

TrustLaw Index of Pro Bono - Regional Analysis

Australia

Australia continues to be a leading pro bono market, supported by strong coordination and formal pro bono schemes facilitated by pro bono intermediaries, professional associations, courts, and clearing houses across the country; in July 2015, Clayton Utz celebrated being the first Australian firm to perform 500,000 hours of pro bono legal work.¹ Pro bono organisation Justice Connect has also demonstrated a strong focus on innovation through online and technology solutions, working to increase access to justice around the country. In March 2016, the award-winning Not-For-Profit Law Information Hub was launched nationally, providing online legal guidance on various topics for charities. Furthermore, in June 2016, Justice Connect, in partnership with the University of Melbourne Law School and legal software provider Neota Logic, launched the first national legal web application providing automated legal assistance, guiding not-for-profits, charities and community groups through key structuring decisions.²

The National Pro Bono Aspirational Target, launched by the Australian Pro Bono Centre in 2007, is a voluntary and aspirational target of at least 35 hours of pro bono legal services per lawyer per year. Both law firms and barristers' chambers as well as individual solicitors and barristers can participate. According to the Eighth Annual Performance Report on the National Pro Bono Aspirational Target (2015), which covered approximately 11,235 FTE lawyers in Australia, the average number of pro bono hours per lawyer across all reporting signatories dropped slightly from 34.2 hours per lawyer in 2013/2014 to 33.2 hours per lawyer in 2014/2015. Nineteen of Australia's 20 largest law firms had signed up to the Target at the time of the report.³ The difference between the findings of the Target and the Index can be ascribed to the differing make-up of respondent firms.

The Australian government's Commonwealth Legal Services Multi-Use List (LSMUL) is a panel of pre-approved legal service providers eligible to provide legal services to Commonwealth government agencies. Agencies are required to consider the pro bono contribution of applicant law firms when awarding tenders.

¹ <http://probonoaustralia.com.au/news/2015/07/aussie-law-firm-reaches-pro-bono-milestone/>

² <https://www.justiceconnect.org.au/%E2%80%98game-changer%E2%80%99-legal-help-for-community-organisations>

³ http://probonocentre.org.au/wp-content/uploads/2015/02/Eighth_Annual_Performance_Report_on_the_Aspirational_Target_2015.pdf

Law firms with 50 or more lawyers wishing to participate in the LSMUL scheme are required to become signatories to the National Pro Bono Aspirational Target. In April 2016, in response to the Productivity Commission's 2014 Inquiry Report on Access to Justice Arrangements, the Attorney-General signalled that stronger evaluation of pro bono services may be considered. The Australian Pro Bono Centre interprets this as a potential move towards 'strengthening evaluation mechanisms for pro bono work reported under the LSMUL arrangements.'⁴

In May 2016, Ashurst assisted the Australian Pro Bono Centre to launch the 'What is best practice in pro bono?' guide, aiming to articulate what is best practice and to share this knowledge nationally and internationally.⁵ The 10 key elements of the Best Practice Guide are: (1) a strong social justice and pro bono culture supported by management; (2) a dedicated pro bono leader; (3) broad awareness of the pro bono program within the firm; (4) broad engagement of staff and appropriate training; (5) a pro bono policy and strategic plan; (6) performance of pro bono legal work to the same standard as commercial work; (7) adequate crediting and recognition of pro bono legal work within the firm; (8) setting a firm-wide pro bono target and budget; (9) strong and deep relationships with community partners; and (10) a strategic risk management plan including accurate record keeping and a regular evaluation process.

Pro bono data submitted for the 2016 Index reflects the Australian legal community's strong commitment to pro bono work illustrated above. Across all indicators, firms in Australia reported higher numbers than in previous years of the Index. Eleven law firms submitted data on their Australian offices' pro bono practices this year, a higher level of Index participation among law offices in Australia than has been seen in previous years.

Fee earners in Australia did an average of 40.8 hours of pro bono work each over the past year, more than 10 percentage points higher than the 28.9 hours reported for the 2015 Index. The percentage of fee earners doing 10 or more hours of pro bono also grew dramatically last year, from 36.2 percent of fee earners reported in the 2015 Index to 51.0 percent reported this year.

The average number of pro bono hours done by partners based in Australia increased dramatically over the past year, from 12.8 hours reported in 2015 to 16.2 hours this year. In addition, the percentage of partners who contributed any time to providing pro bono legal services increased by more than twenty percentage points, from 49.4 percent to 70.2 percent.

⁴ <http://probonocentre.org.au/apbn/may-2016/commonwealth-considering-stronger-measures-evaluate-pro-bono-services/>

⁵ http://probonocentre.org.au/wp-content/uploads/2016/05/APBC_What-is-best-practice-FULL-FINAL.pdf

AUSTRALIA

FIRM NAME	COUNTRY	AVERAGE HOURS PER FEE EARNER	FEE EARNERS WITH 10+ HOURS OF PRO BONO (%)
Ashurst	Australia	49.79	55.85
Atsumi & Sakai	Australia	0.00	0.00
Chamberlains Law Firm	Australia	69.00	100.00
Colin Biggers & Paisley	Australia	34.16	45.83
DLA Piper	Australia	48.55	47.14
Henry Davis York	Australia	27.02	44.78
Hogan Lovells	Australia	0.00	0.00
Holding Redlich	Australia	25.27	47.40
K & L Gates LLP	Australia	38.33	60.63
Seyfarth Shaw LLP	Australia	4.90	15.38
Skadden, Arps, Slate, Meagher and Flom LLP	Australia	0.00	0.00