

SUPPORTING JUSTICE IN LOUISIANA: A Report on the Pro Bono Work of Louisiana's Lawyers

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AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE
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The American Bar Association’s Standing Committee on Pro Bono and Public Service (referred to as “the Committee”) is charged with the responsibility to review, evaluate and foster development of pro bono publico programs and activity by law firms, bar associations, corporate law departments and other legal practitioners. The Committee works to analyze and define the appropriate scope, function and objectives of pro bono publico programs; to establish an interest in such programs; and to review and propose policy that has an impact on the ability of lawyers to provide pro bono service. Toward that end, the Committee has conducted three national pro bono empirical studies. In 2014 the Committee piloted the survey at the state level in Nebraska. Based on the success of this model, the Committee conducted this survey in 24 states in 2017. Presenting and analyzing the results of this state-level data collection, this report contains the results for Louisiana. A national report on the aggregate findings from the 24 participating states is forthcoming.

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Section 1: Amount and Type of Pro Bono in 2016

When did attorneys most recently provide pro bono?

Respondents were asked to indicate when they most recently provided pro bono service. Over half (57.9%) indicated that they most recently provided pro bono in 2016, while 19.3% indicated they had never provided pro bono service.

In what year did you provide your most recent pro bono service?	Number	Percent
2016	1123	57.9
2015	120	6.2
2014	58	3.0
2013	33	1.7
2012	23	1.2
2011	14	.7
2010	25	1.3
2009	16	.8
2008	11	.6
2007	6	.3
2006	11	.5
2005 or earlier	128	6.6
I have not yet provided pro bono service	376	19.3
Total	1941	100.0

Notable trends:

- **GENDER:** Female attorneys were slightly more likely to indicate they had never provided pro bono: 26% compared to 15% of the male attorneys. And more male attorneys reported having done pro bono most recently in 2016 (62.8% compared to 50% of the female attorneys).
- **PRACTICE SETTING:** Attorneys in private practice were significantly more likely to indicate having done their most recent pro bono in 2016 (65%) compared to attorneys in other practice settings (41.5% in the corporate setting, 23.9% in the government setting). Many non-profit attorneys also provided pro bono most recently in 2016 (61.2%). Government attorneys were significantly more likely to indicate that they had never provided pro bono (44.6%, compared to 14.7% of private attorneys, 25.4% of corporate attorneys, and 22.4% of non-profit attorneys).

How many hours of pro bono were provided in 2016?

The respondents were asked to complete a grid regarding their pro bono hours and matters for the year. Approximately 46.8% had not provided any pro bono in 2016. Almost 18.5% provided 1-19 hours; 17% provided 20-49 hours, 8.6% provided 50-79 hours and 9.2% provided 80 or more hours. Overall, the surveyed attorneys provided an average of 33.2 (median of 4) hours of pro bono service in 2016. And, the average number of matters was 6.9.

Among the attorneys who had provided pro bono in 2016 (as opposed to including the “zeroes” for those who had not provided pro bono in 2016), the average was 57.4 (median of 25). And, the average number of matters was 12.

		Number	Percent	
33.2 Average Hours	Pro Bono	None	908	46.8
	Hours in 2016	1-19	360	18.5
		20-49	329	17.0
		50-79	166	8.6
		80+	179	9.2
		Total	1941	100.0

57.4
Average
Hours

Notable trends:

- RACE/ETHNICITY: Black and Hispanic attorneys provided more hours of pro bono in 2016, with averages of 54.5 and 74.7 hours, respectively.
- PRACTICE SETTING: Private practice and non-profit attorneys reported doing significantly more pro bono than did attorneys in other practice settings. On average, private practice attorneys provided 31.1 hours and non-profit attorneys provided 150 hours of pro bono service in 2016. Comparatively, corporate attorneys provided 10.3 hours and government attorneys who provided 10.7 hours.
- PRACTICE AREA: Attorneys who focused on the following areas of law reported doing more pro bono in 2016: poverty (183.1 hours), juvenile (125.8 hours), immigration (106.8 hours), housing (105.2 hours), civil rights (85.4 hours), non-profit organization (82.7 hours), domestic violence (66.1 hours), family (52.3 hours), estate planning/probate (49.7 hours), and criminal (47.4 hours). Note that these numbers do not capture what area of law in which the attorneys did their pro bono work, but instead the area of law in which they focus for their employment.

