

2012 Pro Bono Final Report

January 2013

Executive Summary

Rule 6.1 of the Montana Rules of Professional conduct states that Montana attorneys authorized to practice law in the state should provide 50 hours of *pro bono publico* service with the substantial majority of those hours devoted to provision of legal services to people of limited means. This summary report outlines results from the data collected from attorney 2012 reporting forms. The highlights of the data are as follows:

Pro bono reporting information was received for 2,764 attorneys, an increase of 462 reports or 20.06 percent from 2011. Of the total reporting:

- 2,302 (83.4 percent) attorneys reporting practice primarily in the state of Montana and represents 75.6 percent of the active in-state Montana Bar ¹.
- 459 (17.6 percent) attorneys reporting practice primarily outside the state of Montana and represents 69.8 percent of out-of-state active status attorneys.²

1,618 (70.3 percent) reporting attorneys providing services in Montana reported pro bono hours in at least one pro bono category in 2012 representing a 48 percent increase from 2011 in attorney number reporting pro bono hours generally and a 28 percent increase in percentage of attorneys reporting who provided pro bono hours in at least one category. This data suggests a greater number of individuals and organizations are receiving pro bono services requiring fewer hours each.

- 1,476 (91.2 percent) attorneys reporting pro bono hours provided 76,245 hours of pro bono services *without expectation of fee* for individuals/families of limited means or organizations designed to assist people of limited means. After adjustments to the 2011 report for out-of-state attorneys, there is a 2.9 percent decrease in hours from 2011 but a 17.1 percent increase in the number of attorneys providing services in this category.
- 604 (37.3 percent) attorneys reporting pro bono hours provided 36,414 hours of pro bono service *at a substantially reduced fee* to people/families of limited means or organizations designed to assist people of limited means. After adjustments to the 2011 report for out-of-state attorneys, there is an increase in total hours from 2011 of 28.8 percent and an increase in number of attorneys providing services in this category of 22.5 percent.
- 541 (33.4 percent) attorneys reporting pro bono hours provided 17,739 hours of free pro bono services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes. After adjustments to the 2011 Report for out-of-state attorneys, there is a 25.3 percent decrease in total hours and a 6.1 percent decrease in the number of attorneys from 2011.

¹Of the 2,302 in-state attorneys reporting, a percentage may have a status other than active, including inactive.

² Of the 458 out-of-state attorneys reporting, a percentage may have a status other than active, including inactive.

- 223 (13.8 percent) attorneys reporting pro bono hours provided 12,189 hours of reduced fee services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes. After adjustments to the 2011 report for out-of-state attorneys, there is a 19.0 percent increase in total hours and a 25.0 percent increase in number of attorneys from 2011.

596 (25.9 percent of total in-state reporting) attorneys also reported 19,304 hours participating in volunteer activities for improving the law, legal system or legal profession.

92.7 percent of responders indicated their pro bono experience was very positive or positive.

Pro Bono Hours Recapitulation

| CATEGORY | Hours | Category | Total |
|--|--------|---------------|----------------|
| Without expectation of fees to/for persons of limited means or charitable, religious, etc. serving people of limited means | 76,245 | | |
| Free to charitable, religious, etc. in furtherance of their purposes | 17,739 | | |
| Total Free | | 93,984 | |
| Reduced to people/organizations to/for persons of limited means or charitable, religious, etc. serving people of limited means | 36,414 | | |
| Reduced to charitable, religious, etc. for furtherance of their purposes | 12,189 | | |
| Total Reduced Fee | | 48,603 | |
| TOTAL PRO BONO HOURS | | | 142,587 |

After adjustments to 2011 Pro Bono Report for out-of-state attorneys, the total pro bono hours reported reflects an overall increase in reported pro bono hours from 2011 of **5,148 hours** (3.7 percent).

Analysis of Reported Pro Bono Publico Service Value

(Does not include Volunteer Activities for improving the law, legal system, legal profession)

| | | |
|----------------------|--------------------------------------|------------------------|
| Free Services | 93,984 hours x \$150/hr ³ | \$14,097,600.00 |
| Reduced fee services | 48,603 hours x \$75/hr ⁴ | \$ 3,645,225.00 |
| TOTAL | | \$17,742,825.00 |

³ Hourly rate based on approximate average hourly rate of responders to the 2011 Montana State Bar Membership Survey

⁴ Reduced rate services calculated at one-half the average hourly rate

I. INTRODUCTION

The Pro Bono Reporting process is managed jointly by the State Bar of Montana and the Office of the Court Administrator through its Statewide Pro Bono Coordinator. The Statewide Pro Bono Coordinator was responsible for compiling and analyzing the data. This report summarizes the results of the 2012 pro bono reporting year (fiscal year ending November 30, 2012). Pro Bono Reporting is conducted in conjunction with the annual Interest On Lawyers Trust Account (IOLTA) certification. IOLTA reporting is mandatory pursuant to Rule 1.18 of the Rules of Professional Conduct. Pro Bono reporting is voluntary.

In 2012, an initial postcard mailing was sent on October 31, 2012 to all licensed Montana attorneys with instructions on reporting protocols and included a link to the electronic reporting portal on the State Bar of Montana website. Pro Bono and IOLTA reporting were linked one to the other. Those reporting were taken through the Pro Bono Reporting Form and upon completion, redirected to the IOLTA Compliance Certificate. Paper copies of the Pro Bono Reporting Form were made available on the State Bar of Montana website together with overviews and Q & A about pro bono and reporting generally. The Statewide Pro Bono Coordinator is not responsible for compiling and analyzing data in conjunction with the IOLTA reporting. Reporting protocols were also printed in November's issue of *The Montana Lawyer* and a reporting reminder was sent by email to State Bar sections and through local bar associations in late November.

This report covers 2,650 pro bono reports for 2,765 lawyers received by January 22, 2013 and includes all reporting attorneys. This report does not exclude data received from attorneys with a status other than active. The overall percentage of online filing was 96 percent and remaining 4 percent (108 lawyers) filed the Pro Bono Report through mail. The use of the online filing system has increased by 77 percent since first initiated in 2008 and the overall response rate of the Montana licensed attorneys has increased by 25 percent. The quality of the data compiled has increased substantially over the electronic reporting years greatly increasing the ability to analyze and rely upon reporting data.

