

# D. PRO BONO CLIENTS AND FOCUS AREA

## WHY DO PRO BONO?

PERCENTAGE OF RESPONDENT FIRMS WHO INDICATED THEY OFFER PRO BONO SERVICES FOR THE FOLLOWING REASONS:



As seen in the previous Index analyses and through the in-depth insights afforded by the blogs from lawyers across the world which accompany the publication of this report [\[insert hyperlink to blogs\]](#), the practice of pro bono varies greatly around the world. A law firm in Australia may have a different motive for providing pro bono support than one in Zimbabwe. Similarly, there are numerous types of potential pro bono clients available to firms that provide the service. These beneficiaries come from different sectors, and the Index continues to map the various approaches taken by law firms in order to identify trends and analyse the link between the size of the respondent firm and the type and focus of work for the pro bono client.

To understand why certain firms work with certain clients, the Index analysed what motivates respondent firms to do pro bono and draws out related trends.

## WHY PERFORM PRO BONO?

In order for law firms to have successful pro bono practices, not only do lawyers need to be willing to work on pro bono matters, but the firms themselves need to be willing to devote resources to build and maintain a pro bono practice and embed a culture of pro bono in their own organisation.

We view pro bono as a powerful force for good within society in ensuring greater media freedom, defending human rights, and building more inclusive economies. We believe that by lawyers lending valuable expertise to strengthening organisations, they contribute to building stronger and healthier communities.

Across all firms, **by far the most common reason to perform pro bono was a desire to support the community**, selected by 96 percent of respondents. Training and skill development for lawyers was the next most popular reason at 54 percent. An alignment with the interests of the client, staff retention and marketing were also commonly selected by respondents.

Although the trends for Large, Medium-sized and Small Firms largely conform to the overall findings for the data set, we did observe certain differences between these groups.

Among Small Firms, training and skill development was identified by 37 percent as a motivating factor, second to a desire to support the community. A new trend we have observed in the 2020 Index is that Small Firms are now more inclined to take into account some of the more commercial drivers for pro bono, such as alignment with the interests of clients (16 percent) and marketing (13 percent), as well as focusing on the benefits to the community. Compared to Large and Medium-sized Firms, which value pro bono to ensure staff retention (67 percent and 21 percent respectively), only 3 percent of Small Firms selected this as a factor, implying that for Small Firms, the retention of staff is not a meaningful motivator for doing pro bono.

For Medium-sized Firms, training and skill development (47 percent) was considered an important factor, and even more so in Large Firms (79 percent), where this factor was second only to a desire to support the community. Being aligned with the interests of clients was also far more frequently selected by Large Firms (59 percent) than by Medium-sized Firms (21 percent) and Small Firms (16 percent). It was evident that Large Firms were more willing to embrace the more commercial benefits of pro bono. This trend appears to be on the rise – in 2016, only

40 percent of firms were driven by the motivation to align with the interests of the client, as compared to almost 60 percent in the reporting period for this Index.

For Large Firms, every single respondent indicated a desire to support the community as a factor in driving the firm towards pro bono. We also observed that, as expected, marketing was an influential factor for pro bono practices in Large Firms (41 percent) as compared to Medium-sized and Small Firms (11 percent and 14 percent respectively). This trend may result from the fact Large Firms often possess the financial and workforce resources to market their brands and pro bono better, as compared to Small and Medium-sized Firms.