To whom were these pro bono services provided?

Among the attorneys who provided pro bono in 2016, 91.3% provided services to individuals, 5.5% had provided services to classes of individuals, and 26% had provided services to organizations. Of the pro bono services provided to individuals in 2016, the average hours were 49.9, compared to an average of 36.1 hours of services to organizations.

Client Type	Percent of Attorneys Providing Services to the Client Type	Average Pro Bono Hours Provided	Average Number of Matters
Individuals	91.3%	49.9	11.1
Class of Individuals	5.5%	4.6	0.3
Organizations	26.0%	36.1	5.9

What type of pro bono services were provided?

Among the types of pro bono services provided in 2016, limited scope representation was the most prevalent. Among those who provided pro bono in 2016, 46.1% provided *only* limited scope representation and 26% provided both limited scope and full representation. Around 28% had only provided full representation in 2016.

Service Type	Percent of Attorneys Providing this Type in 2016	Average Pro Bono Hours
Full and Limited Scope Representation	26.0%	100.4
Full Representation Only	27.5%	77.0
Limited Scope Representation Only	46.1%	32.6
Mediation Only	0.4%	19.0

Who were the pro bono clients in 2016?

Among respondents who provided pro bono service in 2016 (i.e. omitting respondents who provided no pro bono service), respondents were most likely to indicate that they had represented an ethnic minority, a single parent or an elderly person compared to the below list of client types. There were some notable differences in the client served based on attorney demographics.

Type of Client	Percent Indicating Having Represented This Client Type	The below types of attorneys were more likely to represent the corresponding type of client
An Ethnic Minority	41.2%	Black
Single Parent	36.5%	Female, Black or Asian
Elderly Person	30.1%	
Disabled person	25.7%	
Victim of Domestic Violence	17.4%	Hispanic, in the non-profit setting, in a rural area or town
Student	17.2%	
Non or Limited English Speaker	16.3%	Hispanic
Child/Juvenile	16.0%	Hispanic
Rural Resident	15.6%	In a rural area
Veteran	14.2%	
Incarcerated Person	12.7%	In the non-profit setting
Homeless	11.4%	Female, in the non-profit setting
Undocumented Immigrant	7.6%	Hispanic
Victim of Consumer Fraud	6.8%	
LGBT	6.6%	In the non-profit setting
Documented Immigrant	6.4%	Hispanic
Migrant Worker	1.0%	Hispanic

Section II: Most Recent Pro Bono Case/Experience

Which type of pro bono service is most typical?

The vast majority of the most recent pro bono service was undertaken on behalf of persons of limited means (87.1%) as opposed to a class of persons (2%) or an organization (11.1%). And, most of these services were limited scope representation (58.2%) as opposed to full representation (41.4%) or mediation (0.5%).

How do attorneys find their clients?

Of the attorneys who provided pro bono, 33.2% indicated that their most recent client came directly to them. The remaining 66.8% were referred from some specific source. The most common referral sources were legal aid pro bono programs, followed by family members or friends. See the chart below.

How did this client come to you?	Number	Percent
The client came directly to me	362	33.2
A referral from a family member or friend	123	11.3
A referral from your employer	17	1.5
A referral from a co-worker within your organization	22	2.0
A referral from an attorney outside of your organization	19	1.7
A referral from a present or former client	112	10.2
A referral from legal aid pro bono program	149	13.6
A referral from an independent pro bono program	16	1.4
A referral from a self-help desk	12	1.1
A referral from a public or law library	2	.1
A referral from a law school clinic	7	.6
A referral from a mediation center	1	.1
A referral from a religious organization	22	2.0
A referral from a non-profit organization	49	4.5
A referral from a judge or court administrator	68	6.2
Other	42	3.8
A referral from a bar association pro bono program	49	4.4
A referral from a lawyer referral service	2	.2
A referral from a guardian ad litem program	1	.1
A referral from a professional acquaintance	17	1.6
From a posting on a pro bono listserv to which I subscribe	4	.4
Total	1090	100.0

Among those whose clients came directly to them, 36.3% reported that they had no personal relationship with the person. Otherwise, 24% said the client was an acquaintance, 9.6% said the client was a former client and 7.7% said the client was an organization with whom the attorney was involved.

