



Analysis – Infrastructure

Law firms globally organise their pro bono practices in many ways, driven by their different needs and resources, structure, focus and geographic spread.

The TrustLaw Index asks questions about the pro bono infrastructure within firms to help understand the different elements needed to build a successful pro bono practice as well as the potential impact of those factors. The 2015 Index has included additional factors into its analysis that were not part of the survey last year to help understand what shapes pro bono practices in firms.

Last year the Index looked closely at how the presence of a pro bono coordinator and a pro bono committee impacted levels of pro bono engagement. For the purposes of the Index, a **pro bono coordinator** means a point person or team within a firm that has oversight of the administration, coordination or assigning of pro bono matters, and a **pro bono committee** is a body whose role is to evaluate potential pro bono matters and / or take a lead on policy and strategy issues. It is acknowledged that no two firms treat the role of pro bono coordinator or the function of a pro bono committee in the same way. The 2014 Index analysed the impact of having a coordinator and/or committee on pro bono hours and participation.

Following feedback to last year's findings, a broader approach has been taken to look more closely at the infrastructure within firms to try to understand the impact of the various elements. This year the Index also tracks the presence and impact of any formal **pro bono policies** designed to guide or set minimum standards for pro bono practices, as well as the impact of a pro bono coordinator and/or committee.

Overview: Pro Bono Infrastructure

It is clear that no two firms have the same structure in place when it comes to a pro bono practice and the use of pro bono coordinators, committees or policies. Eight out of 10 firms, or 81 percent, have at least one of these three elements. Nearly all international firms, or 96.4 percent, have one of these elements while only 72.6 percent of firms with offices in just one jurisdiction, do so. This is closely aligned to the findings from last year.

Lawyers at firms with infrastructure in place perform more hours of pro bono on average, with fee-earners notching up 32.3 hours on average over the past year compared to 27.4 hours at firms without such a structure. This is also broadly in line with last year's figures of 33.9 hours per fee-earner at firms with infrastructure and 22.6 hours at other firms.

The same does not quite hold true for the percentage of lawyers that perform 10 or more hours of pro bono. At firms without any infrastructure 41.7 percent of lawyers undertook 10 or more hours over the year which was exactly the same as the percentage at firms with infrastructure.

One surprise finding came from analysing the amount of pro bono hours performed by lawyers in domestic firms with and without infrastructure. When such a firm had infrastructure in place, lawyers performed an average of 19.8 hours of pro bono over the year while this rose to 30.5 hours for lawyers at firms without infrastructure. One reason could be that most of the domestic firms without infrastructure only have a small number of fee-earners so it could be easier for a higher proportion of lawyers at these firms to meet this standard, particularly when individual lawyers there are passionate about pro bono. A number of the firms that responded to the Index with five or fewer fee-earners achieved 100 percent adherence here which has had a significant impact on the overall averages.

On average lawyers at international firms with pro bono infrastructure in place performed 43.0 hours of pro bono over the year. The small number of respondents at international firms without any infrastructure in place means there is not sufficient evidence to warrant reporting it.

The findings relating to the average number of hours of pro bono performed, in line with last year's findings, suggest the presence of this infrastructure has a positive impact on the amount of pro bono undertaken. It is arguable that this is because creating such a model demonstrates that a firm is prepared to devote resources to pro bono and therefore reflects enthusiasm within the firm to support a pro bono practice. These elements can help ensure that resources are channelled appropriately which in turn has a knock-on impact on a firm's ability to devote more of limited resources to pro bono.

Pro Bono Programme

The Index also asked respondents whether they have a formal **pro bono programme** in place, as opposed to taking on pro bono matters on a more ad hoc basis. This formal programme might take many forms, but once a formal programme is instituted, it marks a serious commitment to pro bono and typically a public declaration by the firms of this commitment.

Of the respondent, 69.8 percent said they do have a formal pro bono programme. This figure dropped to 53.4 percent for domestic firms while among international firms the figure was much higher at 87.9 percent. This implies that many firms have some pro bono infrastructure in place without having a formal pro bono programme, which it is assumed means there is a high degree of flexibility in determining the matters that the firm works on.

Pro Bono Policy

One result of a formal programme might be a written pro bono policy, setting out the firm's approach to pro bono. The Index found that 63.8 percent of firms have some form of written pro bono policy. This was not asked in the 2014 survey. This is again more prominent within international firms than domestic firms, with 84.6 percent of international firms having such a policy compared to 45.2 percent of domestic firms. At 57.6 percent of respondent firms, the pro bono policy forms part of a wider corporate social responsibility policy.

The Index asked firms that have a pro bono policy what their policy covers. The responses were as follows:

- declaration of a firm's attitude and intent: 85.1 percent
- eligibility criteria for pro bono clients: 68.9 percent
- constitution and role of pro bono committee: 47.3 percent
- role of pro bono coordinator: 39.2 percent
- other: 27 percent

At firms that have a pro bono policy, lawyers on average performed 36.7 hours of pro bono over the last 12 months compared to 21.2 hours at firms without such a policy. The average proportion of lawyers that undertook 10 or more hours of pro bono over the last year was 45.6 percent at firms with a policy compared to 34.8 percent at other firms.

Although this was not a factor tracked last year so it is impossible to determine any trend, the findings suggest the presence of a policy has a strong impact on the levels of pro bono engagement.

The majority of respondent firms, or 64.0 percent, have a formal process to determine if a client is eligible for pro bono legal assistance. For most firms, this process typically involves sign-off by the pro bono committee and, in many cases, a means test.

