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NATIONAL TARGET CAPTURES LARGE LAW FIRM PRO BONO PERFORMANCE

Of the 20 largest firms in Australia¹, 17 of them are now signatories to the National Pro Bono Aspirational Target (“**Target**”) of at least 35 hours of pro bono legal work per lawyer per year. Ten of these signatory firms (59%) met or exceeded the Target in 2013/2014.

The [seventh annual performance report on the Target](#), released today, indicates that nearly 11,000 Australian legal professionals are now covered by the Target. Those reporting (84%) performed a total of 365,716 hours of pro bono legal work, equivalent to 203.2 lawyers working pro bono full-time for one year, or an average of 34.2 pro bono hours per lawyer per year.

The number of lawyers covered by the Target grew by 20% during the year, with the total number of hours reported under the Target growing by 24% due in large part to two large international firms becoming signatories this year. Approximately 47% of all reporting signatories indicated that they had met or exceeded the Target.

“These results show that after seven years, the influence of the Target as a tool to drive pro bono performance continues to grow. The growth in signatories and the fact that almost half of them either met or exceeded it in 2013/14 demonstrates that it remains well-positioned as a benchmark for the conduct of pro bono legal work across the entire Australian legal profession”, said John Corker, Director of the National Pro Bono Resource Centre.

“It provides a robust and achievable goal for all Australian law firms, and in conjunction with the Commonwealth government’s pro bono conditions in their ‘Legal Services Multi-Use List’ for purchasing legal services from the private profession, encourages law firms to support and develop the pro bono legal culture, practices and programs within their firms”, he said.

“It is heartening to see that the work we have been doing to help a number of Target firms develop their pro bono programs has helped these firms to achieve strong results this year”, he said.

Survey Results

Also released today by the National Pro Bono Resource Centre was the [interim report of the 4th Biennial National Law Firm Pro Bono Survey](#) (“**the Survey**”). Forty of the 55 Australian firms with 50 or more lawyers, including 24 of the 25 largest law firms, responded to the Survey.

The results show that these firms have continued to increase the amount of pro bono legal assistance they provide, with growth being particularly strong amongst mid-sized firms. Overall the average pro bono hours per lawyer was 32.0 pro bono hours per lawyer per annum, up 7.0% per lawyer from 2012 and up 10.3% since 2010.

¹ By number of FTE lawyers as at 1 July 2014.

The Survey results confirm the Target report's findings on the positive impact of the Target, showing that the Target signatories performed better across all metrics compared to non-signatories and that their performance had improved the longer they remained signatories.

However, similar to the 2012 Survey, performance across the 40 respondent firms was quite uneven ranging from 1.6 to 67.4 pro bono hours per lawyer per year. "There is clearly room for growth in pro bono legal work in a number of firms. These results will allow firms to benchmark themselves against their peers", said Corker.

"We encourage firms that are looking to develop their pro bono programs to seek assistance from the Centre, law firms with developed pro bono practices and/or a pro bono clearing house. One area of best practice that the Centre strongly advises firms to follow in order to improve their pro bono performance is to adequately resource a skilled coordinator to drive the program for a sustained period", said Corker.

Other key findings from the Survey are:

- Of the 30 firms that reported in both 2012 and 2014, 11 firms reported a significant increase (>20%) in their pro bono hours per lawyer result whilst 4 firms reported a significant decrease (<20%).
- The average participation rate, that is the percentage of lawyers at a firm who undertook at least an hour of pro bono legal work, was 50 percent (compared with 53% in 2012 and 59% in 2010) the highest being a firm with an 89% participation rate. This downward trend may in part be explained by a rise in the number of secondments which means that many pro bono hours are undertaken by the particular lawyers on secondment rather than being spread across the firm's lawyers.
- Firms were asked for the first time about the proportion of partners that participated in pro bono work. The average participation rate of law firm partners was 40%, the highest being a firm with a 75% partner participation rate.
- With few exceptions, all firms continued to report doing more pro bono work for organisations than individuals, the average across all firms being 64 percent for organisations with this proportion being 56:44 amongst the largest nine firms (similar to 2012). Only eight out of 38 firms that responded to this question reported doing more work for individuals than for organisations.
- The areas of law and practice where respondent firms most often accepted requests for pro bono assistance reflected the large amount of pro bono work large firms undertake for not-for-profit organisations, the top five areas being governance, employment, commercial agreements, Deductible Gift Recipient (DGR) tax status applications and intellectual property.
- The top five areas of law practice where respondent firms most often rejected requests for pro bono assistance were family law, criminal law, DGR applications, immigration, and wills and probate.

- Of 40 large firm respondents, 12 of them (40%) had gone through a merger or acquisition in the last four years, and eight of them (20%) indicated that they are now “international law firms” (employing more lawyers overseas than in Australia).

“Large Australian law firms have continued to make a strong pro bono contribution despite the challenges that changes in the law firm sector have brought over the past few years, particularly new market entrants, significant merger and acquisition activity, and increasing globalisation of the legal services market in Australia”, said Corker.

“While pro bono makes a significant contribution to access to justice for people experiencing disadvantage in Australia, it is important to remember that it is not a substitute for an adequately funded legal assistance sector. There are a number of factors, including firm capacity and lack of expertise, that limit the ability of law firms to provide more pro bono assistance in certain areas. This is reflected in some of the areas of law and practice where firms most often rejected requests for pro bono assistance such as family law and criminal law”, said Corker.

The full survey report which will cover many other topics relating to law firm pro bono practice is planned for release later this year.

Solicitors, Barristers and Law Firms are encouraged to sign up to the Target online on the [Centre’s website](#).

A full list of the names of Target signatories can be [accessed here](#).

The Target was developed by the Australian National Pro Bono Resource Centre in 2006 and incorporates, 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.

For further information please contact: John Corker Tel: 02 9385 7381.