The purposes of this summary report are:

1. to identify and evaluate the status of pro bono service in the Montana by Montana attorneys;
2. to assess the time attorneys spend providing pro bono publico and volunteer services, in what categories and to whom those services are provided;
3. to assess the financial impact of pro bono contributions by Montana attorneys;
4. to identify ways to improve pro bono participation and experiences among Montana attorneys;
5. to identify areas of improvement for promoting pro bono services and programs.

II. General Characteristics of Montana Attorneys

This section presents a general overview of the practices of Montana lawyers by using the pro bono reporting data. Because the reporting rate of in-state attorneys is approximately 75%, data provides a general descriptive measure for the overall Montana attorney population.

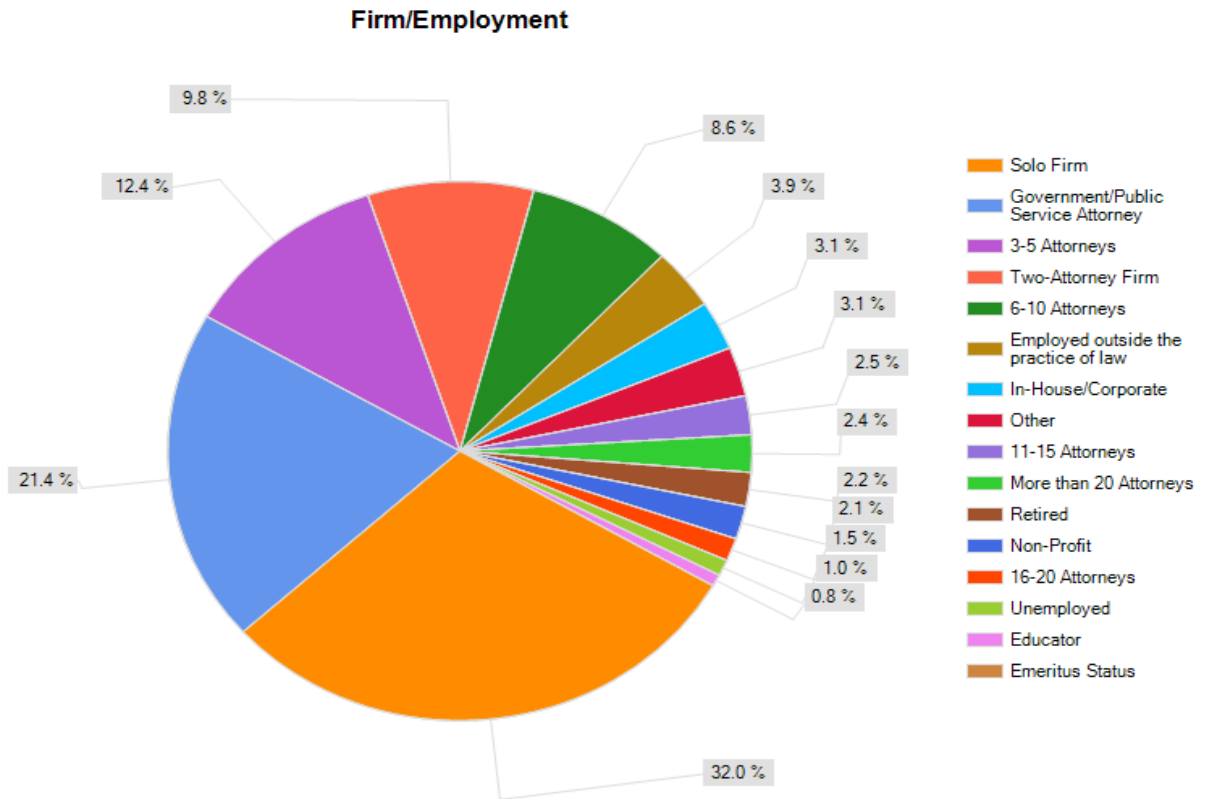
II.1 Attorney Years of Practice - Generally

The average years of practice among responders practicing primarily in Montana is 20.36 years. Questions in this section were not offered for response to out-of-state attorneys who did not provide pro bono service hours within the state of Montana. Percentages for correlation of years in practice and pro bono hours reported are in Section V.

II.2 Firm Size/Employment - Generally

The firm or employment status of all reporting in-state is depicted in the chart below. Percentages for correlation of firm size/employment to pro bono hours reported are in Section IV.

Chart C.1



II.3 Geographic Location - Generally

Table T.1 below outlines the general geographic distribution of reporting attorneys by zip code provided and is not necessarily representative of pro bono hour distribution. The table disregards reports where no zip code was provided and therefore totals may differ when compared to the overall reporting numbers. Relationship to geographical locations and zip codes are found in the below map.

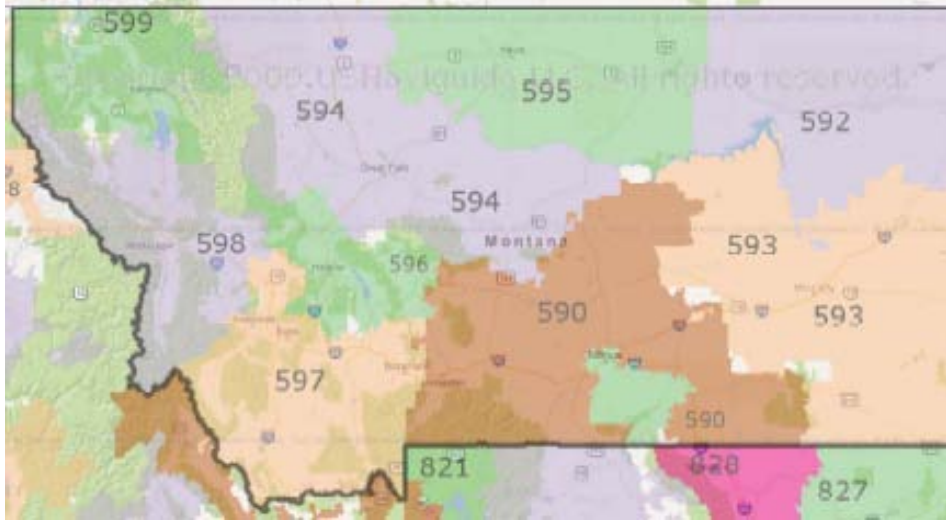


Table T.1

| Location | Number | Percent of Total Reporting | Percent of MT Active* |
|--|---------------|-----------------------------------|------------------------------|
| Out-of-State | 455 | 16.5% | N/A |
| 599 – Kalispell and surrounding area | 162 | 5.8% | 5.3% |
| 598 – Missoula-Hamilton and surrounding area | 518 | 18.8% | 17.0% |
| 5970 – Butte plus Anaconda and surrounding area | 76 | 2.8% | 2.5% |
| 5971 – Bozeman, Livingston (59047) and surrounding area | 212 | 7.7% | 6.7% |
| 596 – Helena and surrounding area | 340 | 12.3% | 11.1% |
| 595 – Havre and surrounding area | 28 | 1.0% | 0.91% |
| 594 – Great Falls and surrounding area (including Lewistown) | 177 | 6.4% | 5.8% |
| 591 (Billings, Carbon, Stillwater County (041, 070, 014, 068, 008 | 355 | 12.9% | 11.7% |
| 590, 592, 593 – Eastern Montana (east of Billings excluding Carbon County) | 66 | 2.4% | 2.2% |

*For a reference to Montana attorney population, see November 2012 Membership Report under Index 1.

