worthwhile researching a broader range of issues than those proposed by the ABS 2009. The Centre thus engaged the support of the legal profession through its professional societies and through direct contact with law firms to provide data about the profession and its pro bono practice.

The Report deals with the pro bono practice of law firms nationally. In the May 2008 survey, data was received from 43 firms but only data from the 25 firms with more than 20 partners has been analysed in this report. This sample has been chosen to provide a high degree of dependability. The sample data includes all but two of the 12 largest Australian firms by fee earner size, and 15 large to mid-tier firms<sup>1</sup> according to the Australian Financial Review survey of Australian firms as at 1 July 2008<sup>2</sup>. The 25 firms in the Report include eight with 20-39 partners and 17 firms with 40 or more partners. A brief summary of survey results for firms with 10-19 partners is provided as Appendix 2 to the Report.

There are 12 firms in Australia each with more than 300 lawyers. Together they have a total of 10,215 fee earners representing approximately 20% of the total legal

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<sup>1</sup> See Table 1 for details, p. 11 of this report.

<sup>2</sup> Australian Financial Review Law Firm Partnership Survey (July 2008)

profession.<sup>3</sup> This survey includes 10 of those large firms. When the other 15 firms, with between 40 and 299 lawyers are included, the survey is representative of approximately 11,000 lawyers, or 22% of all lawyers in Australia.<sup>4</sup>

The Report provides a good national picture of the larger law firms because 20 firm respondents have more than one office and altogether, the firms have offices in all State and Territories, except Tasmania. Seven firms also have overseas offices. The pro bono work done in these overseas offices was not surveyed.

The 25 firms included in the Report had a total of 83 offices across Australia. Answers to a number of key questions were provided on an office by office basis. The analysis of the data reflects this and is reported under the following headings:

- 1 Respondent firms
- 2 Coordination and legal assistance
- 3 Hours of pro bono / percentage of practice income
- 4 National Pro Bono Aspirational Target
- 5 Participation Rates
- 6 Internal pro bono budgets and targets
- 7 How pro bono is taken into account
- 8 Areas of law
- 9 Where pro bono work is carried out
- 10 Promotion and publicisation of pro bono
- 11 Disbursements
- 12 Barriers to pro bono
- 13 Encouraging pro bono
- 14 Training
- 15 Legal Aid and contingency fee work

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<sup>3</sup> Australian Financial Review Law Firm Partnership Survey (July 2008) and Law Council of Australia's (LCA) estimate of Constituent Bodies membership numbers in January 2008 – communications with the LCA, September 2008.

<sup>4</sup> Used approximate numbers of fee earners for law firms with more than 300 partners from Australian Financial Review Partnership Survey (July 2008). Total numbers of lawyers in Australia based on the Law Council of Australia's (LCA) estimate of Constituent Bodies membership numbers in January 2008 – communications with the LCA, September 2008. For firms with less than 300 partners, median number of lawyers used.

## Methodology

The overall design of the first round of surveys was developed in consultation with a qualitative research specialist at Urbis JHD, an independent social policy and research company, and with Associate Professor Belinda Carpenter, School of Law, Queensland University of Technology (“QUT”). The survey questionnaire was developed by the Centre to obtain a picture of pro bono legal work in Australia from the perspective of the larger law firms and to elicit information about practice issues such as sources of work, barriers to delivering pro bono legal services and areas for possible improvement. The survey sample consisted of 214 law firms across Australia and was targeted to include the largest firms in each State and Territory. The survey was then sent to online research specialists yellowSquares, for conversion to a web-based survey.

Law firms across Australia were approached by a letter from the Centre containing information about the survey and encouraging them to participate. Efforts were made to encourage law firms to complete the survey. E-mails were then sent to nominated pro bono contacts in each firm containing a web link to where the survey could be completed. The Centre could determine which law firms had completed the survey for the purposes of sending follow-up e-mails to those who had not responded. All other responses were made, and remain, anonymous. A number of follow-up telephone calls were also made to encourage firms to participate in the survey and to address any concerns that arose. In addition, the survey was promoted on the Centre’s website.

On-line software from yellowSquares was used to monitor progress of the respondents by showing frequency charts for each question of the survey. The data provided was collected by yellowSquares in a secure database and then produced to the Centre as a spreadsheet and analysed using Excel. The data was then processed for presentation as tables and charts.

## Key Findings

While there were many interesting trends revealed in the survey data, the Centre has highlighted the following 16 key findings:

1. All 25 of the firms included in the survey had done some pro bono in the past 12 months. A conservative estimate of pro bono legal work provided by all respondents across Australia over the past 12 months amounts to approximately 194,000 hours a year or 3,740 hours a week.
2. Across the 25 firms there was significant variance in their pro bono work expressed as a percentage of total practice income. For one firm, the percentage of total practice income (gross billables) represented by pro bono work was over 3%. For four firms it was over 2%, four firms were between 1.1% and 2%; four between 0.6% and 1% and three below 0.5%. (See Chart 3).
3. All of the firms with pro bono work representing more than 2.6% of their total practice income were signatories to the National Pro Bono Aspirational Target (“**Target**”)
4. There was significant diversity across the firms and offices in the number of pro bono hours undertaken per lawyer. Some law firm offices averaged less than five hours per lawyer per year, whereas one office exceeded 90 hours per lawyer per year. Based on the 58 law firm offices for which results were provided (out of a total of 83 offices), approximately half of them were below 21 hours per lawyer per year and the other half above 21 hours per lawyer per year. (See Chart 4)
5. Six firms (24%) indicated that they had already met the Target of at least 35 hours per lawyer or anticipated that they would reach it over the next 12 months. Another five (20%) weren’t sure and 14 (56%) indicated they did not anticipate reaching the target over the next 12 months.

6. The number of lawyers in each firm's office that participated in pro bono legal work varied widely from 0-5% to 81-100% ("**Participation Rate**"). Of the 65 offices for which data was provided, approximately half had Participation Rates between 0-40% and the other half had Participation Rates between 41-100%. The mean and median Participation Rate nationally was 21-40%. (See Chart 5)
7. The median Participation Rate of lawyers across law firm offices that were signatories to the Target was 61-80%.
8. Systems of coordination varied widely across the firms. 24 of the 25 firms (96%) keep written records of their pro bono work. Whilst all but one had a formal written policy, 80% of firms had a designated pro bono coordinator, 40% had a pro bono committee and 16% (or four firms) had a designated pro bono partner, three of these having been appointed in the past three years.
9. The areas of law in which the most number of firms were able to provide pro bono services were employment law (96%), company and commercial law (84%), incorporations law (80%) and debt law (76%). By comparison only 24% of firms were able to provide pro bono legal advice in domestic violence and criminal law matters and only 4% of firms provided pro bono legal services in the area of family law. (See full list in Table 4)
10. The most commonly identified sources of referral from which new pro bono matters originated were other employees or members of the firm (88%), referrals from community legal centres or services (84%) and referrals from clearing houses such as PILCH (84%). Referrals from Legal Aid had the lowest percentage (40%). (See full list in Table 3)
11. Firms with established pro bono programs offered a wide variety and a considerable amount of non-legal assistance to complement their legal pro bono assistance. (See Chart 1)
12. Twenty-one firms (84%) paid membership fees to a Public Interest Law Clearing House.

13. Ninety two percent of the firms (23) recognised lawyers' pro bono work in their performance appraisals; 76% (19 firms) recognised pro bono work for promotion and advancement; 68% (17 firms) recognised pro bono work in salary reviews, and 68% (17 firms) give full billable credits (uncapped) for pro bono work (See Chart 9).
14. The main barrier to pro bono work from a firm's perspective was insufficient expertise in relevant area of law (44%), followed by lack of time (40%). Sixteen per cent of firms said that there was no barrier that prevented their carrying out of pro bono work (See Table 5).
15. Fourteen (56%) firms had provided training for their lawyers in areas of law relating to low income or disadvantaged people.
16. Ninety two per cent of the firms were aware of the National Pro Bono Aspirational Target; 84% were aware of the Centre's publication of The Australian Pro Bono Manual.

## Survey results

### 1 Respondent firms

Twenty-five firms were included in the survey. These include 12 with their main office in NSW (48%), nine from Victoria (36%) and two (8%) each from Queensland and South Australia. Twenty-four of these firms were in capital city CBDs and one was from a regional city/area. Several of these firms had other offices within the same State. Two firms had offices in New Zealand and seven had overseas offices.