How would you describe your relationship with the client before the legal engagement began?	Number	Percent
A personal friend	33	9.6
A relative	13	3.9
A co-worker	6	1.6
An acquaintance	81	24.0
A former client	33	9.6
A class of persons with whom I had a relationship with at least one class member	1	.3
An organization with which I was personally involved	26	7.7
An organization with which my employer was involved	1	.3
An organization with which a friend or family member was personally involved	7	1.9
Another relationship (please specify)	16	4.7
None of the above- no prior relationship	123	36.3
Total	338	100.0

How was the client determined to be low-income?

As noted in the below chart, to determine whether a client qualified for pro bono service, many attorneys (34.7%) relied on the referral source to vet the client’s financial eligibility. Otherwise, mostly impressionistic methods were used: 29.1% relied on the word of the client and 51.4% relied on their own knowledge about the client’s situation. Only 9.4% relied on financial data.

Low Income Determination (Multiple Choice)	Percent of Respondents
An indication from the referral source	16.1%
The referral source qualified the client	18.6%
Financial data, such as a W2 or paycheck information	9.4%
The word of the client	29.1%
Some other factor	5.6%
My knowledge of the client’s situation	51.4%

What tasks were performed and what was the scope of the work?

The most frequently reported pro bono legal tasks consisted of providing advice (76.2%), reviewing or drafting documents (67.2%) and interviewing or meeting with the client (66.8%).

Legal Task (Multiple Choice)	Percent of Respondents
Provided advice	76.2%
Reviewed/drafted documents	67.2%
Interviewed/met with the client	66.8%
Wrote letter	36.4%
Spoke with other attorneys	34.4%
Provided full representation in court (trial or appellate)	30.3%
Negotiated a settlement with other parties	17.1%
Referred to other organization(s)	16.1%
Limited scope representation in court (trial or appellate)	8.9%
Represented the client in administrative proceedings	7.7%
Represented the client before a legislative body	0.6%
Other	5.7%

Within the scope of the attorneys' expertise?

The tasks performed were generally within the attorneys' area of expertise. Specifically, 64.6% indicated that their recent pro bono experience was within their area of expertise. Attorneys in private practice and attorneys in towns or rural areas were also more likely to report that their recent case was within their area of expertise.

Consistent with the attorneys' expectations?

Most (68.3%) of the attorneys indicated that their most recent pro bono experience was consistent with their expectations. Approximately 25.5%, however, indicated that the case took more time than they had expected and 9.1% said that the case was more complex than they had expected.

Response (Multiple Choice)	Percent of Attorneys Providing Response
Yes – it was consistent in terms of time and complexity	68.3%
No – it took more time than I expected	25.5%
No – it took less time than I expected	1.5%
No – it was more complex than I expected	9.1%
No – it was less complex than I expected	1.1%
No – it was not what I expected in some other way	1%

Hours of service provided?

On average, attorneys spent 21.9 hours on their most recent pro bono case.

Section III: Motivations and Attitudes

The importance of pro bono services?

The majority of attorneys (79.8%) believe that pro bono services are either somewhat or very important. Very few attorneys did not believe that pro bono services are important.

Thinking about the legal needs of the low-income population in your state, how important is it for local attorneys to offer pro bono services?	Number	Percent
Don't know	64	3.6
Very unimportant	104	5.9
Somewhat unimportant	88	5.0
Neither important nor unimportant	101	5.8
Somewhat important	528	30.1
Very important	872	49.7
Total	1756	100.0

What motivates attorneys to do pro bono?

As noted in the below chart, the top three motivators for undertaking pro bono included:

1. Helping people in need
2. Ethical obligation
3. Duty as a member of the legal profession

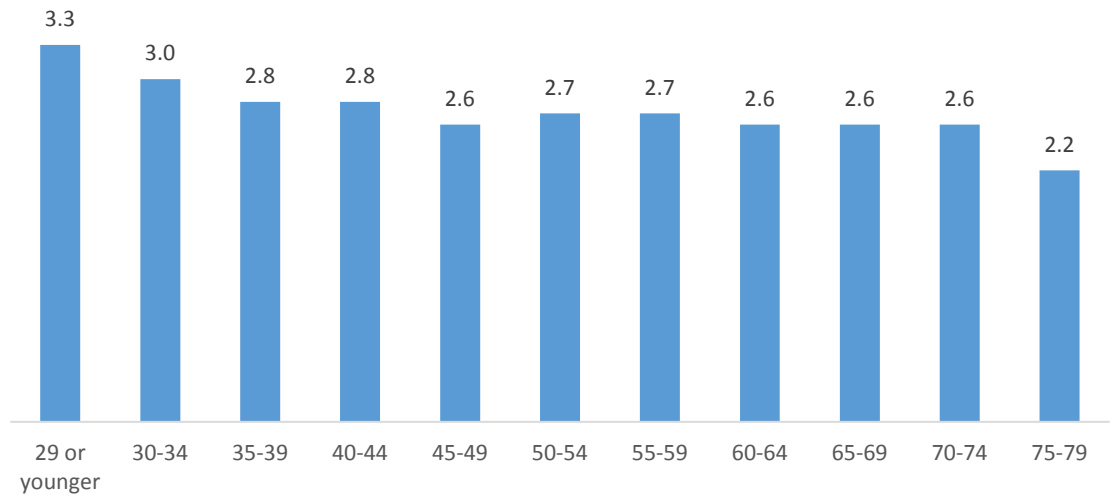
Motivator	Average Rating (on a scale from 1-5, where 1 is the least motivating and 5 is the most motivating)
Helping people in need	4.24
Ethical obligation	3.54
Professional duty	3.52
It would make me feel like a good person	3.46
Participating in reducing social inequalities	3.31
Helping the profession's public image	3.17
A firm culture that encourages pro bono	2.59
Opportunities to interact with low-income populations	2.43
Opportunities to work directly with clients	2.40
Gaining experience in an area outside of my expertise	2.39
Opportunities to work with other attorneys	2.18

Strengthening relationships with my private practice clients who value pro bono engagement	2.01
Opportunities to go to court	1.97
Recognition from employer	1.83
Recognition from colleagues and friends	1.82
Average across all factors	2.7

Notable trends:

- GENDER: Overall, female attorneys provided higher ratings for the list of motivating factors than did male attorneys (3.0 average rating, compared to 2.6). Specifically:
 - o Females were most motivated by: 1) helping people in need, 2) reducing social inequalities, and 3) ethical obligation
 - o Males were most motivated by: 1) helping people in need, 2) professional duty and 3) ethical obligation
- RACE/ETHNICITY: Black and Asian attorneys provided higher average ratings (3.2 and 3.6, respectively) than did other attorneys. Specifically:
 - o For White attorneys, the top three motivating factors were: 1) helping people in need, 2) ethical obligations and 3) professional duty
 - o For Black attorneys, the top three motivating factors were: 1) helping people in need, 2) professional duty, and 3) ethical obligations
 - o For Hispanic attorneys, the top three motivating factors were: 1) helping people in need, 2) reducing social inequalities, and 3) professional duty
 - o For Asian attorneys, the top three motivating factors were: 1) helping people in need, 2) feeling like a good person and 3) reducing social inequalities.
- AGE: Younger attorneys provided higher average ratings for the motivating factors than older attorneys. The 29 and younger age group, for example provided an average rating of 3.3 across motivating factors, while the 75-79 age group provided an average rating of 2.2. See the chart below. Specifically:
 - o Younger attorneys (under 40) were most motivated primarily by helping people in need, followed by being a good person and social inequalities, before ethical obligations or professional duties.
 - o Attorneys 40-49 were motivated by 1) helping people in need, 2) being a good person and 3) ethical obligations and professional duties.
 - o Attorneys 50 and over were most motivated by 1) helping people in need, 2) ethical obligations, and 3) professional duties.

Average Rating Across Motivating Factors



- URBAN/RURAL: Urban attorneys provided the highest overall ratings for the motivating factors, with an average of 2.8, compared to suburban attorneys (2.7), rural attorneys (2.4) and attorneys in towns (2.7).
- PRACTICE SETTING: Private practice and corporate attorneys provided slightly lower ratings (2.7 for both) compared to government attorneys (2.9) or non-profit attorneys (3.2). Within private practice, attorneys from larger firms provided higher ratings (the average rating for solos was 2.6 and the average rating for 300+ firms was 3.0).

Are Attorneys Reactive or Proactive Concerning Pro Bono Opportunities?

To identify pro bono opportunities, just under half of the attorneys (41.6%) had reached out to some organization and XX% had been contacted by an organization.