III. PRO BONO SERVICE STATEWIDE

This section presents the analysis results for the 2012 Pro Bono Report data for pro bono services provided and hours spent improving the law and the legal system.

III.1. Pro Bono Service Statewide – Pro Bono Service Generally

1,618 (72.2 percent) of lawyers reporting indicating provided pro bono services in at least one category.

- 1,476 (91.2 percent) attorneys provided services without the expectation of fee to people/organizations of limited means

- 604 (37.3 percent) attorneys provided substantially reduced fee services to people/organizations of limited means
- 541 (33.4 percent) attorneys provided free or services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes.
- 223 (13.8 percent) of attorneys reporting pro bono hours provided 12,189 hours of substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes.

In addition, 733 (31.8 percent) attorneys participated in activities in improving the law or the legal profession.

III.2 Pro Bono Service by Geographic Location

The figures in Table T.2 represent totals and percentages of lawyers reporting pro bono hours and therefore differ from generalized report data. For a reference to Montana attorney population, see November 2012 Membership Report under Index 1.

Table T.2

| LOCATION | Attorney # with Pro Bono Hours Lawyers | Without Expectation of Fee-Limited Means* Lawyers/% Hrs | Substantially Reduce-Limited Means* Lawyers/% Hrs | Religious, Charitable, Etc. Free * Lawyers/% Hrs | Religious, Charitable, Etc. Substantially Reduced* Lawyers/% Hrs | Total Pro Bono Hours All Categories |
|---|--|---|---|--|--|---|
| | 599 – Kalispell/ surrounding area | 141 | 131/92.9% Hrs: 6,034 Avg. 44.36 | 63/44.7% Hrs: 3,067 Avg. 41.44 | 49/34.8% Hrs: 1,139 Avg. 19.30 | 16/11.3% Hrs: 690 Avg. 26.53 |
| 598 – Missoula/ surrounding area | 401 | 380/94.8% Hrs: 24,888 Avg. 63.48 | 181/42.6% Hrs: 8,212 Avg. 42.11 | 146/36.4% Hrs: 4,840 Avg. 28.30 | 59/14.7% Hrs: 2,767 Avg. 32.94 | 40,707 Avg. 95.78 |
| 5970 – Butte, Anaconda/ surrounding area | 55 | 51/92.7% Hrs: 2,296 Avg. 45.01 | 21/38.1% Hrs: 1,464 Avg. 69.71 | 21/38.1% Hrs: 598 Avg. 28.47 | 15/27.2% Hrs: 860 Avg. 57.33 | 5,218 Avg. 94.87 |
| 5971 – Bozeman, Livingston (59047)/ surrounding area | 150 | 142/94.6% Hrs: 7,292 Avg. 48.29 | 57/38.0% Hrs: 6,568 Avg. 88.75 | 46/30.7% Hrs: 1,522 Avg. 25.80 | 20/13.3% Hrs: 2,476 Avg. 82.53 | 17,858 Avg. 104.43 |

| | | | | | | |
|---|-----|---------------------------------------|--|--------------------------------------|--------------------------------------|--|
| 596 – Helena/ surrounding area | 211 | 187/88.6% Hrs: 9,015 Avg. 43.34 | 63/29.9% Hrs: 3,239 Avg. 33.05 | 69/46.6% Hrs: 2,509 Avg. 24.35 | 27/12.8% Hrs: 305 Avg. 5.16 | 15,068 Avg. 65.22 |
| 595 – Havre/ surrounding area | 19 | 18/94.7% Hrs: 670 Avg. 33.5 | 8/42.1% Hrs: 1,195 Avg. 119.5 ⁵ | 5/26.3% Hrs: 175 Avg. 25 | 2/10.5% Hrs: 40 Avg. 10 | 2,080 Avg. 99.04 |
| 594 – Great Falls/surrounding area (including Lewistown) | 138 | 134/97.1% Hrs: 7,334 Avg. 51.28 | 55/39.9% Hrs: 2,619 Avg. 40.29 | 52/37.7% Hrs: 1,473 Avg. 23.38 | 13/9.4% Hrs: 168 Avg. 7.3 | 13,674 Avg. 91.77 |
| 591 (Billings, Carbon, Stillwater County (041, 070, 014, 068, 008 | 238 | 221/92.9% Hrs: 9,326 Avg. 47.34 | 79/33.2% Hrs: 7,775 Avg. 79.33 | 82/34.5% Hrs: 3,597 Avg. 35.61 | 32/13.4% Hrs: 1,604 Avg. 31.45 | 22,302 Avg. 83.52 |
| 590, 592, 593 – Eastern Montana (east of Billings excluding Carbon County) | 28 | 27/96.4% Hrs: 1,568 Avg. 58.07 | 20/71.4% Hrs: 1,032 Avg. 51.6 | 12/42.8% Hrs: 354 Avg. 29.5% | 1/3.6% Hrs: 2 Avg. 2 | 2,957 Avg. 105.60 |

*Percent of Total = Percentages and totals of attorneys and hours of the respective category totals.

A target goal of 50 hours of pro bono service for lawyers was established pursuant to Rule 6.1 of the Rules of Professional Conduct. Among lawyers reporting pro bono hours in any category, 37 percent met the target goal for pro bono hours in any category with 35 percent reporting 50 hours without expectation of fee.

IV. BENEFICIARIES OF PRO BONO SERVICE

The Pro Bono Reporting Form consists of a series of questions regarding to whom pro bono service was provided and distinguishes between services without the expectation of fees and substantially reduced fees. Responses were not mutually exclusive.