**Table 1 - Snapshot of firms surveyed**

Law firms nationally	No. of firms	Percentage
No. of lawyers		
Over 300	10	40%
100-299	11	44%
40-99	4	16%
Total	25	100%

**Table 2 - Law firms offices by State**

State	No. of Offices
ACT	7
NSW	23
NT	2
QLD	16
SA	5
TAS	0
VIC	20
WA	10

Twenty of the firms had more than one office in a State or Territory other than the office from which the survey was completed. This provided coverage for multiple offices in New South Wales, Queensland, South Australia and Victoria, two in Australian Capital Territory, two in the Northern Territory, and 10 offices in Western Australia.

New South Wales housed 12 of the firms' largest Australian offices; seven were housed in Victoria and one in South Australia.

In total, the survey covered 23 offices in New South Wales, 20 offices in Victoria, 16 offices in Queensland, 10 offices in Western Australia, seven offices in the Australian Capital Territory, five offices in South Australia and two offices in the Northern Territory. None of the firms had offices in Tasmania.

Seventeen of the 25 firms had 40 or more partners and eight had 20-39 partners.

## **2**      *Coordination and legal assistance*

Of the 25 firms surveyed, 24 (96%) have a formal / written pro bono policy. Of the 20 multi-office firms, 18 (90%) have a national system of coordination for pro bono work and four out of five (80%) firms with only one office have some system for coordination of pro bono work. Ten firms (40%) have a pro bono committee. Twenty-four of the 25 firms (96%) keep written records of pro bono work.

Twenty of the 25 firms (80%) employ a pro bono coordinator, 11 of which work full time and four firms have a designated pro bono partner. This is quite a recent development, with three of the partners having been appointed in the last three years. Six firms have a designated pro bono solicitor.

### **Referrals**

Respondents were asked, “Where do new pro bono matters taken on by lawyers in your firm originate from?” The sources of referral from which new pro bono matters originated most commonly identified by firms were other employees or members of the firm (88%), followed by referrals from community legal centres (“**CLC**”) or services (84%) and referrals from clearing houses such as a Public Interest Law Clearing House (“**PILCH**”) (84%). Referrals from Legal Aid had the lowest percentage (40%).

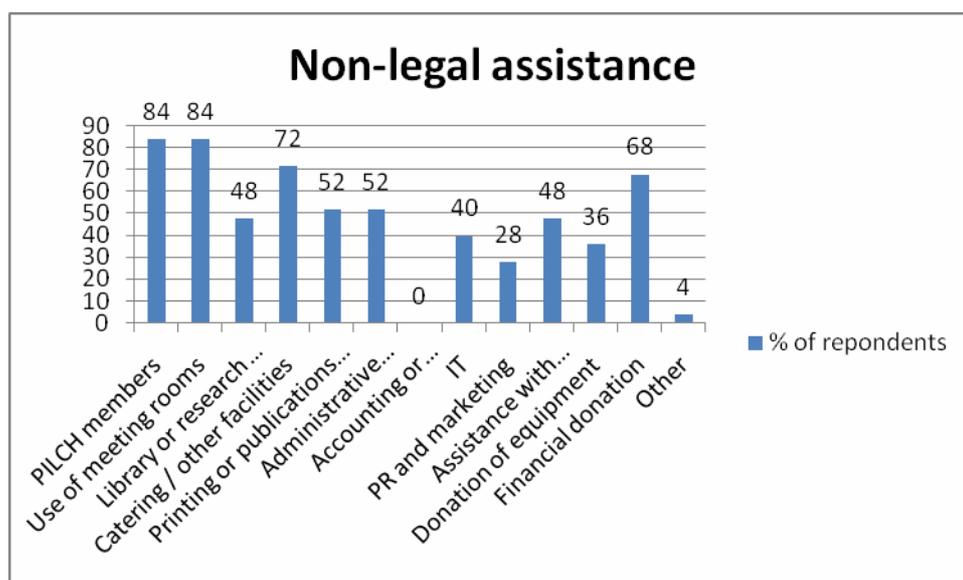
**Table 3 – Source of Referrals**

<b>Pro Bono matters originate from</b>	<b>Percentage of firms</b>
Referrals from other employees or members of the firm	88%
Referral from a CLC	84%
Referral from a Clearing House (e.g. PILCH)	84%
Direct requests to lawyers from existing clients	76%
Referral from a community organisation other than a CLC	72%
Direct requests to lawyers (cold call) from potential clients	68%
Referral from a barrister	60%
Referral from a professional other than lawyers	60%
Referral from courts, tribunals or complaint handling bodies	56%
Referral from a specialist service	48%
Referral from an Indigenous legal organisation	44%
Referral from Legal Aid	40%

### **Non-legal assistance**

As well as pro bono legal work, firms with established programs offer a wide variety of non-legal assistance. This non-legal assistance is not included in the definition of pro bono legal work and is therefore not included in the amount of pro bono work in this report. It is nevertheless an important form of support offered by law firms. The types of non-legal assistance given were paying membership fees to a pro bono clearing house (84%); providing meeting rooms (84%); providing catering and other facilities to a variety of organizations (72%); financial assistance (68%) and assistance with fund-raising (48%); assistance with printing or publications such as annual and other reports (56%); administrative assistance (56%); library or research assistance (48%); information technology such as developing websites (40%); donation of equipment such as desks or computers (36%); and public relations and marketing (28%). Non-legal assistance encourages firm staff other than lawyers to be involved.

**Chart 1 - Non-legal assistance**



### 3 *Hours of pro bono / percentage of practice income*

#### **Total number of hours**

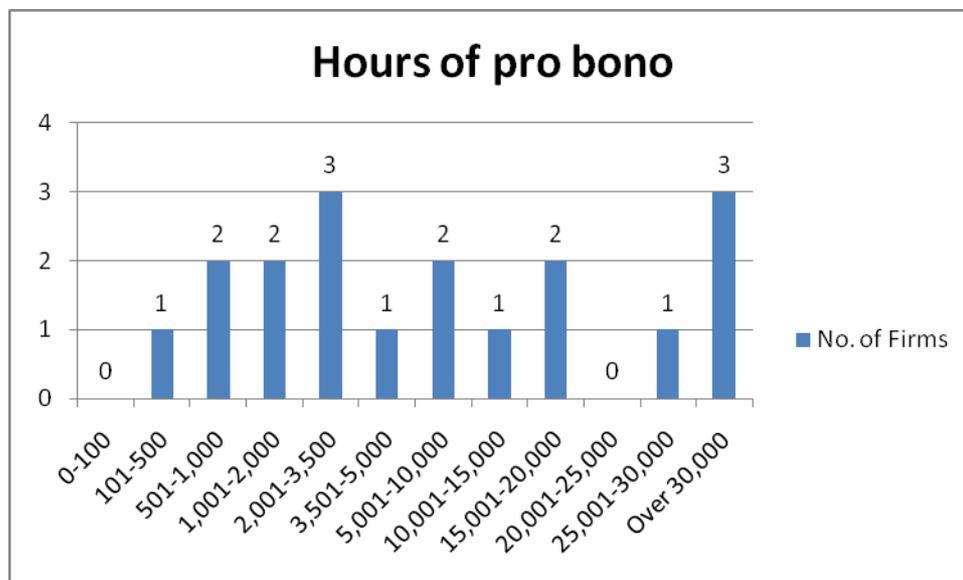
The total number of hours of pro bono work undertaken by lawyers in each firm in all States and Territories over the last 12 months show that three firms did more than 30,000 hours, contributing, among them over 90,000 hours a year, or over 1,730 hours each week, across Australia.

In addition, one firm reported between 25,001-30,000 hours of pro bono work, two firms undertook 15,001-20,000 hours and one firm reported between 10,000 and 15,000 hours. Taking into account the minimum number of hours in each hourly range, this means that the second tier of four firms who reported doing somewhere between 10,000 to 30,000 hours, contributed 65,000 hours of pro bono work. This is an average of 1,250 hours per week, or 312 hours per week per firm.

Two firms reported doing 5,001-10,000 hours (a minimum of 10,002 per year) and nine firms did less than 5,000 hours. Altogether, the services from all firms amount to a conservative estimate of approximately 194,500 hours a year or 3,740 hours a week<sup>5</sup>.

<sup>5</sup> Figures based on the mid-point of each hourly range.