Organization	Percent of Respondents Who Contacted ...	Percent of Respondents Who Were Contacted By ...
State bar association	11.4%	30.6%
Local bar association	20%	38.1%
A legal aid or pro bono organization	30.1%	41.7%
Some other organization	9.5%	18.4%
One of the above	41.6%	63.3%

What can pro bono programs do to engage more attorneys?

According to respondents, in order to engage more attorneys, pro bono programs should:

1. Provide limited scope representation opportunities
2. Engage judges in soliciting participation
3. Provide CLE credit for doing pro bono

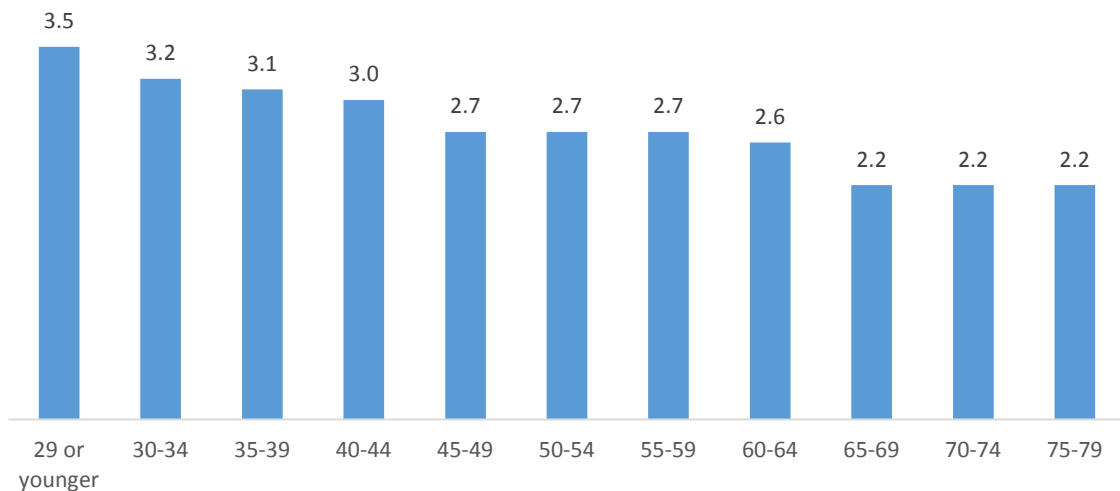
Action	Average (on a scale from 1-5, where 1 is the least encouraging and 5 is the most encouraging)
Limited scope representation opportunities	3.43
If a judge solicited my participation	3.39
CLE credit for doing pro bono	3.36
Malpractice insurance provided by referral org	3.20
Online description of case opportunities from which to select	3.08
If a colleague asked me to take a case	3.04
Free or reduced cost CLE	3.04
The option of selecting a client based on demographics/descriptors	2.95
Opportunities to act as a mentor to young attorneys or law students	2.83
Mentorship/supervision by an attorney specializing in the legal matter	2.83
Administrative or research support	2.82
If I were matched with another attorney to share the work	2.75
Opportunities to do pro bono remotely	2.73
Periodic contact by a referral organization (I'll take a case when I can)	2.64
Alternative dispute resolution opportunities	2.52
Reduced fee opportunities as opposed to free service opportunities	2.50
Availability of networking opportunities with other attorneys providing pro bono in my community	2.45
More support from my firm	2.30
Self-reporting and state bar tracking of voluntary pro bono contributions	2.20
Formal recognition of my past volunteer efforts	1.82
Average of All Factors	2.8

Notable trends:

- GENDER: Female attorneys provided higher ratings for the list of actions (3.1 compared to 2.6 for male attorneys). Specifically,
 - o For female attorneys, the top three influential actions were: 1) limited scope representation opportunities, 2) CLE credit, and 3) malpractice insurance.

