

E. PRO BONO INFRASTRUCTURE

TrustLaw has been a champion of pro bono for over a decade, working with law firms across the globe to identify how to improve their practices in the sector. In 2019, we released the [Championing Pro Bono: A Guide to Assessing and Strengthening Your Pro Bono Work](#), which brings together our findings on this topic and can help legal teams globally with their pro bono work.

DEFINING PRO BONO INFRASTRUCTURE

The Index defines **pro bono infrastructure** as including:

- ✓ A **pro bono coordinator** means a point person or team within a firm that has oversight of administration, coordination and/or assignment of pro bono matters.
- ✓ A **pro bono committee** is a body whose role is to evaluate potential pro bono matters and/or take a lead on pro bono policy and strategy issues.
- ✓ **Pro bono policies** are internal policies designed to guide or set minimum standards for pro bono practices.

No two firms treat the role of pro bono coordinator or committee, or the function of the pro bono policy, in exactly the same way. However, these elements are used as the basis of the way that firms facilitate pro bono.

FINDINGS

The findings support our 2016 Index findings that **doing something to facilitate pro bono was more important than trying to do everything**, and that judicious use of limited resources was paramount in trying to encourage a flourishing pro bono practice.

A significant portion of the respondent firms had at least one element of pro bono infrastructure in place, with 87 percent of respondents stating that they had one or more of a pro bono coordinator, committee or policy in place. Among Large Firms, nearly every single respondent in this category (99 percent) stated that it had an element of infrastructure, suggesting that pro bono infrastructure is essential for Large Firms involved in pro bono. For Medium-sized and Small Firms this figure was 95 percent and 74 percent respectively.

Only 11 percent of the respondent firms had all three elements of pro bono infrastructure in place. For Small Firms, this figure dropped to 5 percent, compared to 15 percent for Medium-sized Firms and 16 percent for Large Firms. **These figures indicate that a majority of firms do not rely on all three elements of pro bono infrastructure to support their practices in this sector.** For example, law firms may have either a pro bono coordinator or pro bono committee, as they can play a similar role in coordinating and approving pro bono projects.

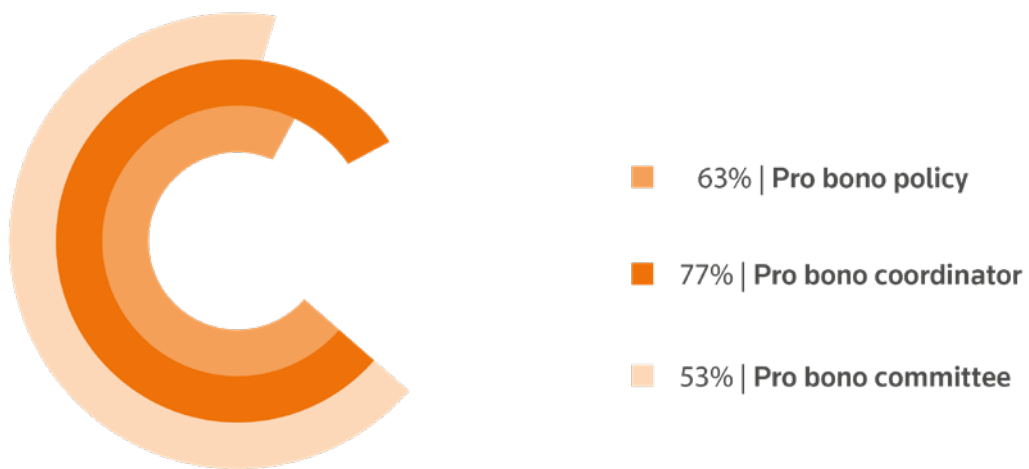
Across all firms, the reported average pro bono hours and the average proportion of lawyers performing 10 or more hours of pro bono were higher when the respondent firm had at least one of a pro bono coordinator, a pro bono committee or a pro bono policy in place.

For respondent firms with an element of pro bono infrastructure in place, fee earners performed an average of 42 hours of pro bono, compared with an average of 22 hours for respondent firms without any elements of pro bono infrastructure. The average percentage of lawyers performing 10 or more hours of pro bono was 71 percent when there was an element of infrastructure in place, compared to 42 percent for respondent firms without any elements of pro bono infrastructure.