IV.1 Among the 1,618 lawyers who reported any pro bono services, 1,476 (91.2 percent) provided services **without the expectation of fee** to people of limited means or organizations designed to assist people of limited means. Table T.3 below represents how those free pro bono hours were distributed across the question base using this category response total. Responses were not mutually exclusive.

⁵ Average elevated as the result of two large hour entries in this category. Average without two entries is 32.5

Table T.3 – Without Expectation of Fee – Limited Means

| Question | # | Cat. %* | Avg. Hrs |
|--|-------|---------|----------|
| Referred by MLSA or one of its programs | 199 | 12.3% | 26.23 |
| Referred by organized local or state pro bono program | 224 | 13.8% | 18.95 |
| A court based program | 168 | 10.4% | 25.07 |
| Individuals/families of limited means self-referred/outside organized pro bono program | 1,067 | 65.9% | 31.29 |
| Charitable organizations designed to assist people of limited means | 259 | 16.0% | 24.14 |
| Religious organizations designed to assist people of limited means | 148 | 9.1% | 16.21 |
| Community organizations designed to assist people with limited means | 184 | 11.4% | 25.51 |
| Civic organizations designed to assist people of limited means | 91 | 5.8% | 20.18 |
| Governmental organizations designed to assist people of limited means | 67 | 4.1% | 33.12 |
| Educational Organizations designed to assist people of limited means | 82 | 5.1% | 18.76 |
| Organizations seeking to secure or protect civil or public rights and/or liberties | 107 | 6.6% | 40.11 |

*Percent attorneys providing services in each respective “Without Expectation of Fee” category.

The data reflects 90% of lawyers providing free services in this question series did so directly to individuals of limited means suggesting attorneys do not provide services to organizations in lieu of services to individuals, but in addition to.

IV.2 Among the 1,618 lawyers who provided any pro bono services, 604 (37.3 percent) provided services **at a substantially reduced fee** to people of limited means or organizations designed to assist people of limited means. Table T.4 below represents how those substantially reduced fee hours were distributed across the question base using this category response total. Responses were not mutually exclusive.

Table T.4 – Substantially Reduced Fee – Limited Means

| Question | # | Cat. %* | Avg. Hrs |
|---|-----|---------|--------------------|
| Referred by MLSA or one of its programs | 30 | 5.0% | 40.13 ⁶ |
| Referred by organized local or state pro bono program | 26 | 4.3% | 59.96 |
| A court based program | 44 | 7.3% | 97.70 |
| Individuals/families of limited means outside organized pro bono | 369 | 61.1% | 43.82 |
| Charitable organizations designed to assist people of limited means | 42 | 7.0% | 33.45 |
| Religious organizations designed to assist people of limited means | 17 | 2.8% | 9.88 |
| Community organizations designed to assist people with limited means | 16 | 2.6% | 24.50 |
| Civic organizations designed to assist people of limited means | 10 | 1.7% | 16.90 |
| Governmental organizations designed to assist people of limited means | 38 | 6.3% | * ⁷ |
| Educational Organizations designed to assist people of limited means | 16 | 2.6% | 47.94 |
| Organizations seeking to secure or protect civil/public rights/ liberties | 31 | 5.1% | 49.19 |

⁶ One attorney reported 450 hours of reduced fee which spikes the average. Average without those hours is 26.0

⁷ Large hour entries for reduced government contract work skewed the average hour calculations

IV.3 Among the 1,618 lawyers who provided any pro bono services, 541 (33.4 percent) provided **free legal services** and 223 (13.8 percent) provided **substantially reduced fee** service to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes, where payment of fees would greatly deplete their economic resources. Responses to this question were not mutually exclusive.

IV.4 Hours Improving the Law or Legal System

In 2012, 596 (25.9 percent of total reports) lawyers provided 19,304 hours **participating in volunteer activities for improving the law, legal system or legal profession**. The hour distribution is outlined in Table T.5. Percentages are based on category response totals.

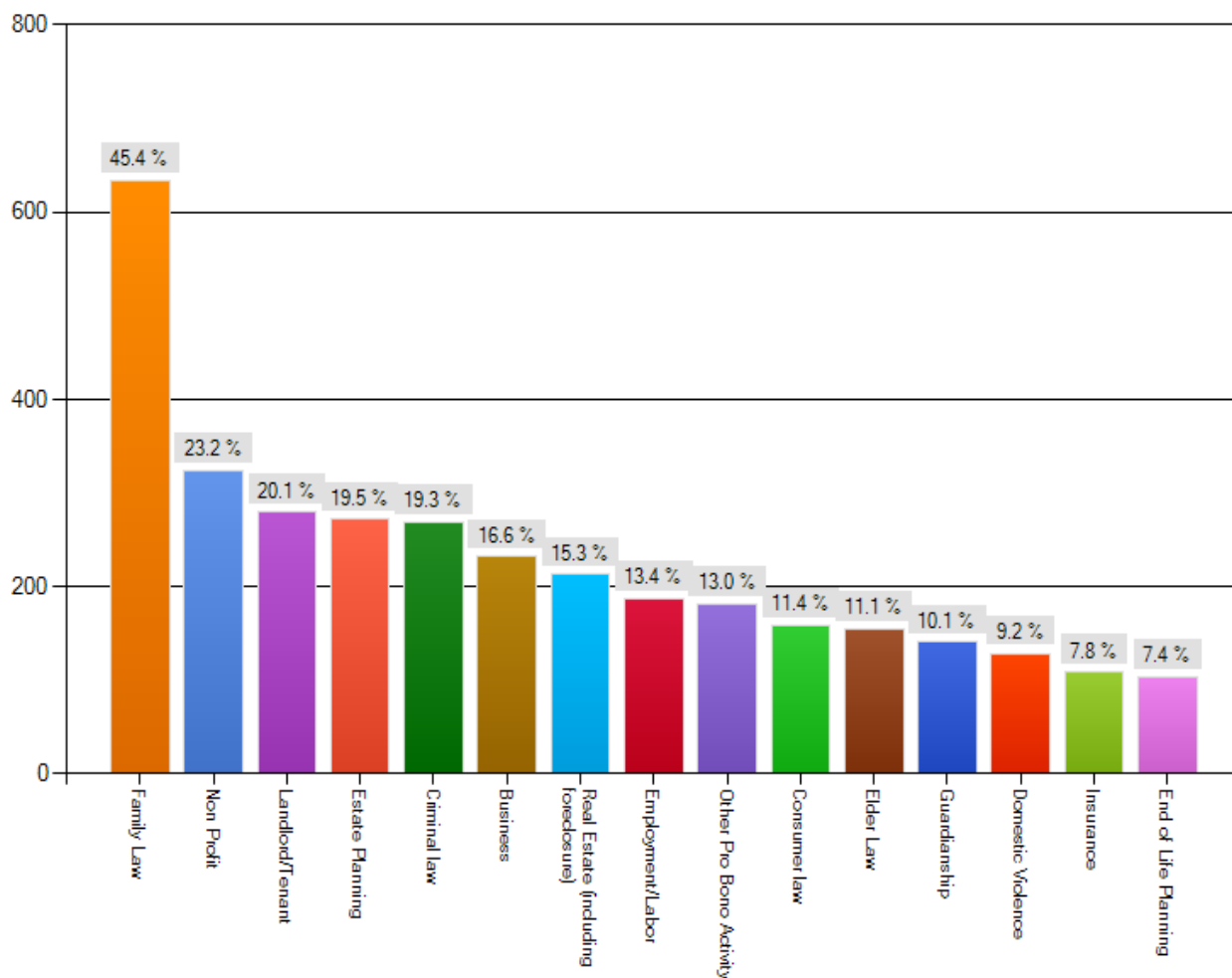
Table T.5 – Improving the Law & Legal System