- For male attorneys, the top three influential actions were: 1) if a judge solicited participation, 2) limited scope representation opportunities, 3) CLE credit
- RACE/ETHNICITY: Black and Asian attorneys provided higher ratings for the list of actions as compared to non-Asian attorneys (3.3 and 3.7, respectively). Specifically:
 - For White attorneys, the top three were: 1) if a judge solicited participation, 2) limited scope representation opportunities, and 3) CLE credit
 - For Black attorneys, the top three were: 1) free or reduced cost CLE/CLE credit, 2) limited scope representation opportunities, and 3) malpractice insurance
 - For Hispanic attorneys, the top three were: 1) CLE credit, 2) limited scope representation opportunities, and 3) free or reduced cost CLEs
 - For Asian attorneys, the top three were: 1) mentorship by an attorney specializing in the legal matter, 2) limited scope representation opportunities, and 3) CLE credit
- AGE: Younger attorneys provided higher ratings than did older attorneys for the list of actions. For example, attorneys in the 29 and younger age group provided an average rating of 3.5, compared to the 70-74 age group which provided an average rating of 2.2.

Average Rating for Encouraging Actions



- URBAN/RURAL: Attorneys in urban and suburban areas provided higher ratings for the list of activities, with average ratings of 2.8 and 2.8 respectively. Attorneys in rural areas provided an average rating of 2.5 and attorneys in towns provided an average rating of 2.7.

What discourages attorneys from doing pro bono?

According to the respondents, the top three discouraging factors were:

1. Lack of time
2. Commitment to family or other personal obligations
3. Lack of skills or experience in the practice areas needed by pro bono clients

Factor	Average (on a scale from 1-5, where 1 is the least discouraging and 5 is the most discouraging)
Lack of time	4.27
Commitment to family or other personal obligations	3.99
Lack of skills or experience in the practice areas needed by pro bono clients	3.75
The unrealistic expectations of clients	3.50
Scheduling conflicts making it difficult to be available for court appearances	3.38
Lack of clarity on how much time I would end up having to commit	3.35
Too costly; financially burdensome to my practice	3.28
Competing billable hour expectations and policies	3.25
Lack of malpractice insurance	3.20
Lack of interest in the types of cases	3.12
Lack of administrative support or resources	3.04
Lack of information about opportunities	2.70
A preference for spending volunteer time on non-legal matters	2.69
Discouragement from employer/firm	2.58
Concerns that doing pro bono work would compromise the interests of my other clients	2.53
A preference for providing reduced fee assistance rather than no fee assistance	2.11
I feel that a lot of pro bono clients really can afford legal assistance	2.08
Personal or philosophical objections	1.67
Total for all factors	3.1

Notable trends:

- GENDER: Female attorneys were generally more discouraged than were male attorneys, with an average rating of 3.2 for the list of discouraging factors, compared to 3.0 for the male attorneys.
- RACE/ETHNICITY: Black attorneys were more discouraged than other attorneys, with an average rating of 3.2. With regard to the specific motivators, Hispanic and Asian attorneys provided higher ratings for the statement about the lack of skills or experience in the practice areas needed by pro bono clients.
- BY PRO BONO HOURS PROVIDED: Attorneys who had never done pro bono provided higher ratings for the discouraging factors, with an average of 3.3.

Firm/Employer attitude toward pro bono?

Private practice attorneys were asked about their employers’ attitudes towards pro bono. Most (60.4%) indicated that their employers neither encourage nor discourage pro bono activities, while approximately 36% indicated that their employers encourage pro bono activities.

Which of the following best describes your firm's or employer's attitude toward pro bono?	Number	Percent
Employer encourages pro bono activities	259	35.9
Employer neither encourages nor discourages pro bono activities	436	60.4
Employer discourages pro bono activities	27	3.7
Total	722	100.0

According to the surveyed attorneys, the most common ways their employers encouraged pro bono was by allowing pro bono during regular business hours (20% reported this) or allowing the use of internal resources (19.2% reported this). Only a small percentage reported that their employers did things that discouraged pro bono.

Employer Activity (Multiple Choice)	Percent
Employer allows pro bono during regular business hours	20.0%
Employer allows use of internal resources for pro bono activities	19.2%
Employer has a pro bono policy that supports employee pro bono activities	10.6%
Employer allows billable hour credit for pro bono work	4.8%
Employer provides mentoring for pro bono activities/matters	4.6%
Employer has procedures in place for identifying and referring pro bono cases internally	4.6%
Employer has a pro bono manager	2.2%
Employer requires a specific number of pro bono hours or matters per year	1.5%
Employer places restriction on number of pro bono clients or matters in a fiscal year	1.0%
Employer does NOT allow pro bono during regular business hours	1.4%
Employer disallows use of internal resources for pro bono activities	1.3%

Pro Bono as a law student and its impact on future pro bono?