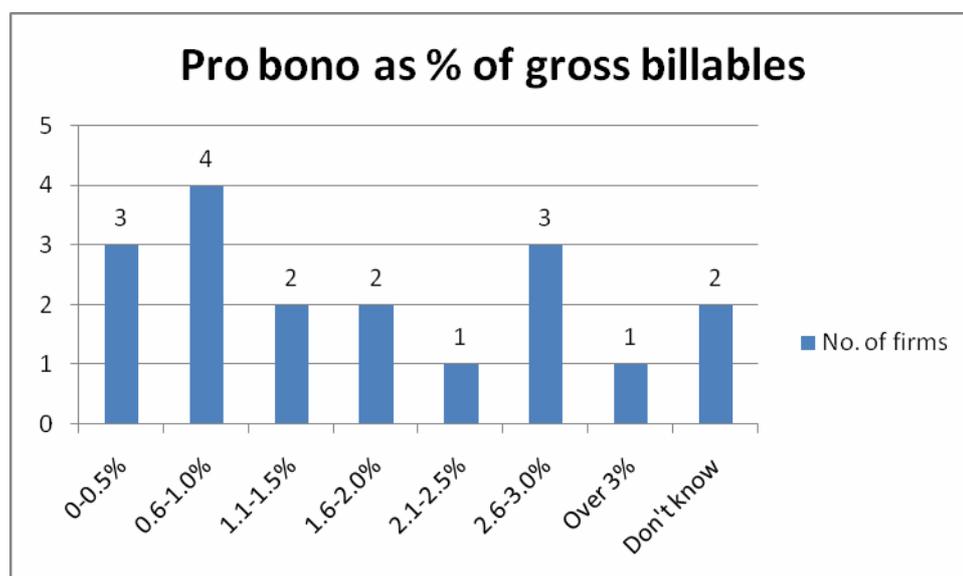
**Chart 2 - Hours of pro bono**



**Percentage of total practice income**

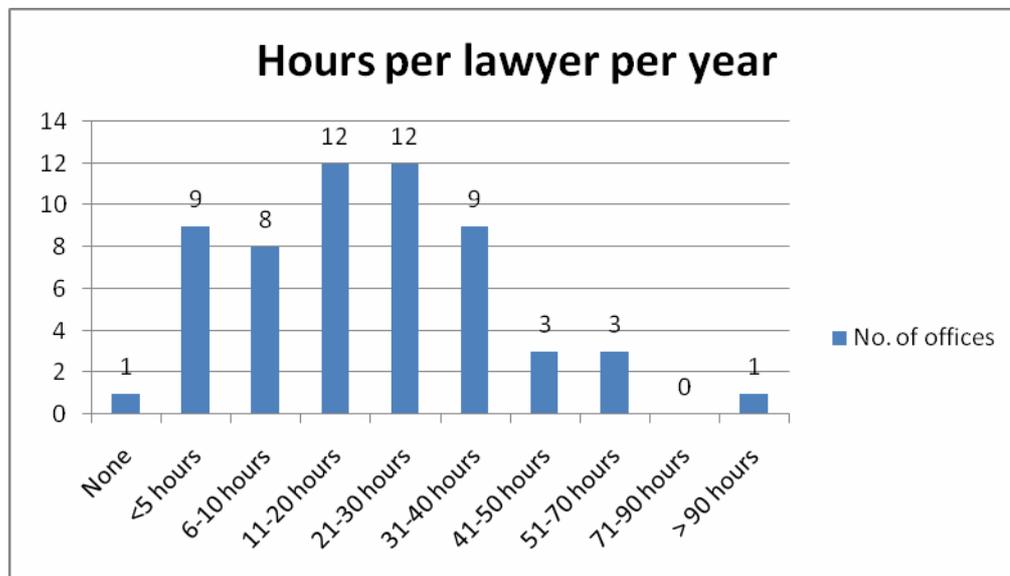
Responses to this question were received from 18 firms in total. For one firm, the percentage of total practice income (gross billables) represented by their pro bono hours was over 3%. For another four firms, it was in excess of 2%. For a further four firms the percentage of total practice income represented by their pro bono practice was less than 1%. The median percentage of total practice income represented by pro bono hours was 1.1-1.5%.

**Chart 3 - Pro bono as % of gross billables**



## Average numbers of hours per lawyer

Chart 4 - Hours per lawyer per year



Due to the anonymity of the survey results, and the fact that firms were not asked to provide their exact lawyer numbers, it is not possible to provide an exact hours/lawyer figure for firms in this survey. Based on the 58 law firm offices for which results were provided, (out of a total of 83 offices) approximately half were below 21 hours per lawyer per year and the other half above 21 hours per lawyer per year. As the numbers of hours per lawyer per year were provided in ranges of hours, this is the most accurate benchmark that the survey could provide of current practice across the 25 firms.

#### **4 National Pro Bono Aspirational Target**

Five respondent firms were signatories to the Target. Only six firms (24%) said they anticipated that they would reach the Target of at least 35 hours per lawyer over the next 12 months. Another five (20%) weren't sure and 14 (56%) indicated they did not anticipate reaching the target over the next 12 months.

Four firms (16%) indicated that they would be willing to consider endorsing another form of aspirational target. Responses included "the firm is more likely to endorse a %

of revenue target”, “we would support at least 35 hours or 2.5% of practice” and “Target of 50 hours per lawyer, averaged out across firm”.

### **Target firms results**

Data from the respondents who were signatories to the Target (5 firms) were extracted from the overall sample and a separate analysis was performed on it. Below are some of the findings.

The total number of pro bono work undertaken by lawyers in each of the Target firms in all States and Territories over the last 12 months show that three firms each undertook more than 30,000 hours of pro bono legal work. One firm reported doing between 5,001-10,000 hours and one firm gave no estimate of the total hours of pro bono.

For one Target signatory, the percentage of total practice income (gross billables) represented by their pro bono hours was over 3%. For a further three signatories the percentage of gross billables represented by their pro bono hours was between 2.6-3.0%. One firm gave no estimate of the percentage. It is worth noting that all the firms with pro bono hours representing more than 2.6% of total practice income were signatories to the Target.

Out of the 58 law firm offices for which hours per lawyer per year figures were provided, 18 offices belonged to Target signatories. The median number of pro bono hours per lawyer in those offices was 31-40 hours per year, compared with 21-30 of the overall sample and 6-10 hours for non-signatory firms. Whilst this shows that the average number of hours per lawyer per year of the overall survey sample is somewhat skewed upwards due to the numbers of pro bono hours performed by Target signatories, it is noted that there are a number of law firm offices that are not signatories to the Target that either exceeded the Target or performed on par with the Target. Namely, one non-signatory law firm office in Victoria reports 41-50 hours per lawyer per year whilst a further three (two in Victoria and one in New South Wales) report figures of 31-40 hours per lawyer per year. Amongst the non-signatories there was one law firm office in Queensland who reported doing zero hours per lawyer per

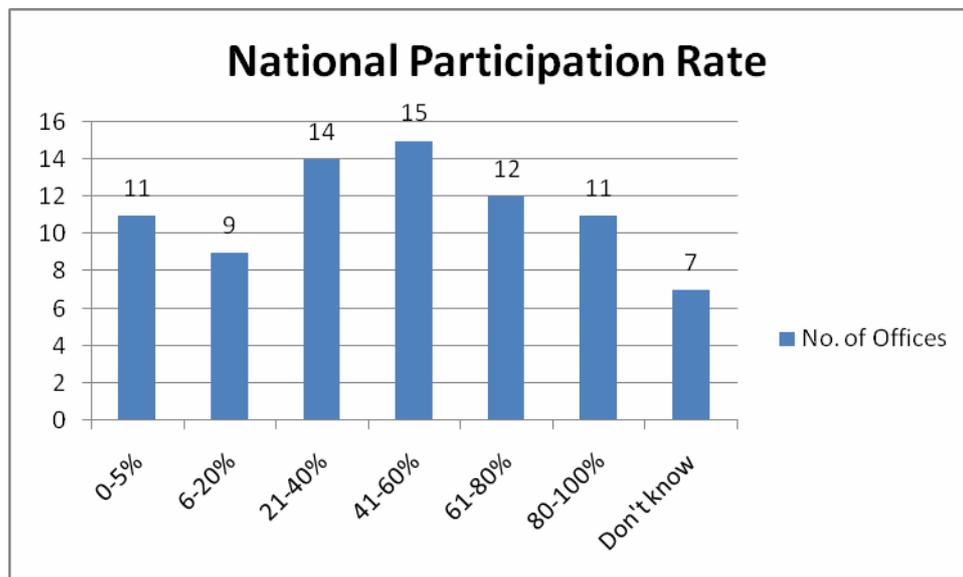
year, nine law firm offices that reported doing five hours or less, and seven law firm offices reported 6-10 hours per lawyer per year.