At Small Firms, respondents with an element of pro bono infrastructure performed an average of 64 hours of pro bono and 52 percent of their lawyers performed 10 or more hours of pro bono, compared with an average of 23 hours of pro bono and 37 percent of lawyers for respondent firms without any elements of pro bono infrastructure. At Large Firms, respondents reported an average of 16 hours where

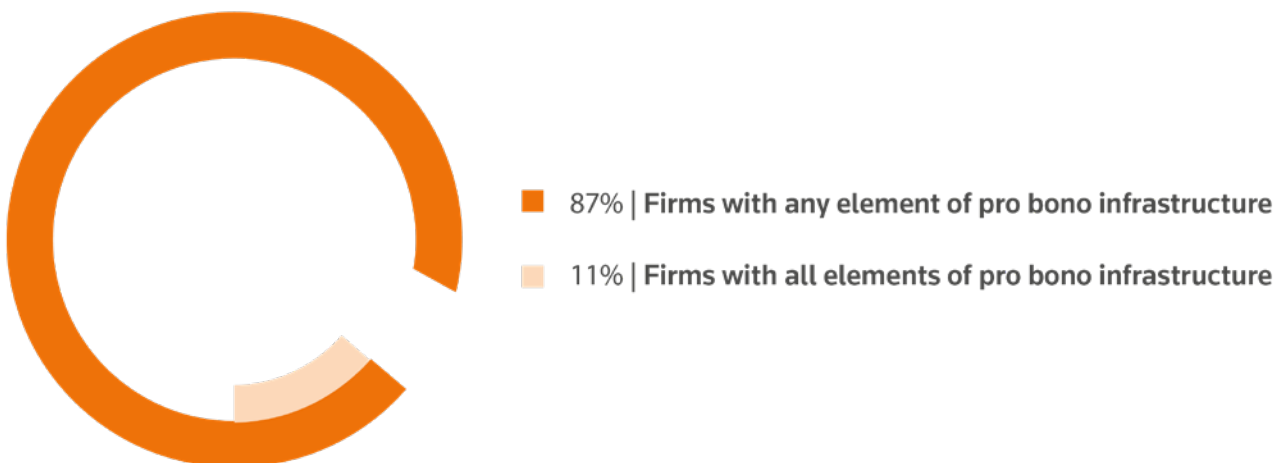
PRO BONO INFRASTRUCTURE

PERCENTAGE OF RESPONDENT FIRMS WHO INDICATED THEY HAVE THE FOLLOWING ELEMENTS OF PRO BONO INFRASTRUCTURE IN PLACE:



PRO BONO INFRASTRUCTURE

PERCENTAGE OF FIRMS WITH ALL THREE OR ANY OF PRO BONO INFRASTRUCTURE



there were no elements of pro bono infrastructure and 36 hours when an element of infrastructure was in place. At Medium-sized Firms, respondents performed an average of 16 hours of pro bono when pro bono infrastructure was absent as compared to 20 average hours being performed by firms with some pro bono infrastructure.

Similar to our findings in 2016, it seems to be more common to have at least one element of pro bono infrastructure present than it is to have all three elements. Across the entire data set, 11 percent of firms had all elements of pro bono infrastructure in place compared to 87 percent with at least one element in place. Interestingly, the average number of pro bono hours performed by lawyers at firms with all elements of pro bono infrastructure was 32 hours compared to 42 hours at firms with just one element in place. However, respondent firms with all elements of pro bono infrastructure in place reported that the average proportion of lawyers performing 10 or more hours was 76 percent, compared to 71 percent at those with only one element.

PRO BONO POLICY

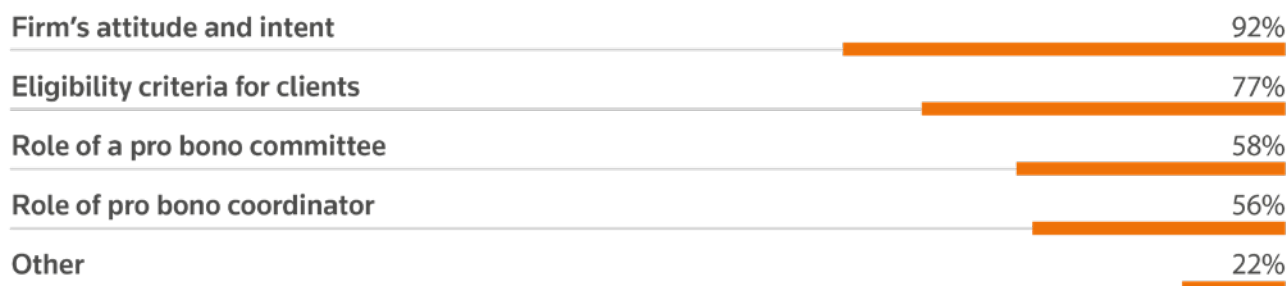
Respondent firms with a pro bono policy reported a higher number of average pro bono hours performed by lawyers. Lawyers at firms with a pro bono policy performed an average of 48.7 hours of pro bono over the self-selected 12-month reporting period compared to 21.6 hours at firms that did not.