Of the 46.5% who provided pro bono services as a law student, over half (61.3%) said that doing so made them more or far more likely to provide pro bono after graduating from law school. Around 35.4% said it had no impact on their likelihood of providing pro bono after law school. Only 3.4% said it made them less likely to provide pro bono after law school.

If you provided pro bono legal services while you were a law student, to what degree did that experience affect your decision to provide pro bono services as a practicing attorney?	Number	Percent	Percent of attorneys who provided pro bono in 2016
Far more likely to provide pro bono services	215	13.7	29.6
More likely to provide pro bono services	230	14.7	31.7
It had no impact on my provision of pro bono services	257	16.4	35.4
Less likely to provide pro bono services	25	1.6	3.4
I did not provide pro bono legal services while I was a law student	838	53.5	N/A
Total	1564	100.0	100

Likelihood of providing pro bono in 2017?

Overall, 44.7% of the respondents indicated that they were either likely or very likely to offer pro bono services in 2017, while 19.8% indicated they were unlikely or very unlikely to offer such services.

How likely are you to offer pro bono services in 2017?	Number	Percent
Very Unlikely	190	11.8
Unlikely	129	8.0
Somewhat Unlikely	104	6.5
Undecided	222	13.7
Somewhat likely	249	15.4
Likely	278	17.3
Very Likely	441	27.4
Total	1612	100.0

Section IV: Other Public Service Activities

What public service activities did attorneys provide in 2016?

The surveyed attorneys provided a range of public service activities in 2016. Approximately 25% of the attorneys reported that they had provided legal services for a reduced fee in 2016, with an average of 50.4 hours provided. See the below chart for more information.

Public Service Activity	Percent of Attorneys Providing...	Average Hours in 2016
Legal services for a reduced fee	24.9%	50.4
Speaker at legal education event for non-lawyers	13.2%	8.5
Trainer or teacher on legal issues	12.6%	34.3
Grassroots community advocacy	8.3%	31.5
Policy advocacy	6.3%	32.4
Supervising or mentorship to another attorney providing pro bono representation	5.0%	24.0
Member of bar committee related to pro bono or access to justice	4.5%	19.9
Member of board of legal services or pro bono organization	4.1%	86.4
Lobbying on behalf of a pro bono organization	2.8%	16.2
Member of firm committee related to pro bono or access to justice	1.6%	66.0
Other	6.9%	
None of the above	34%	

Notable trends:

- GENDER: Male attorneys were more likely to have provided reduced fee services in 2016 (27%) than female attorneys (21.7%).
- PRACTICE SETTING: Private practice attorneys were significantly more likely to have provided reduced fee services in 2016 (30.8%) compared to attorneys in the corporate or government settings.

See the below chart for the various reductions provided by the attorneys who had reduced their fees. The majority had reduced their fees by between 46 and 75%.

Average Reduction Percent	Number	Percent
5% or less	15	3.1
6-10%	8	1.7
11-15%	8	1.6
16-20%	12	2.5
21-25%	21	4.4
26-30%	18	3.8
31-35%	19	4.0
36-40%	16	3.2
41-45%	4	.8
46-50%	129	26.8
51-55%	61	12.7
56-60%	20	4.1
61-65%	8	1.7
66-70%	18	3.8
71-75%	47	9.8
76-80%	13	2.6
81-85%	8	1.6
86-90%	16	3.3
91-95%	16	3.3
96-99%	26	5.4
Total	480	100.0

And, based on this reduction, the below chart shows the average hourly fees that resulted from the above reductions.

And, based on this reduction, approximately what was your average reduced hourly fee?	Number	Percent
\$1-50	139	29.5
\$51-100	160	34.0
\$101-150	113	24.1
\$151-200	40	8.4
\$200-300	10	2.1
More than \$300	9	1.9
Total	470	100.0

How much unbundling are attorneys doing?

The private practice attorneys were asked a series of questions about their use of limited scope representation/unbundling as part of the practice in 2016. The majority (68.2%) of attorneys indicated that none of their cases involve unbundled legal services for a fee. However 22.8% indicated that 1-20% of their caseload involves unbundling.

In 2016, approximately what percentage of your overall caseload involved unbundled legal services for a fee?	Number	Percent
0%	792	68.2
1-20%	265	22.8
21-40%	19	1.6
41-60%	30	2.6
61-80%	20	1.7
81-100%	35	3.0
Total	1161	100.0

What encourages or discourages attorneys from providing unbundling?