The median participation rate of lawyers across the signatories' 18 offices was 61-80%, compared with the national median participation rate of 21-40% which was also the median participation rate of non-signatory firms. Whilst the median of non-signatory firms was on par with the national average, amongst the non-signatories there were six law firm offices with a participation rate as high as 81-100% and a further six offices with a participation rate of 61-80%.

## 5 *Participation Rates*

The number of lawyers in each firm's office that participated in pro bono legal work varied widely between 0-5% and 81-100%.

**Chart 5 - National Participation Rate**



The national median Participation Rate across all offices was 21-40%. Of the 65 offices for which data was provided, approximately half had Participation Rates between 0-40% and the other half had Participation Rates between 41-100%.

From office to office and State to State Participation Rates also varied. Column charts are shown below for those states where there was sufficient data to allow such representation.

**Chart 6 - Participation Rates New South Wales**



**Chart 7 - Participation Rates Queensland**

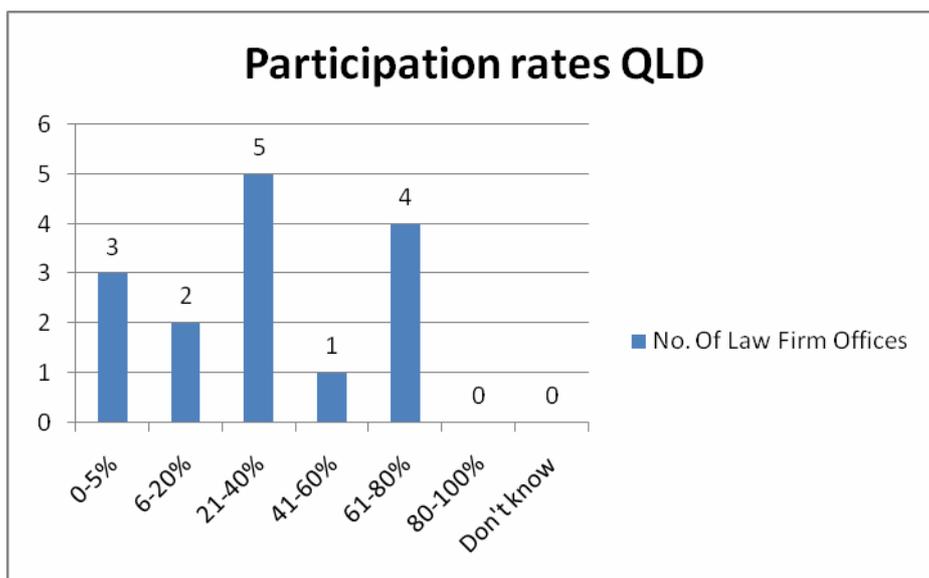
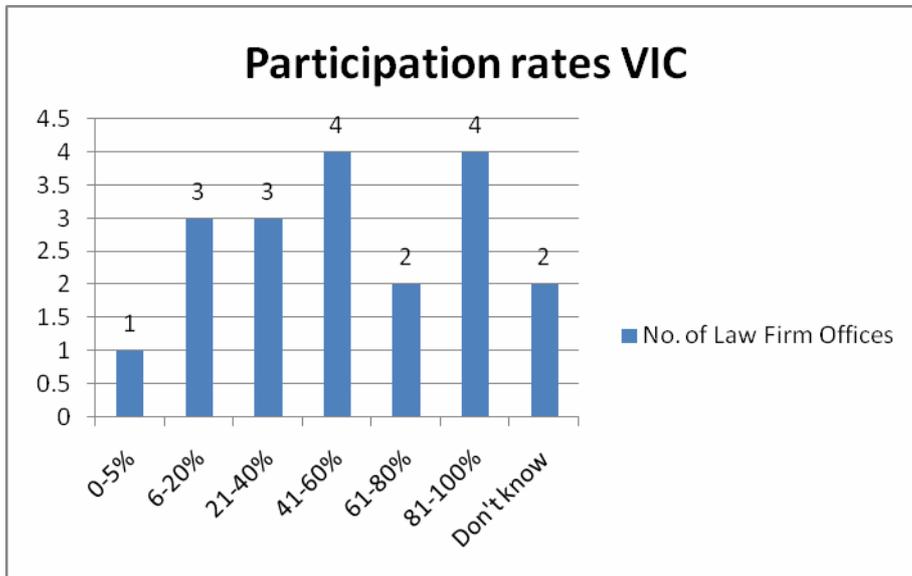


Chart 8 - Participation Rates VIC



## 6 Internal pro bono budgets and targets

### Budgets

Firms demonstrated a range of methods for setting pro bono budgets. Of the 15 firms with a specified pro bono budget, the largest number (six, or 40%) use a dollar amount based on the value of a specified number of lawyer hours. Three firms (20%) base their budgets on a percentage of gross turnover and two (13%) use a specified number of lawyer hours, rather than their dollar value. One firm sets a percentage of the firm or office's total billable hours. Five firms specified 'other' ways of setting their pro bono budget, including "figure selected as reasonable for financial year" and "% of profit from government work".

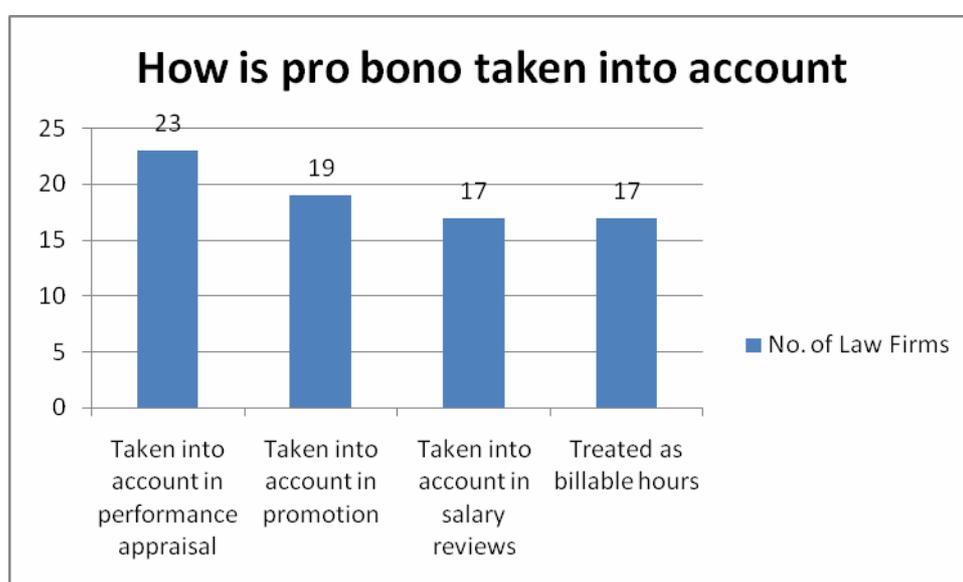
### Targets

Of the 12 firms that set internal pro bono targets, the largest number (six, or 24%) base these on a number of pro bono hours per lawyer per year. Four firms (16%) base their target on the financial value of the pro bono work done by the firm as a whole per year, and one firm bases their target on the number of pro bono hours for the whole firm for the year.

## 7 *How pro bono is taken into account*

Ninety two percent of the firms (23) recognise lawyers' pro bono work in their performance appraisal; 76% (19 firms) recognise pro bono work for promotion and advancement; 68% (17 firms) recognise pro bono work in salary reviews and 68% (17) give full billable credits.

**Chart 9 - How pro bono is taken into account**



### **Billable hours and financial targets**

Lawyers in 24 firms (96%) had to meet billable hours **and/or** financial targets. Of the 23 firms that had billable targets, 17 of them (73%) gave full credit for pro bono work in meeting these targets. The other six firms (27%) recorded pro bono work as non-billable but in a special 'pro bono' category. The survey provided the option of indicating a ceiling or limit to billable credits but no firm indicated that any such limit existed.