| Question | # Attorneys | Avg. Hrs | % of Category | % of Total |
|--|-------------|----------|---------------|------------|
| CLE Preparation/Presentation | 275 | 15.09 | 36.6% | 12.0% |
| Committee/Task Force/Commission/Board | 422 | 15.67 | 56.2% | 18.4% |
| Presentations to organizations or institutions | 381 | 5.60 | 50.8% | 16.6% |
| Law School Activities | 312 | 5.72 | 41.6% | 13.6% |
| Publications or articles | 257 | 7.91 | 34.2% | 11.2% |
| Educational Materials | 251 | 5.15 | 33.4% | 10.9% |
| Access/Equal Justice Program Development | 230 | 1.07 | 30.6% | 10.0% |
| Other | 248 | 8.19 | 33.0% | 10.8% |

V. PRO BONO SERVICE BY LEGAL TYPE

Family law continues to lead legal type category at 45.4%. Non-profit legal work has remained the second most common category for five successive years. Landlord-tenant was third largest category in 2012, taking over estate/end of life (fourth largest category). All categories were plus or minus 2 percent of previous years' reporting except an *increase* of 3.5 percent in guardianship category and a 3.6 percent *decrease* in ADR/Mediation. Chart C.2 below outlines legal service types by percentage.

Chart C.2 – Pro Bono Service by Legal Type



| | | | |
|-----------------------|------|-----------------------------|------|
| Adoption | 7.3% | Human Rights | 4.1% |
| Education | 6.9% | Tax | 3.9% |
| Self-Help Support | 6.0% | Health Law | 3.4% |
| Youth in Need of Care | 5.9% | Pro Bono Program Admin. | 2.3% |
| Bankruptcy | 5.7% | Indian Law | 3.1% |
| Conservatorship | 5.4% | Immigration | 1.9% |
| ADR | 5.3% | Death Penalty | 0.6% |
| Social Security | 4.5% | Asylum Law | 0.1% |
| Disability Rights | 4.5% | Other Activity ⁸ | 13% |
| Military/Veterans | 4.1% | | |

VI. PRO BONO SERVICE BY FIRM SIZE

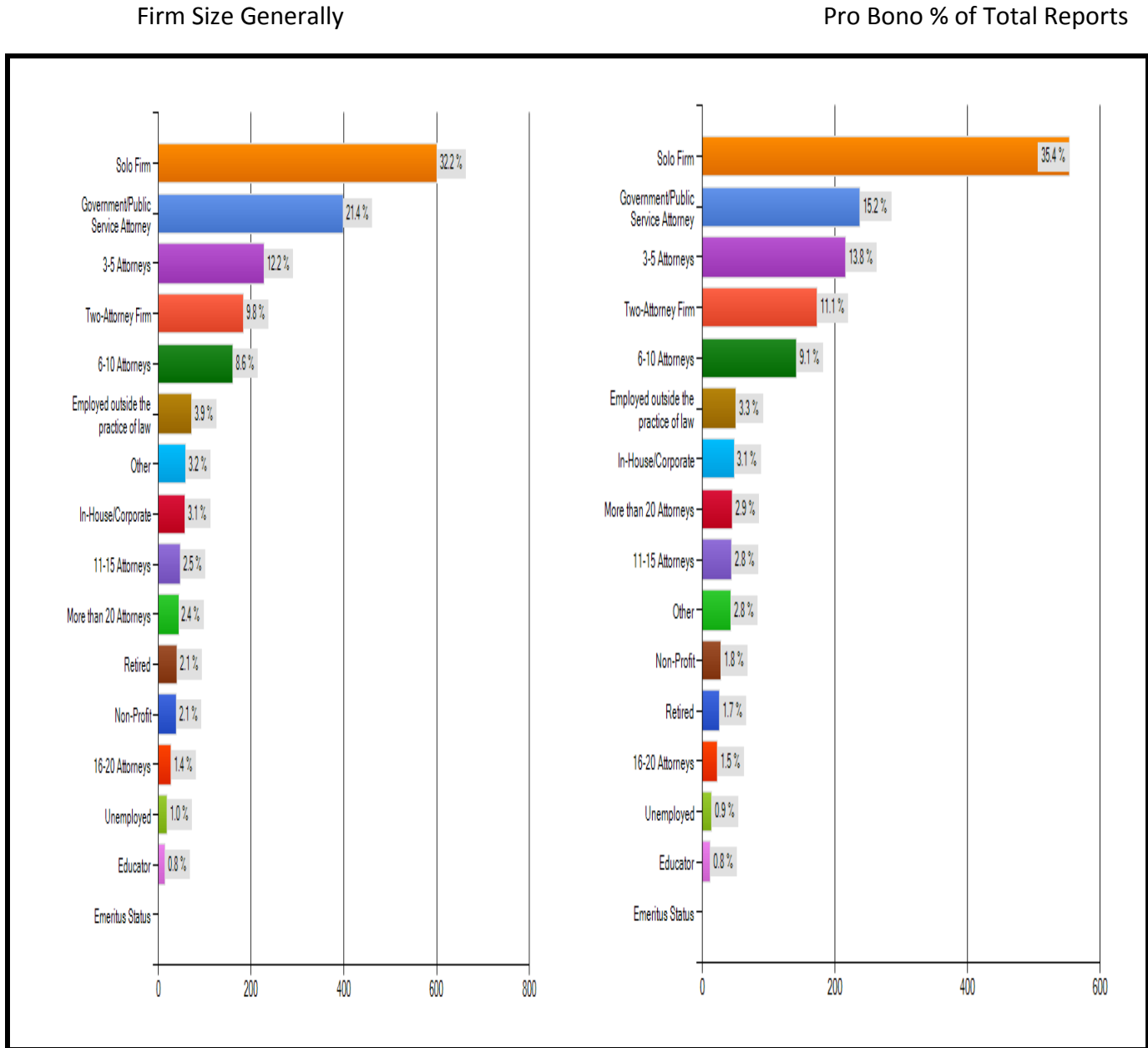
The Pro Bono Reporting Form asks lawyers to indicate the size of firm or employment. The numbers provided in this report reflect in-state attorney responses only.