Pro Bono Coordinator

Lawyers at firms with a pro bono coordinator perform more pro bono on average than those at firms that do not. The findings this year mirror those last year and the trend suggests this is a key factor in the success of pro bono practices. The 2015 findings show lawyers at firms with a pro bono coordinator on average performed 33.0 hours of pro bono each over the last 12 months, compared to 28.3 hours for those at firms without a coordinator. The variation was a little less pronounced when looking at the percentage of lawyers that performed 10 or more hours of pro bono, with 42.6 percent at firms with coordinators and 38.8 percent at firms without.

The gap is far narrower than last year where lawyers at firms with a coordinator on average performed 44.8 hours of pro bono compared to 20.3 hours at those without.

Across the board, the findings this year show a less pronounced difference between those with and without specific elements of infrastructure compared to last year. This is certainly the case when looking at the presence of a pro bono coordinator. It is unclear whether this trend is as a result of changes within firms or changes to the make-up of the pool of respondents. In the future it is possible the Index will be able to identify a stronger trend here.

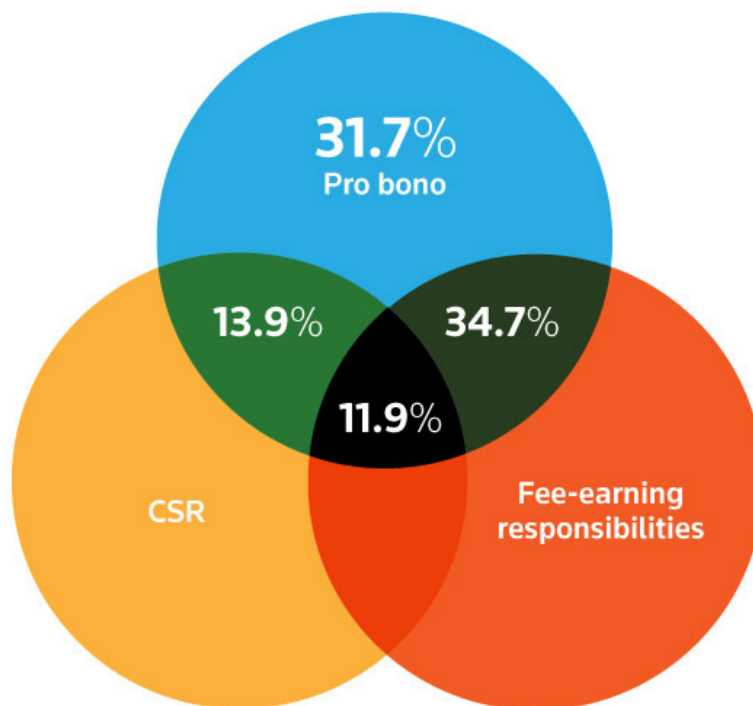
The percentage of firms with a coordinator dropped slightly compared to last year, down to 75.4 percent from 78 percent, which indicates that more firms with less well-resourced pro bono practices responded to the 2015 Index.

Among domestic firms, 62.5 percent have a pro bono coordinator compared to 89.4 percent of international firms and networks.

Most firms, or 82.7 percent, confirmed that they have a partner at their firm with responsibility for or oversight of pro bono activities. Of these firms, 62.2 percent also have a separate pro bono coordinator to help administer pro bono matters. It shows a commitment to pro bono that such a high percentage of respondents have a senior figure overseeing their activities.

ROLES AND RESPONSIBILITIES OF PRO BONO COORDINATOR

Respondents to the Index provided the following information about what the role of the pro bono coordinator entails at their firms:



● 7.9% is other

Pro Bono Committee

Less than half of respondent firms, or 47.1 percent, have pro bono committees. The majority of international firms, or 72.7 percent, have pro bono committees but for domestic firms, this percentage falls to 24.3 percent. The international firms that responded to the Index are typically larger than the firms that only have offices in one country and this larger size may mean that coordinating a consistent and coherent pro bono practice is more difficult and so a formal committee becomes more important to maintain standards.

What are the responsibilities of the pro bono committee?

- strategy and policy: 78.0 percent
- approval of pro bono clients: 72.9 percent
- approval of pro bono matters: 66.1 percent
- administration of pro bono programme: 54.2 percent
- other: 15.2 percent

The composition, responsibilities and frequency of meetings for pro bono committees vary significantly. The first two naturally have an impact on the latter. Some of the committees are global and/or attended by the most senior level management and this means that meetings are less frequent. Committees meet as often as weekly and as infrequently as yearly. Most seem to meet on a monthly basis with more frequent email and telephone communication as needed.

For those respondents that do have pro bono committees, almost two thirds of the committees, or 61.5 percent, are comprised of a mix of partners and non-partner staff. A further third, or 32.1 percent, comprise mainly or solely of partners, with the remaining 6.2 percent being mainly non-partners. Again this high level representation on the committees demonstrates the importance that many firms place on pro bono and the resources these firms are prepared to devote to help shape and guide pro bono practices.

At firms with a pro bono committee, lawyers on average performed 38.9 pro bono hours over the last 12 months compared to 23.3 hours at firms without. These findings are in line with last year where the averages were 34.8 hours and 28.9 hours respectively. These findings indicate the presence of a pro bono committee has a high impact on the amount of pro bono done by lawyers.

The proportion of lawyers performing 10 or more hours of pro bono at firms with committees was 46.5 percent compared to 39.4 percent at other firms.