Sixteen of the 25 firms (64%) used **both** billable hours and financial targets in their daily practice. In 14 of these firms, pro bono hours were treated as billable hours for the purposes of a lawyer's billable hours and financial targets. In one firm pro bono hours were treated as non-billable hours but were recorded as a special non-billable

(eg. pro bono) category with a negligible value for the purposes of the lawyer's financial target. One firm recorded pro bono as 'necessary non-chargeable time'. Thirteen firms reported that the practice for crediting lawyer's pro bono work selected within their firm was a consistent practice that applied across the entire firm's other offices.

### **Billable hours only**

Seven of the firms (28%) had billable hours targets only. In three of those firms all pro bono hours were treated as billable hours. In four firms pro bono hours were treated as non-billable hours but were recorded in a special non-billable (e.g. pro bono) category. Five firms indicated that the practice selected within their firm was a consistent practice that applied across all of the firm's other offices.

### **Financial targets only**

Only one firm had financial targets only with no billable hour system. It had "no formal arrangements" as to how pro bono hours were treated with regard to lawyer's financial targets.

## **8 Areas of law**

Responses from large firms reveal that employment law, company or commercial law and incorporations law were the areas in which pro bono legal services were most commonly available amongst law firms.

These categories correspond with the main areas of normal (not pro bono) practice for the individual solicitors, which were surveyed by the Centre in 2007. The areas of law in which the most number of firms were able to provide pro bono services were employment law (96%), company and commercial law (84%), incorporations law (80%) and debt law (76%). By comparison only 24% of firms were able to provide pro bono legal advice in domestic violence and criminal law matters and only 4% of firms provided pro bono legal services in the area of family law.

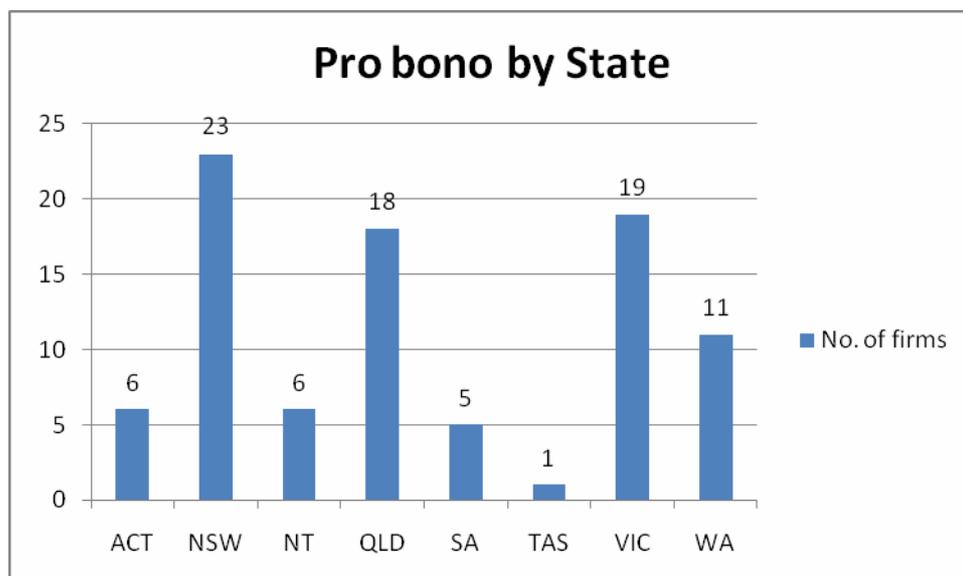
**Table 4 – Areas of Pro Bono Law**

Employment Law	96%	Insurance	52%
Company/Commercial law	84%	Bankruptcy	44%
Incorporations	80%	Immigration	40%
Debt	76%	Wills/Probate/Estate	40%
Environment	76%	Powers of attorney	36%
Administrative/Constitutional	76%	Construction	36%
Discrimination	72%	Social security	32%
Intellectual property	72%	Criminal Law	24%
Tax	68%	Domestic Violence	24%
Property	64%	Other	16%
Housing/tenancy	60%	Personal Injury	8%
Banking/Finance	52%	Family Law	4%

## 9 Where pro bono work is carried out

The respondent firms did pro bono work in all States and Territories, including Tasmania, where none of the respondent firms had offices. Six firms reported doing pro bono work in the Northern Territory, even though only two respondent firms reported having an office there.

**Chart 10 – Number of firms that did pro bono in each State**



When asked about the locations in which pro bono legal work was carried out, the 25 respondent firms gave 129 responses across all States and Territories. The vast majority of pro bono work is carried out in capital city CBD's across Australia (64 responses). This was followed by remote area (18 responses) regional city or area (16 responses) rural area (16 responses), and capital city suburb (15 responses).

## ***10 Promotion and publicisation of pro bono***

Pro bono is promoted widely both internally and externally by the respondent firms. Twenty-four of the 25 firms (96%) promoted and publicised the pro bono work done within the firm or by the firm as a whole, in a variety of ways.

Twenty firms (80%) made mention of pro bono activities in internal newsletters and on firm intranets. Nineteen firms (76%) made mention of the firm's pro bono activity on their external websites. Thirteen firms (52%) published a pro bono annual review or report.

In 72% of firms, pro bono was formally included in induction programs for new staff and 52% of firms sent regular pro bono emails to all staff. A majority (68%) made specific mention of pro bono activities at general firm events such as Christmas parties and annual partners' meetings. Just under half of the firms (44%) had held some sort of pro bono promotional event. Annual awards ceremonies and discussions in team meetings were cited as other ways of promotion and publicisation.

## ***11 Disbursements***

The firms fund disbursements for pro bono clients in a number of ways. Eleven firms (44%) consider disbursements on a case by case, rather than a blanket policy, basis.

### **Internal disbursements**

The majority of firms (84%) report meeting the costs of internal disbursements for pro bono clients. Two firms (8%) report meeting the costs of internal disbursements up to a pre-determined value; the client meeting further costs. Two firms (8%) charge the client for internal disbursements.

## External disbursements

Five firms (20%) met the cost of external disbursements for pro bono clients. Six firms (24%) indicated that they meet the cost of external disbursements up to a pre-determined value, the client meeting further costs. Eight firms (32%) charge the client for external disbursements.

## 12 Barriers to pro bono

In contrast to the barristers and solicitors surveyed by the Centre, firms did not overwhelmingly nominate 'lack of time' as the major barrier to undertaking pro bono work. The main barrier nominated by the firms was instead "insufficient expertise in relevant areas of the law". This was nominated by 11, or 44% of the firms surveyed. Lack of time was close behind at 40% and concern about conflict of interest with fee-paying clients was nominated by nine firms or 36% of the overall firms.

The 'unsupportive attitude of some within the firm' was nominated by seven firms or 28% and lack of information about opportunities was raised by three firms or 12% of the sample. Pro bono hours not counting towards billable hours was also nominated by three firms or 12% of the sample.

Four firms, or 16% of the sample, claimed that there were no barriers to undertaking pro bono work within their firm.

**Table 5 - Barriers to Pro Bono**

Barriers	Percentage
Insufficient expertise in relevant areas of the law	44%
Lack of time	40%
Concern about conflict of interest with fee paying clients	36%
Unsupportive attitude of some within the firm	28%
There are no obstacles to pro bono legal work	16%
Lack of information about opportunities	12%
Pro bono hours do not count as billable hours or financial targets	12%

This survey question contained a number of other factors, none of which were nominated by the respondents as obstacles to pro bono. These were: Lack of firm support for pro bono; Lack of interest; lack of adequate Professional Indemnity insurance; lack of appropriate practising certificate; and reduced profitability of the firm due to tort law reform.

### **13 Encouraging pro bono**

In order of popularity, firms selected the actions set out in the following table as being helpful in encouraging staff to undertake more pro bono work.

**Table 6 – Encouraging Pro Bono**

<b>Encouraging Pro Bono</b>	<b>Percentage</b>
More appreciation/recognition for pro bono work	48%
Provision of training for lawyers on areas of law that are common to pro bono matters	40%
Making a wide range of pro bono opportunities available	36%
Clearer support from the firm	28%
Recognition for pro bono work in performance appraisals	28%
More opportunities to work on discrete tasks rather than full representation	28%
Giving full credit to pro bono work in relation to financial targets	20%
Counting approved pro bono hours as billable hours	16%
Appointment of a pro bono representative	12%
Adoption of a formal pro bono policy	12%
More flexible working hours	4%

### **14 Training**

Fourteen firms (56%) provide training for their lawyers in areas of law relating to advising low income or disadvantaged persons. A broad range of areas were cited including fines, victims compensation, early access to superannuation, issues confronting homeless people (through Homeless Persons Legal Services), wills and estate planning for carers of people with intellectual disability or mental illness, stolen wages, Centrelink, tenancy and refugee matters.

