

GAUGING PRO BONO ACTIVITY IN LOUISIANA

2016 PRO BONO SURVEY RESULTS ARE IN!

By Rachael M. Mills



In 2016, Louisiana attorneys reported providing approximately 59,000 hours of volunteer legal services to ensure that poor individuals' legal problems were assessed and resolved. Pro bono services are an essential component in maintaining the rule of law, and the Louisiana State Bar Association (LSBA) appreciates those 880 attorneys who voluntarily reported their activities.

But, what about the remaining 21,000 Louisiana attorneys? If every one of Louisiana's 22,000+ attorneys provided the 50 hours of pro bono services recommended annually by Rule 6.1, we would have reported more than 1 million hours. Are attorneys not providing pro bono services? Or, are they simply not reporting those pro bono hours?

Earlier this year, Louisiana attorneys participated in a survey conducted by the American Bar Association's (ABA) Standing Committee on Pro Bono and Public Service as part of an effort to gauge pro bono activity across the country. Louisiana was one of 24 participating states. The goal of the survey was to quantify the amount of pro bono work provided in Louisiana, obtain the characteristics of recent pro bono service, and determine what factors encourage or discourage pro bono service. From January to March 2016, the survey was open to all active attorneys. Those who regularly participate in pro bono activities as well as those who have never provided pro bono assistance were encouraged to take the survey. About 1,800 attorneys participated in the survey and the results are in!

The survey was divided into four sections — 1) Amount and Type of Pro Bono Service in 2016; 2) Recent Pro Bono Experience; 3) Motivations and Attitudes; and 4) Other Public Service Activities.

WHAT TYPE OF PRO BONO SERVICES WERE PROVIDED IN LOUISIANA?

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. 27.5% 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

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1) Amount and Type of Pro Bono in 2016.

The first two sections of the survey only applied to attorneys who provided pro bono services in 2016. Focusing these two sections on pro bono work provided in 2016 was significant to determine the most current pro bono statistics. Overall, more than half of the respondents (57.9%) indicated they provided pro bono in 2016, while only 19.3% said they did not. Among those attorneys who provided pro bono services in 2016, the average number of hours provided was 57.4 and the average number of legal matters was 12.

Here are some findings:

► Louisiana attorneys provided 33.2 hours of pro bono service as compared to 36.9 hours nationally.

► Male attorneys reported having done pro bono most recently in 2016 (62.8% compared to 50% of the female attorneys).

► While nationally there were little or no differences related to race or ethnicity regarding the number of hours, in Louisiana, Black (54.5) and Hispanic (74.7) attorneys provided more hours of pro bono.

► Private practice and non-profit attorneys reported doing significantly more pro bono than did attorneys in other prac-

tice 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 provided 10.7 hours.

Who received these pro bono services?

► Louisiana attorneys provided these services more often to individuals (91.3% of the time) and less often to organizations (26%), as compared to the national averages of 85.2% and 35.5%.

► The report identifies who the pro bono clients were and the types of attorneys more likely to represent them. For example, in Louisiana, 41.2% of the attorneys indicated having represented ethnic minorities, and Black attorneys were more likely to represent these type clients. Additionally, 17.2% of the respondents indicated having represented children or juveniles, and Hispanic attorneys were more likely to represent this group.

In general, a greater percentage of Louisiana attorneys indicated representing the various types of clients than attorneys did on the average. One exception (where fewer Louisiana attorneys indicated representation than the national average) was in immigration work.

2) Recent Pro Bono Experience.

Here are some findings:

► 33.2% of the attorneys 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.

► The tasks performed were generally within the attorneys' area of experience. Specifically, 64.6% indicated that their recent pro bono experience was within their area of experience.

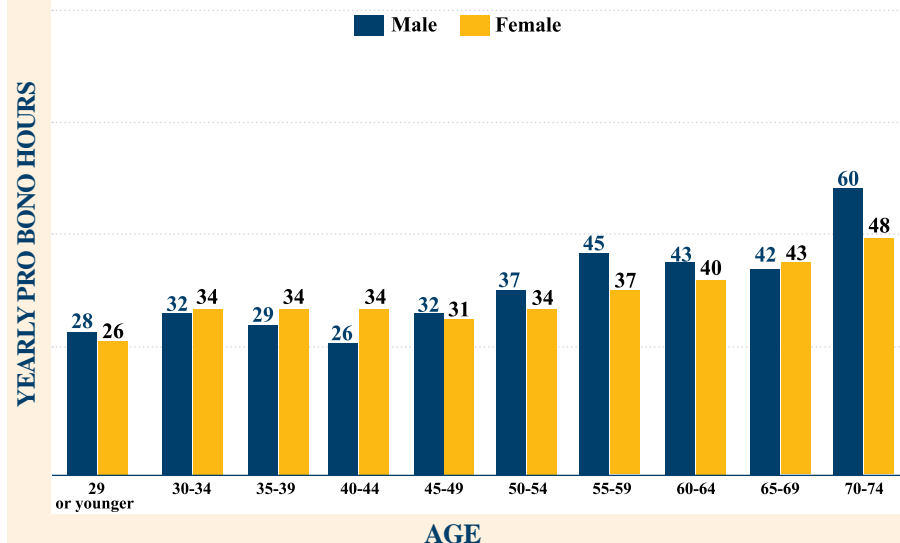
► Female, minority, younger and urban attorneys did pro bono work outside of their experience.