⁸ The vast majority of “other” category responders provided legal assistance in a listed category

VI.1 Pro Bono Reporting Firm Size

86 percent of attorneys reporting responded to this question. A comparison of attorneys reporting firm size generally, and those reporting pro bono hours in any category excepting hours improving the law and legal system reflect similar percentages depicted in Chart C.3 below.

Chart C.3 – Firm Size Generally and Pro Bono



VI.1.a Solo Firm Pro Bono Profile

- 614 solo practitioners submitted reports providing a firm size response
- 90.6 percent reported pro bono hours in at least one category
- 84.6 percent provided services without expectation of fee to individuals/organizations of limited means
- 48.9 percent provided substantially reduced fee services to individuals/organizations of limited means
- 34.4 percent provided free services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes.
- 18.2 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes
- Average years of practice for attorneys providing pro bono services is 23.43
- Solo practitioners were 8 percent more likely to provide services in family law

VI.1.b 2-Attorney Firm Profile

- 185 Two-Attorney-Firms attorneys submitted reports providing a firm size response
- 93.5 percent reported pro bono in at least one category
- 88.1 percent provided services without expectation of fee to individuals/organizations of limited means
- 46.5 percent provided substantially reduced fee services to individuals/organizations of limited means
- 42.2 percent provided free services to charitable, religious, civic, community, governmental or educational organizations in furtherance of organizational purposes
- 20.0 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes
- Average years of practice for this attorney set providing pro bono services is 20.34
- Two-Attorney-Firm attorneys followed the legal type trends within plus or minus 2%

VI.1.c 3-5 Attorney Firm Profile

- 232 (3-5)-Attorney-Firm attorneys submitted reports providing a firm size response
- 93.1 percent reported pro bono in at least one category
- 89.2 percent provided services without expectation of fee to individuals/organizations of limited means
- 44.8 percent provided substantially reduced fee services to individuals/organizations of limited means
- 32.3 percent provided free services to charitable, religious, civic, community, governmental or educational organizations in furtherance of organizational purposes
- 13.8 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes
- Average years of practice for this attorney set providing pro bono services is 19.02
- 3-5-Attorney-Firms maintained the legal type trends within plus or minus 2%

VI.1.d 6-10 Attorney Firm Profile

- 166 (6-10)-Attorney-Firm attorneys submitted reports providing a firm size response
- 86.1 percent reported pro bono in at least one category
- 81.9 percent provided services without expectation of fee to individuals/organizations of limited means
- 35.5 percent provided substantially reduced fee services to individuals/organizations of limited means
- 37.3 percent provided free services to charitable, religious, , civic, community, governmental or educational organizations in furtherance of organizational purposes
- 15.0 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes
- Average years of practice for this attorney set providing pro bono services is 15.08
- 6-10-Attorney-Firm attorneys were 6 percent less likely to provide services in family law and 8% more likely to provide services in real estate (including foreclosure).

VI.1.e. 11-15 Attorney Firm Profile

- 48 (11-15)-Attorney-Firm attorneys submitted reports providing a firm size response
- 91.7 percent reported pro bono in at least one category
- 85.4 percent provided services without expectation of fee to individuals/organizations of limited means
- 35.4 percent provided substantially reduced fee services to individuals/organizations of limited means
- 41.7 percent provided free services to charitable, religious, civic, community, governmental or educational organizations in furtherance of organizational purposes
- 16.7 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations in further of their organizational purposes
- Average years of practice for this attorney set providing pro bono services is 16.31
- 11-15-Attorney-Firm attorneys were 10 percent more likely to provide services in business, 5 percent more likely to provide services in non-profit, 7 percent more likely to provide services in consumer law and 5 percent less likely to provide services in family law.

VI.1.f 16-20 Attorney Firm Profile

- 28 (16-20)-Attorney-Firm attorneys submitted reports providing a firm size response
- 82.1 percent reported pro bono in at least one category
- 78.6 percent provided services without expectation of fee to individuals/organizations of limited means
- 32.1 percent provided substantially reduced fee services to individuals/organizations of limited means
- 28.6 percent provided free services to charitable, religious, civic, community, governmental or educational organizations in furtherance of organizational purposes
- 10.7 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes
- Average years of practice for this attorney set providing pro bono services is 23.09
- 16-20-Attorney-Firm attorneys were 17 percent more likely to provide services in non-profit, 15 percent more likely to provide services in adoption and 20 percent less likely to provide services in landlord/tenant.

VI.1.g More than 20 Attorney Firm Profile⁹

- 50 More-than-20- Attorney-Firm attorneys submitted reports providing a firm size response
- 90.0 percent reported pro bono in at least one category
- 84.0 percent provided services without expectation of fee to individuals/organizations of limited means
- 16.0 percent provided substantially reduced fee services to individuals/organizations of limited means
- 36.0 percent provided free services to charitable, religious, civic, community, governmental or educational organizations in furtherance of organizational purposes
- 12.0 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes
- Average years of practice for this attorney set providing pro bono services is 12.15
- More-Than-20-Attorney-Firm attorneys were 10 percent more likely to provide services in non-profit, 8 percent more likely to provide services in domestic violence, 10 percent more likely to provide services in adoption, 13% less likely to provide services in landlord/tenant, 11% less likely to provide services in family law, and 9 percent less likely to provide services in criminal law.