Four of the nine firms that do not provide training, think that their lawyers would benefit from such training. Areas identified included victims compensation, apprehended violence orders, social security, dealing with people with mental illness and child custody.

### **15     *Legal Aid and contingency fee work***

Respondents were also asked about performing work under a grant of legal assistance from a Legal Aid Commission and entering into contingency or speculative fee arrangements with the commercial expectation of a fee.

Four firms (16%) indicated that their lawyers had done Legal Aid work in the past 12 months. Three out of the four firms indicated the work for legally aided clients to be only 0-5% of the firm's work as a whole (in dollar terms). One firm indicated the percentage of work that was done for legally aided clients to be 11-20% of the firm's work as a whole.

Three firms had entered into contingency or speculative fee arrangements (undertaken with a commercial expectation of a fee) for low income individuals who did not qualify for Legal Aid. Five firms had entered into such agreements for individuals whose cases raise an issue of public interest. Also, three firms had entered into a contingency or speculative fee arrangement for charities or other not-for-profit organisations that work on behalf of low-income or disadvantaged individuals or for the public good.

### **APPENDIX 1 - Summary of survey results for firms with 10-19 partners**

### **APPENDIX 2 – Survey Questionnaire**

## **APPENDIX 1 – Summary of survey results for firms with 10-19 partners**

Only six firms with 10-19 partners completed the survey, but despite the small sample they provide an interesting glimpse into the practices of smaller but still substantial firms. Generally these results show firms with a similar ethos and support for pro bono legal work but less structure and coordination and considerably lower participation rates and hours of pro bono per lawyer than the 25 larger firms.

The six were one from New South Wales, two from South Australia, one from Tasmania and two from Victoria.

### ***No. of lawyers (including partners)***

One firm had 10-19 lawyers, one firm had 20-39 lawyers and 4 firms had 40-99 lawyers.

### ***Pro bono in the last 12 months***

All 6 firms reported their lawyers doing pro bono work in the past 12 months. All firms also reported having provided time or resources to their lawyers to undertake pro bono legal work in the past 12 months.

Five out of six reported having a system of coordination for pro bono work. One firm had a designated pro bono coordinator (part-time), two firms had a designated partner, two firms had designated non legal staff members (one of whom was a marketing executive).

Four firms reported having a pro bono policy, two formal and two informal.

### ***Recording pro bono***

Four firms kept records of their pro bono work. Median participation rate of lawyers across these firms was 6-20%. Median hours per lawyer per year was 5 hours or less. Only one firm provided information on pro bono as a percentage of gross billables, which was 0-0.5%.

### ***Non-legal assistance***

Firms with 10-19 partners provide very little non-legal assistance compared to their larger counterparts. One firm paid membership fees to a PILCH, one had provided assistance with fundraising and 2 firms had given financial donations.

### ***Referrals***

New pro bono matters most commonly originated from:

- Direct requests to lawyers from family members or friends (five firms or 83%)
- Direct requests to lawyers from existing clients (four firms or 67%)
- Referrals from community organisations other than a CLC (four firms or 67%)

### ***Contingency fee arrangements***

Contingency or speculative fee arrangements seemed to be more common in these firms than in larger firms. Two firms had entered into contingency or speculative fee arrangements for low-income individuals who do not qualify for legal aid. One firm had entered into such an arrangement for an individual whose case raised an issue of public interest, and a further 2 firms had entered into a contingency or speculative fee arrangement for charities or other not-for-profit organisations that work on behalf of low-income or disadvantaged individuals or for the public good.

### ***Pro bono budgets and targets***

None of these firms set internal pro bono targets. Lawyers in all six firms have to meet billable hours and financial targets. In one firm 50% of pro bono hours are treated as billable hours. Three firms treated pro bono hours as non-billable hours but are recorded as a special non-billable (e.g. pro bono) category and have a lower negligible value for the purposes of the lawyer's financial target. In two firms pro bono hours are not recorded at all.

All firms recognised pro bono work in performance appraisals. Five firms took pro bono into account in salary reviews. A further four firms took pro bono into account when considering promotion or advancement.

### ***Aspirational Target***

Only one of the six firms was aware of the National pro Bono Aspirational Target. One firm expected to meet the target in the next 12 months which means, when considering the median number of hours per lawyer per year (as well as the reported hours per

lawyer per year, 6-10 hours), a considerable increase in pro bono work for that particular firm.

## APPENDIX 2 – Survey Questionnaire

### National Survey of Pro Bono Legal Work (Law Firms)

#### **Purpose of this survey**

This survey follows on from surveys of solicitors and barristers that were undertaken in 2006-07 with reports being launched from early 2008. This current survey seeks information about a law firm's (as distinct from an individual's) approach to pro bono legal work. It asks about

- Attitudes to pro bono legal work within a firm
- Whether pro bono legal work is undertaken in law firms in general
- The degree of structure and coordination of pro bono practices
- Constraints within a firm to providing pro bono legal services to clients

#### **How to respond**

**The survey is to be completed once only on behalf of each firm; as such, it is expected that the person who knows most about the pro bono activities and/or attitudes of the firm should be the one to complete the survey.** In a large firm, this may be the pro bono coordinator or a designated partner.

The survey should take 10-15 minutes on average to complete; however there is a "save" facility whereby it can be undertaken in more than one sitting, with the responses entered to date being saved, and then the survey being continued from that point at a later date.

#### **Survey Background**

This survey has been developed by the National Pro Bono Resource Centre and Dr. Belinda Carpenter, Faculty of Law, QUT with the support of the Queensland Law Society.

It is being administered by the National Pro Bono Resource Centre and any queries should be directed to Maria Rautala at [maria@nationalprobono.org.au](mailto:maria@nationalprobono.org.au) or on (02) 9385 7775.

## What is Pro Bono legal work?

For the purposes of this survey, **pro bono legal work** is time spent by lawyers:

1. Giving **legal assistance** for **free** or at a **substantially reduced fee** to:
  - a. Low income or disadvantaged individuals who do not qualify for legal aid; or
  - b. Not for profit organisations which work on behalf of low income or disadvantaged members of the community or for the public good
2. Doing **law reform or policy work** on issues affecting low income or disadvantaged members of the community or public interest matters
3. Participating in the provision of *free* **Community Legal Education** on issues affecting low income or disadvantaged members of the community or public interest matters
4. On secondment at a **community organisation** or at a referral service provider

What is **not pro bono legal work**? The following is **not** regarded as **pro bono legal work** for the purposes of this survey:

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 e.g. legal assistance provided to friends and family of clients or employees of the firm for free or at a reduced fee without reference to their ability to pay;
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.

A **glossary of terms** is provided at the back of this survey for **terms underlined in bold** in this questionnaire. Please refer to this glossary if you are in doubt about the meaning of any terms.

Please indicate the state or territory where **your office** is located:

- Australian Capital Territory
- New South Wales
- Northern Territory
- Queensland
- South Australia
- Tasmania
- Victoria
- Western Australia

Section 1 - About you

1. What is your position in your **firm**? If your firm is a multi-office firm, it is expected that you will complete this survey on behalf of the whole firm.

*[Please tick all that apply.]*

- Partner
- Employee solicitor
- Articled clerk/paralegal
- Pro bono coordinator / officer
- Other (please specify) \_\_\_\_\_

Section 2 –Details of your Firm

1. Where is your office located? *[Tick one response only.]*

- Capital city CBD
- Capital city suburb
- Regional city or area**
- Rural area**
- Remote area**

2. Has your **firm** got more than one office?

- Yes →
- No →

3. Where are your **firm**'s other offices located? ... *[Tick all that apply.]*

	Capital City CBD	Capital City suburb	<b><u>Regional city or area</u></b>	<b><u>Rural area</u></b>	<b><u>Remote area</u></b>
ACT					
NSW					
NT					
QLD					
SA					
TAS					
VIC					
WA					
New Zealand					
Other overseas location					

4. Where is your **firm**'s largest Australian office by total number of lawyers?

	Capital City CBD	Capital City suburb	<b><u>Regional city or area</u></b>	<b><u>Rural area</u></b>	<b><u>Remote area</u></b>
ACT					
NSW					
NT					
QLD					
SA					
TAS					
VIC					
WA					

5. How many partners are there in your **firm** (in Australia)?

- 1 partner
- 2 partners
- 3-5 partners
- 6-9 partners
- 10–19 partners
- 20 – 39 partners
- 40 or more partners

6. How many lawyers (including partners) are there in your **firm** (in Australia)?

- 2-5 lawyers
- 6-9 lawyers
- 10-19 lawyers
- 20-39 lawyers
- 40 – 99 lawyers
- 100 – 299 lawyers
- 300 or more lawyers

Section 3 - Pro Bono Legal Work by lawyers in your firm

1. Did any lawyers in your **firm** do any **pro bono legal work** in the last 12 months?

- Yes →
- No →
- Don't know →

2. Did your **firm** provide time or resources to any of your lawyers to undertake **pro bono legal work** in the last 12 months?