The Index found 63 percent of respondent firms had a formal pro bono policy in place. Among Small Firms, only 36 percent had a policy, an indication that for this category of firms, almost two-thirds do not utilize such policies. For Large Firms, 92 percent had a pro bono policy, perhaps as a means of articulating a unified approach to pro bono where the firm is larger, may operate across a number of countries and requires a uniform approach to regulating pro bono activity.

A key finding in this Index of Pro Bono is that Medium-sized Firms are adopting formal pro bono policies, with

PRO BONO POLICY

PERCENTAGE OF RESPONDENT FIRMS WHO INDICATED THAT THEIR PRO BONO POLICY COVERS THE FOLLOWING TOPICS:



82 percent indicating having these in place compared to the 2016 Index where 55.6 percent of firms in this category had such a policy. Medium-sized Firms with policies performed 21.9 hours of pro bono on average compared to 9.2 hours by firms without policies.

Of the 63 percent of respondent firms that indicated the presence of a pro bono policy, 92 percent stated that it articulated the attitude and intent of the firm.

The Index also found that 77 percent of these firms indicated that the policy set out the eligibility requirements for pro bono clients, though this seemed to be more prevalent in Large and Medium-sized Firms (86 percent and 75 percent respectively) than in Small Firms (61 percent). Similarly, the pro bono policies of Large and Medium-sized Firms were more likely to define the roles of the pro bono committees and coordinators (at 65 percent and 63 percent respectively) than Small Firms, where only 36 percent included these elements. This may be because Small Firms could be less likely to have pro bono committees or coordinators to begin with.

PRO BONO COORDINATOR

The Index found **77 percent of respondent firms said they had a pro bono coordinator**. Medium-sized and Large Firms reported a designated pro bono coordinator at 92 percent, compared to Small Firms at 62 percent. Lawyers at firms with a coordinator performed 29.6 hours of pro bono on average compared to 79.6 hours at those without. This trend is mostly credited to Small Firms that do not have a dedicated a pro bono coordinator but perform a high number of pro bono hours.

Across all respondent firms, only 10 percent with a pro bono coordinator said this person had a non-fee earning role within the firm as well as working on pro bono and corporate social responsibility (CSR) matters. The majority, therefore, focus on a combination of pro bono, broader CSR initiatives and fee earning matters.

The Index found that pro bono coordinators at Small and Medium-sized Firms retained more fee earning

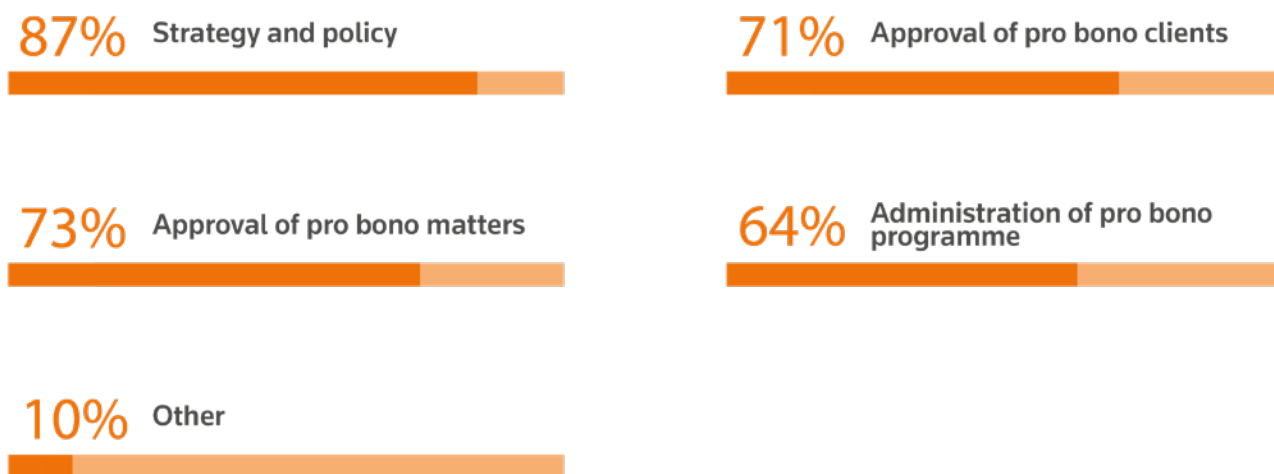
ROLE AND RESPONSIBILITY OF PRO BONO COORDINATOR

PERCENTAGE OF RESPONDENT FIRMS WHO INDICATED THAT THEIR PRO BONO COORDINATOR HAS THE FOLLOWING RESPONSIBILITIES:

15%	10%	22%	21%	7%
Pro bono, CSR and fee-earning	Pro bono and broader CSR	Pro bono matters or administration	Pro bono and fee-earning	Pro bono, CSR and non fee-earning

ROLE OF PRO BONO COMMITTEE

PERCENTAGE OF RESPONDENT FIRMS WHO INDICATED THAT THEIR PRO BONO COMMITTEE HAS THE FOLLOWING RESPONSIBILITIES:



responsibilities (21 percent and 55.5 percent respectively) than at Large Firms (8.5 percent). This is likely a result of greater resources in Large Firms permitting coordinators to focus predominantly on pro bono operations, as compared to Small and Medium-sized Firms where resources may be more limited. Pro bono matters and administration saw a large variance between the respondent firms, with coordinators at Large Firms dedicating 47 percent of their time to this, while those at Medium-sized Firms spent 10 percent and Small Firms only 4 percent of their time on such matters.

The majority of firms, 79 percent, also had a partner responsible for pro bono, although in some cases, particularly with Small and Medium-sized Firms, this is the same person as the pro bono coordinator. The presence of a pro bono partner may have a link to pro bono engagement levels within firms. Lawyers at firms with a pro bono partner performed 38.3 hours of pro bono

on average compared to 18.5 hours at firms without. The Index found 36 percent of lawyers at firms with a pro bono partner perform 10 or more hours of pro bono compared to 28 percent at firms without.

PRO BONO COMMITTEE

At 82 percent, more Large Firms have pro bono committees in place than at Medium-sized and Small Firms (69 percent and 26 percent respectively), likely because greater human resources permit the formal involvement of more individuals in a firm's pro bono infrastructure. Over half of respondent firms, 53 percent, had a pro bono committee in place and lawyers at these firms performed an average of 50.3 hours of pro bono, compared with 26.5 at firms without pro bono committees. This represents a departure from the findings of our 2016

Index, in which there was little distinction between the hours reported by respondent firms with and without pro bono committees.

Lawyers at Small Firms performed more hours of pro bono on average when they had a pro bono committee, carrying out 155.6 hours, compared to 26.5 hours when they did not. Lawyers at Large Firms performed 38.1 hours on average when they had a pro bono committee compared to 25.3 hours when they did not. However, lawyers at Medium-sized Firms with pro bono committees performed fewer average hours (16.1) than those that did not (27.7).

The same trend did not hold true among Medium-sized Firms when looking at the average proportion of lawyers performing 10 or more hours of pro bono, where 88 percent of lawyers at respondent firms with pro bono committees performed 10 or more hours of pro bono, compared to 85 percent at respondent firms without committees. Across all respondent firms, on average 74 percent of lawyers at firms with pro bono committees performed 10 or more hours of pro bono compared to 60 percent of lawyers at firms that did not have committees.

Strategy and policy were the predominant responsibility of the pro bono committees at 87 percent of the respondent firms. The most common responsibility for pro bono committees in Small Firms was identified as approving pro bono matters (77 percent), with strategy and policy as the leading responsibility at Medium-sized and

Large Firms (96 percent and 92 percent respectively). Pro bono committees in Medium-sized firms also took greater responsibility for the administration of the pro bono programme (85 percent) as compared to Small and Large Firms (62 percent and 56 percent respectively). This could be because some Medium-sized Firms may be less likely to have the administrative resources to dedicate to pro bono available to Large Firms. At Small Firms, it may be a result of lawyers within the firms conducting the administrative work on pro bono themselves due to the lower prevalence of pro bono coordinators.

Pro bono committees may be credited with ensuring that a culture of pro bono is embedded within the firm, as more people are involved with pro bono initiatives. Large Firms may benefit from them because a culture of pro bono at an institutional level can then 'trickle down' to the firm at large. At Small Firms, involvement in a pro bono committee may result in lawyers being part of an entity overseeing pro bono for the firm, and thus increasing the impact of pro bono on the firm as a whole.

Overall, our data indicates an association between pro bono infrastructure and increased pro bono in law firms. It is not clear from our data whether having a pro bono policy, coordinator or committee drives the growth of pro bono or vice versa, though we expect it may be a combined effect—that infrastructure helps law firms and lawyers to undertake more pro bono, while a growing pro bono practice can lead firms to adopt more formal policies and structures.