VI.1.h Government/Public Service Profile

- 404 Government/Public Service attorneys submitted reports providing a firm size response
- 59.4 percent reported pro bono in at least one category
- 55.1 percent provided services without expectation of fee to individuals/organizations of limited means
- 22.5 percent provided substantially reduced fee services to individuals/organizations of limited means
- 28.7 percent provided free services to charitable, religious, civic, community, governmental or educational organizations etc. in furtherance of organizational purposes
- 17.8 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations in further of their organizational purposes
- Average years of practice for this attorney set providing pro bono services is 16.4
- Government/Public service attorneys were 5 percent more likely to provide services in landlord/tenant and 5 percent more likely to provide services in family law.

Of the 227 government/public service attorneys reporting pro bono hours, 97.6 percent provided services without the expectation of fee and 79.0 percent provided services in this category only. 11.6 percent provided services in all three service categories. Nominal percentages provided services in reduced fee categories only.

VI.1.i In-House/Corporate

- 63 In-House/Corporate attorneys submitted reports providing a firm size response
- 77.8 percent reported pro bono in at least one category
- 74.6 percent provided services without expectation of fee to individuals/organizations of limited means

⁹ This does not include a single Pro Bono Report collectively reporting for 115 attorneys in a single firm. All hours submitted for this firm were without expectation of fee and span the body of category responses.

- 28.6 percent provided substantially reduced fee services to individuals/organizations of limited means
- 39.7 percent provided free services to charitable, religious,, civic, community, governmental or educational organizations etc. in furtherance of organizational purposes
- 25.4 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations etc. in further of their organizational purposes
- Average years of practice for this attorney set providing pro bono services is 16.53
- In-House/Corporate attorneys were 14 percent more likely to provide services in employment/labor and non-profit, 9 percent more likely to provide services in insurance, 8 percent more likely to provide services in business, 10 percent more likely to provide services in health law, 6 percent more likely to provide services in ADR and 9 percent less likely to provide services in family law.

VI.1.j **Non-profit Attorney Profile**

- 41 Non-profit attorneys submitted reports providing a firm size response
- 70.7 percent reported pro bono in at least one category
- 63.4 percent provided services without expectation of fee to individuals/organizations of limited means
- 26.8 percent provided substantially reduced fee services to individuals/organizations of limited means
- 43.9 percent provided free services to charitable, religious, civic, community, governmental or educational organizations etc. in furtherance of organizational purposes
- 17.1 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations in further of their organizational purposes
- Average years of practice for this attorney set providing pro bono services is 14.82
- Non-profit attorneys were generally less likely to provide services in a variety of legal areas excepting landlord/tenant, real estate and criminal law which trended similar to the average. Non-profit attorneys were 20 percent less likely to provide services in family law. Non-profit attorneys were 25 percent more likely to provide services in non-profit and 11 percent more likely to provide services in social security.

VI.1.k **Retired Attorney Profile**

- 43 retired attorneys submitted reports providing a firm size response
- 65.1 percent reported pro bono in at least one category
- 48.8 percent provided services without expectation of fee to individuals/organizations of limited means
- 25.6 percent provided substantially reduced fee services to individuals/organizations of limited means
- 27.9 percent provided free services to charitable, religious, civic, community, governmental or educational organizations etc. in furtherance of organizational purposes
- 16.3 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations in further of their organizational purposes
- Average years of practice for this attorney set providing pro bono services is 35.26
- Retired attorneys generally trended to the legal category average excepting 10% more likely to provide estate planning services and 20 percent less likely to provide services in family law.

VI.1.I Employed Outside the Practice of Law Profile

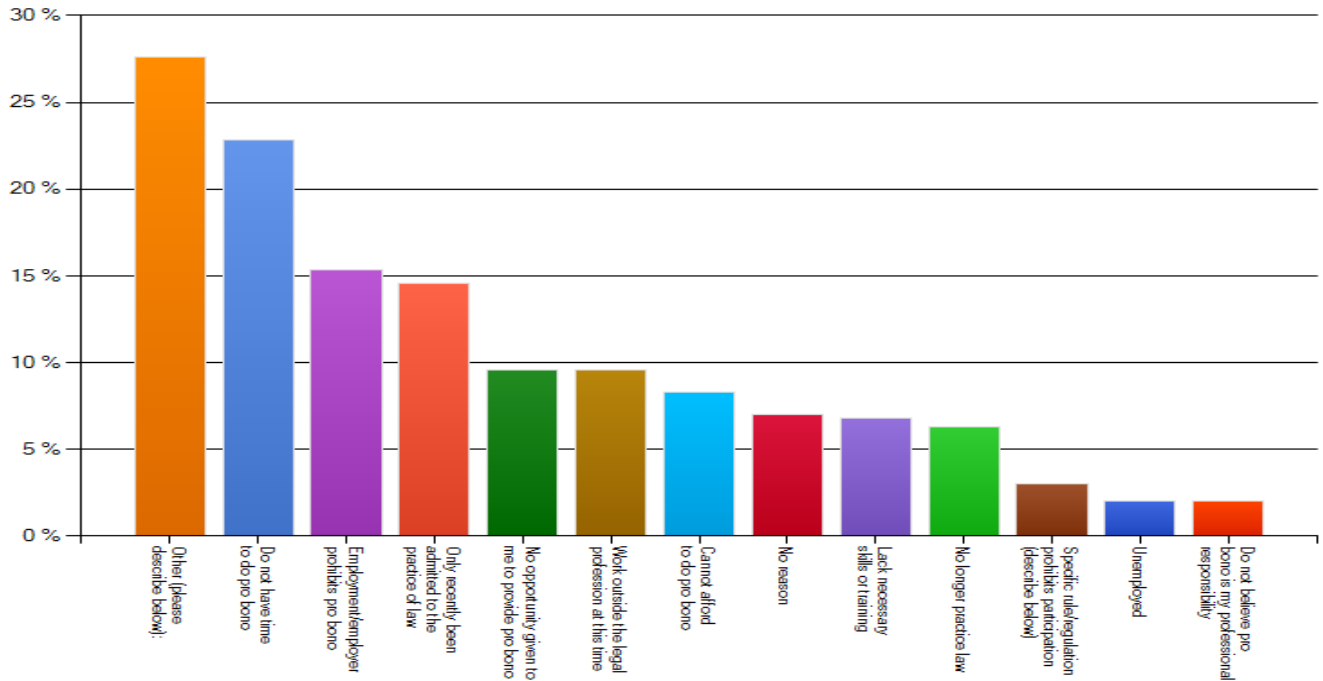
- 74 attorneys submitted reports providing a firm size response indicated they were employed outside the practice of law.
- 70.3 percent reported pro bono in at least one category
- 55.4 percent provided services without expectation of fee to individuals/organizations of limited means
- 24.3 percent provided substantially reduced fee services to individuals/organizations of limited means
- 36.5 percent provided free services to charitable, religious, civic, community, governmental or educational organizations in furtherance of organizational purposes
- 18.9 percent provided substantially reduced fee services to charitable, religious, civic, community, governmental or educational organizations etc. in further of their organizational purposes
- Average years of practice for this attorney set providing pro bono services is 15.84
- Attorneys employed outside the practice of law generally trended to the legal category average excepting 14% more likely to provide non-profit, 11% more likely to provide estate planning services and 8 percent less likely to provide services in family law.