- Yes →
- No →
- Don't know →

3. Where was the pro bono work carried out? *[Tick all that apply.]*

	Capital City CBD	Capital City suburb	<u>Regional city or area</u>	<u>Rural area</u>	<u>Remote area</u>	Don't know
ACT						
NSW						
NT						
QLD						
SA						
TAS						
VIC						
WA						



If your firm has more than one office (and you therefore ticked "yes" to Q2 of Section 2) please go to question 5 next page. Otherwise, please continue to question 4.

4. Does your **firm** have a system for the coordination of **pro bono legal work**?

- Yes →
- No →
- Don't know →

5. Does your **firm** have a system for the coordination of **pro bono legal work**?  
 [please tick all that apply]

	Yes	No	Don't know
In your office			
In each other office			
Nationally			



If you ticked "yes" to any part of Q5 continue to Q6. Otherwise proceed to Section 4 page 9.

6. Which person(s) is/are responsible for the coordination of **pro bono legal work** in your office? [please tick all that apply]

- A pro bono coordinator
- A designated partner
- A designated employee solicitor
- A designated non legal staff member
- A pro bono committee
- No one
- Other (please specify) \_\_\_\_\_



If you ticked "pro bono coordinator" in question 6 then continue to question 7; otherwise go to question 8.

7. Is that pro bono coordinator

- Full time
- Part time
- Don't know



If your firm has more than one office (and you therefore ticked "yes" to Q2 of Section 2) please continue to question 8. Otherwise, please go to question 9 next page.

8. Does your **firm** have pro bono coordinators in any of its other offices?

- Yes
- No
- Don't know

9. Does your **firm** have a **pro bono policy**?

- Yes ➔ please continue to question 10

No → [please go to section 4 page 9](#)

Don't know → [please go to section 4 page 9](#)

10. Is that **pro bono policy**:

- Formal (written down)
- Informal (based on past practice only)
- Don't know

Section 4 - Sources of pro bono legal work

1. Where do new pro bono matters taken on by lawyers in your **firm** originate from? *[Tick all that apply on the table below]*

	<b>Tick</b>
Direct requests to those lawyers from family members or friends	
Direct requests to those lawyers from existing clients	
Direct requests to those lawyers (cold call) from potential clients	
Referral from other employees or members of the <b>firm</b>	
Referral from a barrister	
Referral from professionals other than lawyers	
Referral from a <b>Clearing House</b> (eg PILCH)	
Referral from courts, tribunals, or complaint handling bodies	
Referral from Legal Aid	
Referral by a community legal centre or service ("CLC")	
Referral from a <b>specialist service</b>	
Referral from a community organisation other than a CLC	
Referral from an Indigenous legal organisation	
Don't know	
Other (please specify) _____ _____	

## Section 5 - Related Activities

1. Did your **firm** do any of the following in the last 12 months? *[Please tick all that apply.]*

- Pay membership fees to a pro bono **clearing house**
  - Provide any of the following types of non-legal assistance to a community organisation or a pro bono clearing house:
    - Use of meeting rooms
    - Library or research assistance
    - Catering or other facilities
    - Printing or publications assistance
    - Administrative assistance
    - Accounting or book-keeping
    - Information technology
    - Public relations and marketing
    - Assistance with fundraising
    - Donation of equipment such as desks or computers
    - Financial donation
    - None of these
    - Other (please specify)
-

Section 6 - Legal Aid work and speculative fee arrangements

1. Did lawyers in your **firm** do any **legal aid work** in the last 12 months?

- Yes →
- No →
- Don't know →

2. Approximately what percentage of your **firm's** work, in \$ terms, was for legally aided clients?

- 0-5%
- 6-10%
- 11-20%
- 21-50%
- Over 50%
- Don't know

3. Did any lawyers in your **firm** enter into contingency or speculative fee arrangements undertaken with a commercial expectation of a fee for the following: *[please tick all that apply]*

	Yes	No	Don't know
Low income or disadvantaged individuals who don't qualify for legal aid			
Individuals whose cases raise issues of public interest			
Charities or other non-profit organisations that work on behalf of low income / disadvantaged individuals or for the public good			
Others (please describe) _____ _____ _____ _____			



If your firm provided time or resources to any of its lawyers to do pro bono legal work in the last 12 months (and you therefore ticked "yes" to Q2 Section 3) please continue to Section 7 on next page.

If your firm did NOT provide time or resources to any of its lawyers to do pro bono legal work in the last 12 months (and you therefore ticked "no" or "don't know" to Q1 section 3 or Q2 section 3) please go to Section 11 on page 22.

## Section 7 - Recording Pro Bono

This section only applies to respondents who answered “yes” to Q2 of Section 3 (the firm provided time or resources to its lawyers to undertake pro bono in the last 12 months). Other respondents please go to section 11 on page 22.

1. Does your **firm** record (or otherwise know) how many lawyers in the firm carried out pro bono work in the last 12 months?

- Yes →
- No →
- Don't know →

2. Approximately what participation rate in a particular state or territory does this number represent?

%	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
0-5%								
6-20%								
21-40%								
41-60%								
61-80%								
81-100%								
Don't know								

3. Does your **firm** record how many hours of pro bono work each lawyer carries out?

- Yes →
- No →
- Don't know →

4. Please give an estimate of how many hours of pro bono work lawyers in your **firm** in each state or territory did in the last 12 months.

Number	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
0-100								
101-500								
501-1,000								
1,001-2,000								
2,001-3,500								
3,501-5,000								
5,001-10,000								
10,001-15,000								
15,001-20,000								
20,001-25,000								
25,001-30,000								
Over 30,000								
Don't know								

5. Approximately how many hours per lawyer per year (averaged across the total number of full-time equivalent lawyers in your **firm** in each state or territory) does this represent?

Number	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
None								
5 hours or less								
6-10 hours								
11-20 hours								
21-30 hours								
31-40 hours								
41-50 hours								
51-70 hours								
71-90 hours								
More than 90 hours								
Don't know								



If your firm has more than one office (and you therefore ticked “yes” to Q2 of Section 2) please continue to question 6.  
Otherwise, please go to section 8 page 15.

6. Please give an estimate of how many hours of pro bono work lawyers in your **firm** did as a whole (over ALL states & territories) in the last 12 months.

- 0-100
- 101-500
- 501-1,000
- 1,001-2,000
- 2,001-3,500
- 3,501-5,000
- 5,001-10,000
- 10,001-15,000
- 15,001-20,000
- 20,001-25,000
- 25,001-30,000
- Over 30,000
- Don't know

7. Approximately what % of total practice income (gross billables) does this represent?

- 0 - 0.5%
- 0.6 - 1.0%
- 1.1 – 1.5%
- 1.6 – 2.0%
- 2.1 – 2.5%
- 2.6 – 3.0%
- Over 3.0%
- Don't know

Section 8 - Budgeting, setting targets, counting and crediting pro bono

This section only applies to respondents who answered “yes” to Q2 of Section 3 (the firm provided time or resources to its lawyers to undertake pro bono in the last 12 months). Other respondents please go to section 11 on page 22.

1. Does your **firm** have a pro bono budget i.e. a specific annual allocation of resources for pro bono work (in hours or financial)?

- Yes →
- No →
- Don't know →

2. On what is this budget based? *[Please tick all that apply.]*

- Specified number of lawyer hours
- Dollar amount based on the value of a specified number of lawyer hours
- Percentage of the **firm**/office's total billable hours
- Percentage of gross turnover
- Percentage of net profits
- Other (please specify) \_\_\_\_\_

3. Does your **firm** set any internal pro bono targets?

- Yes →
- No →
- Don't know →

4. On what are the targets based? *[Please tick all that apply.]*

- Number of pro bono hours per lawyer per year
- Number of pro bono hours for the **firm** as a whole per year
- Financial value of the pro bono work done by the firm as a whole per year
- Other (please specify) \_\_\_\_\_

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5. Do lawyers in your **firm** have to meet billable hours and/or financial targets?