Attorneys were asked to rank a list of actions that might encourage them to provide unbundled services. The top three actions that attorneys said would encourage them to do more unbundling were:

- 1) more guidance or clarity concerning ethical obligations for unbundled matters
- 2) more guidance or clarity concerning malpractice exposure for unbundled matters
- 3) more guidance or clarity concerning court procedures for unbundled matters

Activity and Ranking	Percent Selecting Activity as #1	Ave Ranking (1 being the most encouraging)
(1) More guidance/clarity concerning ethical obligations for unbundling	31.4%	2.54
(2) More guidance clarity concerning malpractice exposure for unbundled matters	9.4%	3.22
(3) More guidance/clarity concerning court procedures for unbundled matters	5.6%	3.82
(4) Sample limited-scope agreements	6.5%	4.54
(5) Programs to connect you with prospective clients interested in unbundled legal services	7.3%	4.60
(6) Information to better understand fee structures for unbundled legal services	7.9%	5.62
(7) Opportunities to network with lawyers who unbundle	2.4%	6.03
Nothing. Unbundling is just not in my future	29.5%	

For those who had not provided any unbundling, most (75.9%) indicated that agreed or strongly agreed with the statement “I don’t think unbundling would work for much of my practice” and many (69.9%) indicated that they agreed or strongly agreed with the statement “I worry that unbundling would expose them to more malpractice claims.”

Statement	Average (1= strongly disagree and 4=strongly agree)
I don’t think unbundling would work for much of my practice	3.04
I worry that unbundling would expose me to more malpractice claims	2.91
Prospective clients are not interested in unbundled legal services	2.75
It is difficult to get enough clients to make unbundling worthwhile	2.73
Unbundled cases do not produce enough revenue	2.64
I am concerned that unbundling may be unethical	2.53
My law firm does not permit me to unbundle	2.18

For those who had provided unbundling, the most (81.5%) agreed or strongly agreed with the statement “unbundling lowers the cost of cases so that more people can afford my services”. Meanwhile, 73% also agreed or strongly agreed with the statement “unbundling allows them to offer legal services at a more competitive price”. And, 64% agreed or strongly agreed with the statement “unbundling lowers receivables and results in fewer uncollected fees.”

Statement	Average (1= strongly disagree and 4=strongly agree)
Unbundling lowers the cost of cases so that more people can afford my services	2.95
Unbundling allows me to offer legal services at a more competitive price	2.83
Unbundling lowers receivables and results in fewer uncollectable fees	2.72
Unbundling clients are likely to become full-service clients	2.49
Unbundling clients are more satisfied with their service than full-service clients	2.29
Unbundling clients are more engaged in the process and invested in the outcome than full service clients	2.27
I am less worried about disciplinary complaints for unbundled cases	2.16

Appendix

Methodology: the web-based survey was distributed to all attorneys for whom contact information was available in the 24 participating states. The surveys for Louisiana were distributed by email on January 12, 2017. The final sample of surveys amounted to 2006, with 1982 of these responses being from attorneys with active licenses.

The sample fairly closely matched the known demographics of the attorney population, with slight deviations with respect to practice setting. Consequently, weights were applied to adjust the sample to represent the state attorney population. Weighting is a standard practice that addresses inconsistencies in distributions between survey responses collected compared with the actual distributions of the population being studied. The weight does not change a respondent's answer; rather, it gives appropriate relative importance to the answer. The below charts demonstrate the final weighted sample distributions by race/ethnicity, gender, age, and practice setting. All significant results noted throughout this report are at the 95 percent confidence level.

Category	Percent
Race/Ethnicity	
White, Not Hispanic	85.3
Black, Not Hispanic	8.5
Hispanic	2.2
Asian, Pacific American, Not Hispanic	1.1
Gender	
Male	59.4
Female	40.6
Gender Non-Conforming	0.1
Age	
29 or younger	9.1
30-34	13.9
35-39	11.3
40-44	8.1
45-49	10.1
50-54	8.9
55-59	11.4
60-64	12
65-69	8.9
70-74	4.1
75+	2.1
Practice Setting	
Private Practice	74.3
Corporate Counsel	6.0
Government	9.4
Non-profit	5.3
Other	5.1