The remainder of the categories contained insufficient numbers to provide a statistical relevance. It is noted that 20 attorneys indicated they were **unemployed** and approximately 70 percent provided pro bono service in at least one category.

VI.2 No Pro Bono Service

Attorneys were offered the opportunity to indicate the reason that no pro bono service was provided. Although 481 attorneys (20.8 percent) indicated a no-pro bono reason, 203 of those responses also included submission of pro bono hours in at least one category. A review of the submissions suggests attorneys offered reasons for reporting low hours or not meeting the goal of 50 hours. The net result is 12.1 percent of reporting in-state attorneys had no hours to report. Of note: Those responding to "Other" generally provided a response that would have otherwise fit into an available category or used the same as a comment box.

Chart C.4 – No Pro Bono Hours



VII. Pro Bono and Years in Practice

Responses were filtered by number of years in practice generally and by pro bono service hours in any category. These filters are applied to the statistics found in Table T.6 below. Approximately 85 percent of in-state attorneys responded to this question.

In analyzing the years of practice and correlating with the age of an attorney, certain norms could be used. Data suggests the median age of law school graduation is 27 years of age. This figure is used to calculate a presumed age. Table T.6 suggests pro bono participation increases measurably after 20 years of practice (or after the age of 47).

Table T.6 – Years of Practice

| Years in Practice | Presumed Age | Generally | % |
|-------------------|--------------|-----------|-------|
| 0-5 | 27-31 | 20.7% | 78.4% |
| 6-10 | 33-37 | 11.8% | 80.8% |
| 11-15 | 38-42 | 10.6% | 81.9% |
| 16-20 | 43-47 | 11.6% | 80.9% |
| 21-25 | 48-52 | 10.1% | 86.8% |
| 26-30 | 53-57 | 11.7% | 85.5% |
| 31-35 | 58-62 | 10.0% | 85.4% |
| 36-40 | 63-67 | 7.8% | 88.0% |
| 41-45 | 68-72 | 2.9% | 90.0% |
| 46-50 | 73-77 | 1.3% | 91.1% |
| 50+ | 78+ | 0.9% | 73.3% |

46 percent of no-pro bono responses came from government/public service attorneys. The greatest percentage of reason categories included 31.3 percent indicating they do not have time to do pro bono and 29.3 percent indicating employment/employer prohibits pro bono. This should be considered when reviewing Chart T.6. 28.2 percent of attorneys in practice for 10 years or less are government or public service attorneys compared with an average of 16.7 percent in all other years-of-practice categories combined.

Also of note are demographics of attorneys who did not submit a 2012 Pro Bono Report and whether this raises the presumption that those non-reporting attorneys did not have pro bono service hours to report.

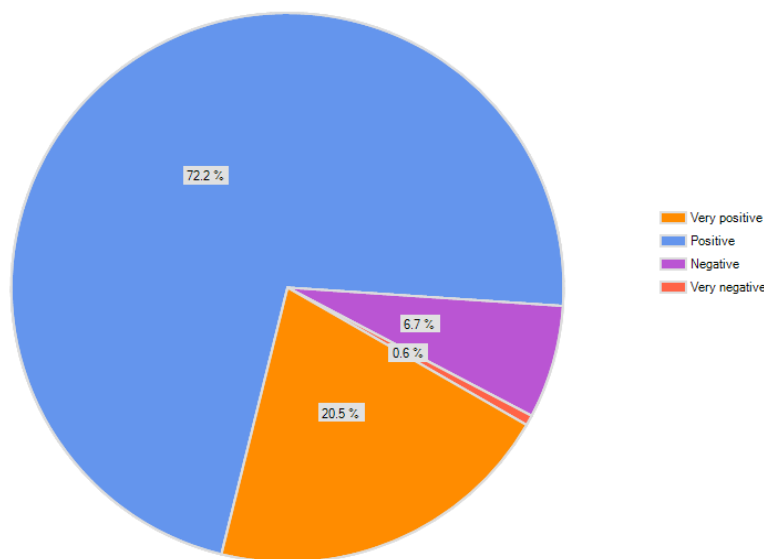
VIII. PRO BONO SATISFACTION AND IMPROVEMENT

VIII.1 Pro Bono Experience

84 percent of attorneys providing pro bono service rated their pro bono service and 92.7 percent of responses indicated the pro bono experience positive or very positive. The vast majority of attorneys provided comment for negative or very negative experience indicate clients unwilling to compromise, take advantage of attorneys' time or fail to recognize the value of the service provided.

Chart C.5

How would you rate your overall experience in providing pro bono services?



VIII.2 Improving Pro Bono

Attorneys were asked what we could do to improve ability to do pro bono work. Approximately 10 percent of attorneys reporting responded to this question. Those responses not offering a viable opportunity for us to improve ability to do pro bono work (winning the lottery or more hours in a day) were not included in a text analysis to arrive at the most common responses by category:

- More thorough screening of referrals
- More information about case and history

- Ability to choose pro bono cases from a general solicitation
- Mentoring by experienced attorney
- Conflict-free opportunity
- For courts to recognize low-income legal issues and acknowledge pro bono work
- More program structure and support
- Referrals in practice areas only
- More emphasis on pro bono in law school
- More education about challenges of low-income/poor and techniques to address in practice
- More discussion about lawyers role in delivery of justice extending to the poor
- Expanding formal programs in more areas of the law, not just family
- A tax deduction or CLE credits for pro bono service
- Having a judge ask attorney to assist
- A way to reduce overhead in small practice
- More limited representation opportunities (review of paperwork, advice only consultations)