- Yes →
- No →
- Don't know →

6. Which?

- Billable hours and financial targets →
- Billable hours targets only →
- Financial targets only →

7. How is the **pro bono legal work** treated in your office for the purposes of each lawyer's billable hours and financial targets?

- Pro bono hours are treated as billable hours for the purposes of lawyer's billable hours target and financial target
- Pro bono hours are treated as billable hours for the purposes of lawyer's billable hours target and financial target but capped at a certain number of pro bono hours per week / month / year
- Pro bono hours are treated as billable hours for the purposes of lawyer's billable hours target but are given a lower or negligible value for the purposes of the lawyer's financial target
- 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 the lawyer's financial target
- 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 the lawyer's financial target
- Pro bono hours are not recorded at all
- Other (please specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

→

If your firm has more than one office (and you therefore ticked "yes" to Q2 of Section 2) please continue to question 8. Otherwise, please go to question 13 page 18.

8. Does your response to the previous question indicate a consistent practice that applies across all your **firm's** other offices?

- Yes
- No
- Don't know

➔ [Please go to question 13 next page](#)

9. How is the pro bono work that is carried out treated in your office for the purposes of each lawyer's billable hours target?

- All pro bono hours are treated as billable hours
- Pro bono hours are treated as billable hours but capped at a certain number of hours per week/month/year
- Pro bono hours are treated as non-billable hours but are recorded as a special non-billable category (e.g. pro bono)
- Pro bono hours are treated as non-billable hours and are not recorded as a special non-billable category
- Pro bono hours are not recorded at all
- Other (please specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

➔

If your firm has more than one office (and you therefore ticked "yes" to Q2 of Section 2) please continue to question 10. Otherwise, please go to question 13 next page.

10. Does your response to the previous question indicate a consistent practice that applies across all your **firm's** other offices?

- Yes
- No

Don't know

→ Please go to question 13 next page

11. How is the pro bono work treated in your office for the purposes of each lawyer's financial target?

All pro bono hours are treated as, i.e. given equivalent financial value to, billable hours

Pro bono hours are treated as, i.e. given equivalent financial value to, billable hours but capped at a certain number of pro bono hours per week / month / year

Pro bono hours are given a lower or negligible financial value

Pro bono hours are disregarded for the purposes of financial targets

Other (please specify) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

→

If your firm has more than one office (and you therefore ticked "yes" to Q2 of Section 2) please continue to question 12. Otherwise, please go to question 13 below.

12. Does your response to the previous question indicate a consistent practice that applies across all your **firm's** other offices?

Yes

No

Don't know

13. Does your **firm** recognise **pro bono legal work** undertaken by each lawyer in any of the following ways: [*please tick all that apply*]

	Yes	No	Don't know
In his / her performance appraisal			
When considering him / her for promotion or advancement			
In salary reviews			

Section 9 - More about your Firm's Pro Bono Practice

This section only applies to respondents who answered "yes" to Q2 of Section 3 (the firm provided time or resources to its lawyers to undertake pro bono in the last 12 months). Other respondents please go to section 11 on page 22.

1. In what areas of law does your **firm** provide pro bono legal services? *[Tick all that apply on the table below]*

Area of Law	Tick (Q1)
Administrative/Constitutional	
Banking/Finance	
Bankruptcy	
Company/Commercial	
Construction	
Consumer	
Criminal Law	
Debt	
Discrimination	
Domestic Violence	
Employment	
Environment	
Family Law	
Housing/Tenancy	
Immigration	
Incorporations	
Insurance	
Intellectual property	
Personal injury	
Powers of Attorney	
Property	
Social Security	
Tax	
Wills/Probate/Estate	
Other (please specify) _____	
_____	
_____	
_____	





## Section 11 - Barriers to Pro Bono

1. Please indicate which of the following you perceive as a restraint on the delivery of pro bono services by lawyers within your **firm**. [ *Tick all that apply* ]

<b>Obstacles</b>	<b>Tick</b>
Lack of information about opportunities	
Lack of firm support for pro bono	
Unsupportive attitude of some within the firm	
Concern about conflict of interest with fee paying clients	
Pro bono hours do not count towards billable hours or financial targets	
Lack of interest	
Lack of time	
Lack of adequate PI insurance	
Lack of appropriate practising certificate	
Insufficient expertise in relevant areas of law	
Reduced profitability of the firm due to tort law reform	
There are no obstacles to <b>pro bono legal work</b>	
Other (please specify) _____ _____	

2. Assuming that your **firm** wishes to encourage staff to undertake some or more pro bono work, please indicate what action you think the staff would find helpful: [ *Tick all that apply* ]

<b>Encouragement</b>	<b>Tick</b>
Clearer support from your firm	
Appointment of a pro bono representative	
Adoption of a formal <b>pro bono policy</b>	
Provision of training for lawyers on areas of law that are common to pro bono matters	
More flexible working hours	
Make a wide range of pro bono opportunities available	
Recognition for pro bono work in performance appraisal	
More appreciation / recognition of pro bono work generally	
Counting approved pro bono hours as billable hours	
Giving full credit for pro bono work in relation to financial targets	
More opportunities to work on discrete tasks rather than full representation	
Other (please specify) _____ _____	

Section 12 - Training

1. Does your **firm** arrange or provide training for lawyers in your firm in areas of law relating to advising low income and disadvantaged persons?

- Yes →
- No →
- Don't know →

2. Would they benefit from any such training?

- Yes →
- No →
- Don't know →

3. In what areas of law or practice relating to advising low income and disadvantaged persons do you believe they would benefit from training?

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4. Please could you tell us in which areas you have already provided or arranged training?

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5. Is there another level of aspirational pro bono target that your firm may be willing to endorse?

- Yes
- No

If yes, please specify

## Glossary of Terms

### "Pro bono legal work"

. For the purposes of this survey, **pro bono legal work** is time spent by lawyers:

1. Giving **legal assistance** for **free** or at a **substantially reduced fee** to:
  - Low income or disadvantaged individuals who do not qualify for legal aid; or
  - Not for profit organisations which work on behalf of low income or disadvantaged members of the community or for the public good
2. Doing law reform or policy work on issues affecting low income or disadvantaged members of the community or public interest matters
3. Participating in the provision of **free Community Legal Education** on issues affecting low income or disadvantaged members of the community or public interest matters
4. On secondment at a community organisation or at a referral service provider

The following is **not** regarded as **pro bono legal work** for the purposes of this survey:

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 e.g. legal assistance provided to friends and family of clients or employees of the firm for free or at a reduced fee without reference to their ability to pay;
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.

### **"Clearing house"**

A Public Interest Law Clearing House or the ACT Pro Bono Clearing House

### **"Community legal education (CLE)"**

Such work includes giving seminars to, or preparing training materials for community organisations

### **"Community organisation"**

A community legal centre or service, specialist community legal service or other non-profit organisation

**“Firm”**

For multi-office firms, this includes all offices.

**“Law reform and policy work”**

This might include preparation of law reform submissions and lobbying government

**“Legal assistance”**

Includes advice, transactional work / services, negotiation, representation or mediation

**“Pro bono policy”**

This is a firm’s internal policy relating to pro bono work and may take many different forms. It may be formal (written) or informal (based on past practice). Most commonly it provides for what the firm regards as pro bono, what matters can be taken on pro bono, how pro bono matters are to be treated.

**“Regional city or area”**

This is a regional city or large town that is outside of the state capital, but is a large centre in its own right. Examples are Mount Gambier, Albany, Alice Springs, Mount Isa, Burnie, Geelong, Wollongong and Queanbeyan.

**“Remote area”**

A remote area is far from the nearest regional centre or small town. It may be difficult as well as time-consuming to reach the area from the nearest population centre by road.

**“Rural area”**

A rural area is in a small town that is dependent on rural industries, or the area is outside of such a town.

**“Specialist services”**

Specialist services are legal services based in the community where law firms contribute resources and staff to establish and/or run such services (such as the Homeless Persons Legal Services, Youth Legal Service in Melbourne or Shopfront Legal Service in Sydney).

**“Transactional work”**

Includes: Contracts and funding agreements, incorporation and restructures, corporate governance, income tax exemptions, insurance, leases)