► On the average, attorneys in Louisiana spent less time (21.9 hours) on their most recent pro bono case as did attorneys nationally (29.1 hours).

3) Motivations and Attitudes.

The third section of the survey, "Motivations and Attitudes," offered insight into what compels an attorney to provide pro bono services and what might encourage others to provide those services. The majority of the attorneys surveyed, 79.8%, believe that pro bono services are either somewhat or very important and very few surveyed attorneys indicated they did not believe pro bono to be important.

NATIONWIDE AVERAGE PRO BONO HOURS BY GENDER



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Here are some findings:

► Motivation for Louisiana attorneys was similar to attorneys nationally. The top three motivators for Louisiana attorneys providing pro bono were: 1) helping people in need; 2) ethical obligation; and 3) professional duty.

► Female, Hispanic and Asian attorneys in Louisiana also included "reducing social inequities" as a motivating factor.

► Answers were also different depending on an attorney's age. For exam-

ple, 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.

► To identify pro bono opportunities, just under half of the attorneys (41.6%) had reached out to some organization and 63.3% had been contacted by an organization. However, Louisiana attorneys were less likely to either contact or be contacted by a legal aid or pro bono organization than attorneys nationally.

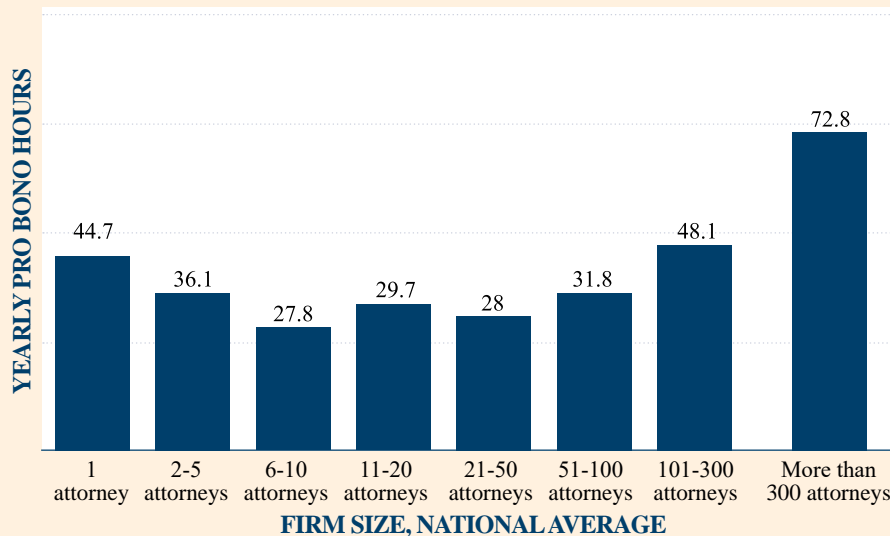
► According to respondents, in order to engage more attorneys, pro bono programs should: 1) provide limited scope representation opportunities; 2) engage judges in soliciting participation; and 3) provide CLE credit for doing pro bono.

► According to the respondents, the top three discouraging factors were: 1) lack of time; 2) commitment to family or other personal obligations; and 3) lack of skills or experience in the practice areas needed by pro bono clients.

► Interestingly, of the 46.5% of respondents who provided pro bono services as a law student, more than half (61.3%) said that doing so made them more or far more likely to provide pro bono services after graduating from law school.

► Overall, 44.7% of the respondents indicated that they were either likely or

NATIONWIDE PRO BONO HOURS BY FIRM SIZE



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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 chart below for more information.

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.

Public Service Activity	Percent of Attorneys Providing in 2016	Average Pro Bono Hours
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	34.0%	

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very likely to offer pro bono services in 2017, while only 19.8% indicated they were unlikely or very unlikely to do so.

4) Other Public Service Activities.

Pro bono legal services were not the only type of volunteer work examined by the survey. The fourth section asked the surveyed attorneys to detail additional public service activities they perform.

Importance of Reporting Pro Bono Hours to the LSBA

Quantifying the number of pro bono hours provided each year is instrumental to the LSBA's continued efforts to support Louisiana's civil legal aid network. Often when members of the Bar's leadership seek state or federal funding for civil

legal aid, the first question is, "What are attorneys doing to help?" With this information, we can report that, in 2016, approximately 59,000 hours were provided by Louisiana attorneys equating to \$7.35 million of donated services.

For the past several years, the LSBA has noticed a drop in the amount of pro bono hours reported. In 2010, 2,005 attorneys reported more than 134,000 hours; in 2016, the number of reporting attorneys dwindled to 878, reporting approximately 59,000 hours. Help the LSBA support your local public interest organizations by reporting your hours online at: www.lsba.org/goto/pbreporting.

How Do I Get Involved?

If you are interested in getting involved in pro bono, visit the LSBA's

Access to Justice Pro Bono Resources web page to learn about the numerous pro bono opportunities throughout the state. Go to: <https://www.lsba.org/ProBono/>.

To read the full survey report, visit the ATJ Commission's home page at: <https://www.lsba.org/ATJCommission/>.

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