## PRO BONO FOCUS

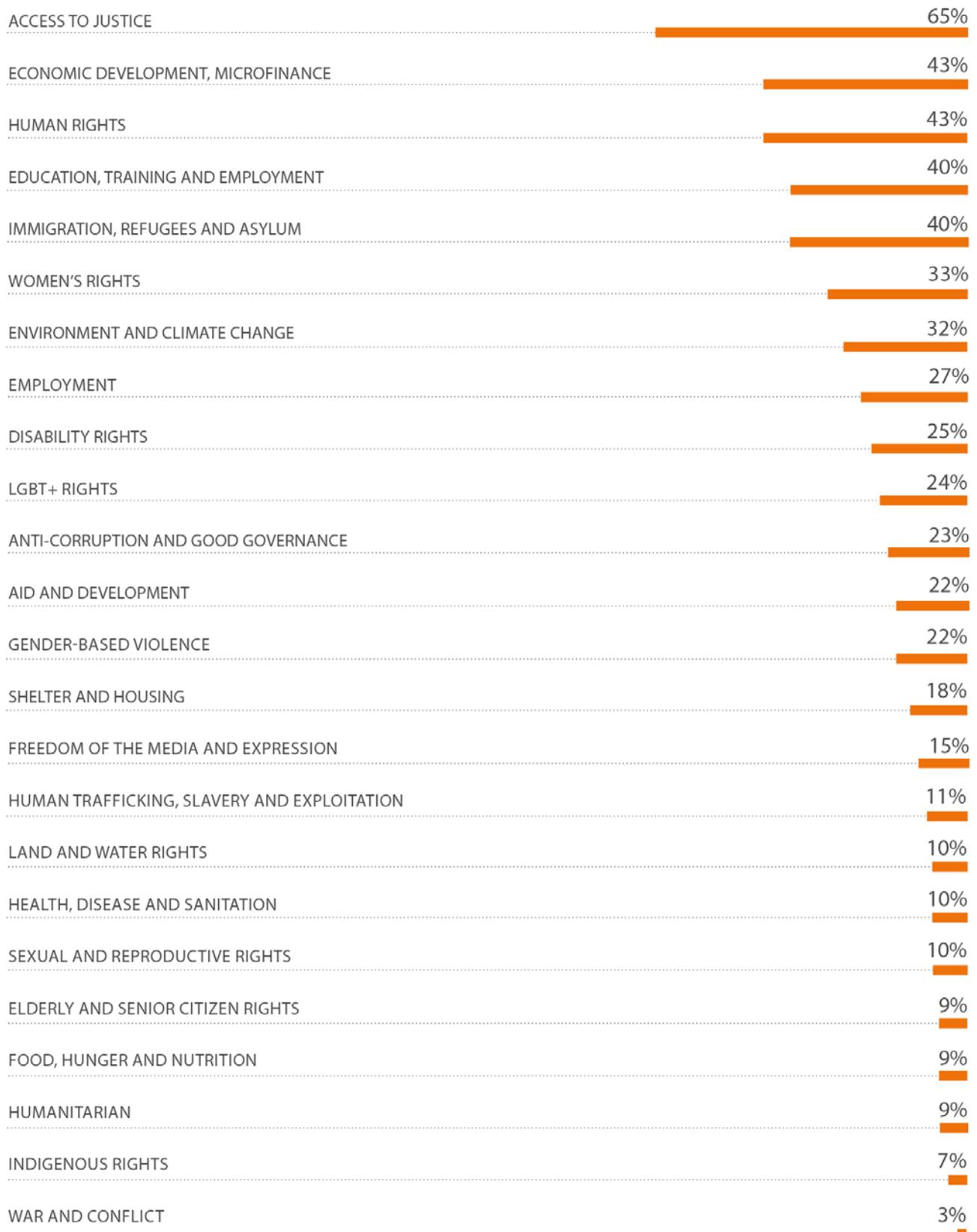
In line with findings from the Index in 2014, 2015 and 2016, **the most selected pro bono focus area for firms overall continues to be access to justice**, with 65 percent of respondent firms indicating they supported organisations and initiatives in this sector. Economic development, microfinance and social finance (43 percent), human rights (43 percent), education, training and employment (40 percent) and immigration, refugees and asylum (40 percent) were the next most supported focus areas.

Firms were invited to select one or more focus areas in which they work as part of the Index. An interesting trend we noted was that only one focus area increased in frequency since our last Index in 2016: **Environment and Climate Change was selected as a focus area by 32 percent of firms**, a significant increase from the 2016 Index (20 percent) and probably due to an increased interest across the globe in addressing environmental issues and climate change, and in supporting efforts towards cleaner energy and more sustainable development.

Analysing links between the size of firms and the pro bono focus areas they support adds colour to these findings. Access to justice continued to be the most popular focus area among Small, Medium-sized and

## PRO BONO FOCUS AREAS

PERCENTAGE OF RESPONDENT FIRMS WHO INDICATED THEY OFFER PRO BONO SERVICES IN SUPPORT OF THE FOLLOWING SECTORS:



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### TOP THREE PRO BONO FOCUS AREAS FOR SMALL FIRMS

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### TOP THREE PRO BONO FOCUS AREAS FOR MEDIUM-SIZED FIRMS

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### TOP THREE PRO BONO FOCUS AREAS FOR LARGE FIRMS

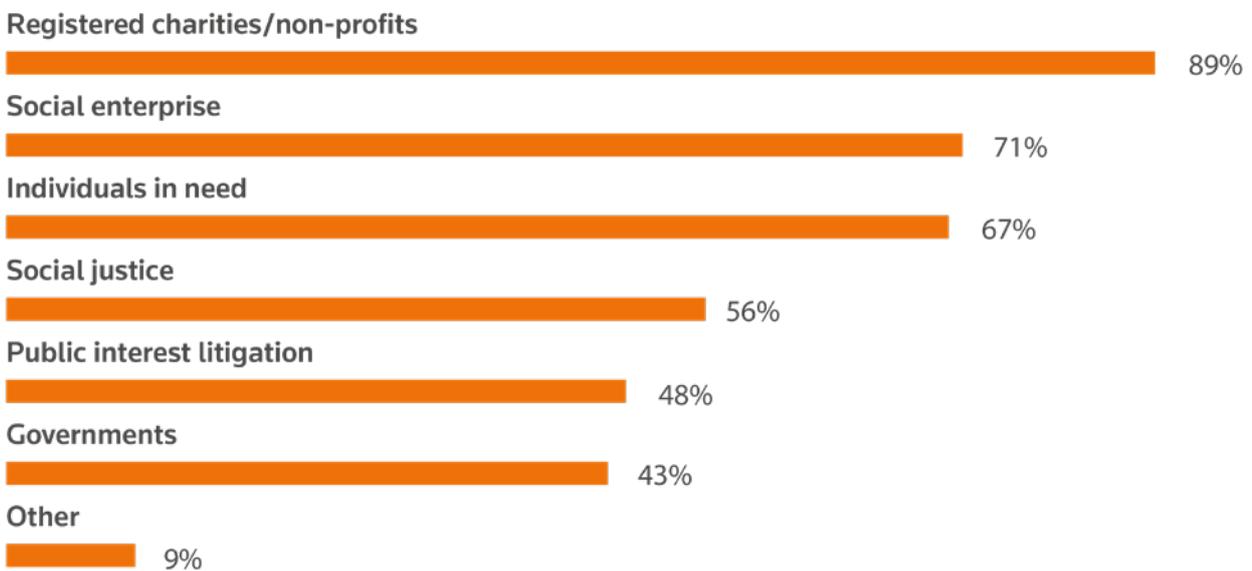
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## PRO BONO CLIENTS

PERCENTAGE OF RESPONDENT FIRMS WHO INDICATED THEY PRIMARILY OFFER PRO BONO SERVICES TO THE FOLLOWING CLIENTS:



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## PERCENTAGE OF FIRMS WITH FORMAL PRO BONO ELIGIBILITY CRITERIA



Large Firms (selected by 53 percent, 55 percent and 86 percent respectively).

Small Firms additionally focused on economic development, microfinance and social finance (46 percent), followed by education, training and employment (39 percent), environment and climate change (33 percent) and employment (30 percent). Approximately one third of Small and Large Firms (33 percent and 34 percent respectively) indicated environment and climate change as areas of intervention, suggesting that these issues are of interest for Small and Large firms.

Among Medium-sized Firms, there was a greater focus on education, training and employment (53 percent), which was selected almost as frequently as access to justice. Women's rights was a similarly popular focus area (45 percent), followed by disability rights and human rights (tied at 42 percent) and aid and development (39 percent). An interesting finding was that Medium-sized Firms also conducted more pro bono work focusing on women's rights as compared to Small and Large Firms (24 percent and 38 percent respectively).

Large Firms increased their focus on immigration, refugees and asylum projects, with 75 percent of Large Firm respondents indicating they were working on this topic as compared to the 2016 Index which was at 58.6 percent. This made it the second most popular focus area

for Large Firms behind access to justice (selected by 86 percent), and ahead of human rights (66 percent). It is possible that a growing refugee crisis in Europe as well as increased migration complexities in the United States drove Large Firms to channel resources to take on the high demand for pro bono support in this sector. Large Firms also dedicated pro bono resources at a significantly greater level to LGBT+ rights (52 percent) compared to Medium-sized and Small Firms (11 percent and 7 percent respectively).

## PRO BONO CLIENTS

The most common types of pro bono clients supported by respondent firms were registered charities or NGOs, with 89 percent of respondent firms indicating they work with them. A total of 71 percent indicated they work with social enterprise clients, and 67 percent worked with individuals in need.

A total of 63 percent of respondent firms indicated that they have formal eligibility criteria in place for pro bono clients, a decrease from previous years (at 70 percent in both 2015 and 2016). A majority of Small Firms reported not having a formal eligibility process (60 percent), as compared to only 21 percent and 8 percent of Medium-sized and Large Firms respectively.