

2021\*

# Report on the Law Firm Pro Bono Challenge® Initiative

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\*In conformity with the practice started in 2020, the name of this Report reflects the year in which the Report is being issued, rather than the year of the most recent statistics contained in the Report. Prior to 2020, the name of the Report reflected the calendar year for which data was collected.

Pro Bono Institute (PBI)\*, established in 1996, provides research, consultative services, analysis and assessment, publications, and training to a broad range of legal audiences.

## Mission

PBI is mandated to explore and identify new approaches to, and resources for, the provision of legal services to the poor, disadvantaged, and other individuals or groups unable to secure legal assistance to address critical problems. We do so by supporting, enhancing, and transforming the pro bono efforts of major law firms, in-house legal departments, and public interest organizations in the U.S. and around the world.

## Law Firm Pro Bono Project

PBI's Law Firm Pro Bono Project® program is a global effort designed to support and enhance the pro bono culture and performance of major law firms in the U.S. and around the world. The Project's goal is to fully integrate pro bono into the practice, philosophy, and culture of firms so that large law firms provide the institutional support, infrastructure, and encouragement essential to fostering a climate supportive of pro bono service and promoting attorney participation at all levels.

## Law Firm Pro Bono Challenge Initiative

PBI's Law Firm Pro Bono Challenge initiative, launched in 1993 and implemented in 1995, is a unique, aspirational pro bono standard. Developed by law firm leaders and corporate general counsel, the Challenge articulates a voluntary, single standard for one key segment of the legal profession – major law firms. (A copy of the Challenge statement is included in the Appendices.) Challenge signatories publicly acknowledge their institutional, firm-wide commitment to provide pro bono legal services to low-income individuals and non-profit groups that serve them. The Challenge includes a narrow, but thoughtful, definition of pro bono that has become the industry standard for large law firms and others, as well as an accountability mechanism and measurement tool through its performance benchmarks and annual reporting requirement.

Download additional copies of this Report at  
<http://www.probonoinst.org/wpps/wp-content/uploads/2021-Challenge-Report.pdf>

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# EXECUTIVE SUMMARY

The 2021 Report on the Pro Bono Institute Law Firm Pro Bono Challenge initiative examines the pro bono performance of signatories to the Law Firm Pro Bono Challenge statement during the 2020 calendar year. Challenge signatories have committed to contribute 3 or 5% (or at a few firms, 60 or 100 hours per attorney) of their annual total client billable hours to pro bono activities as defined by the Challenge and report their performance to PBI's Law Firm Pro Bono Project each year.

## Overall Performance

One hundred twenty-three firms reported performing an aggregated total of **5,410,723 hours of pro bono work in 2020**, a substantial increase in total pro bono hours from 2019 when 127 law firms reported their pro bono hours. Pro bono hours represented 4.17% of total client billable hours in 2020.

## Pro Bono for Those of Limited Means

In 2020, firms reported performing almost **3.7 million pro bono hours for those of limited means** and organizations serving them. This comprises 71% of all pro bono time for those firms last year.

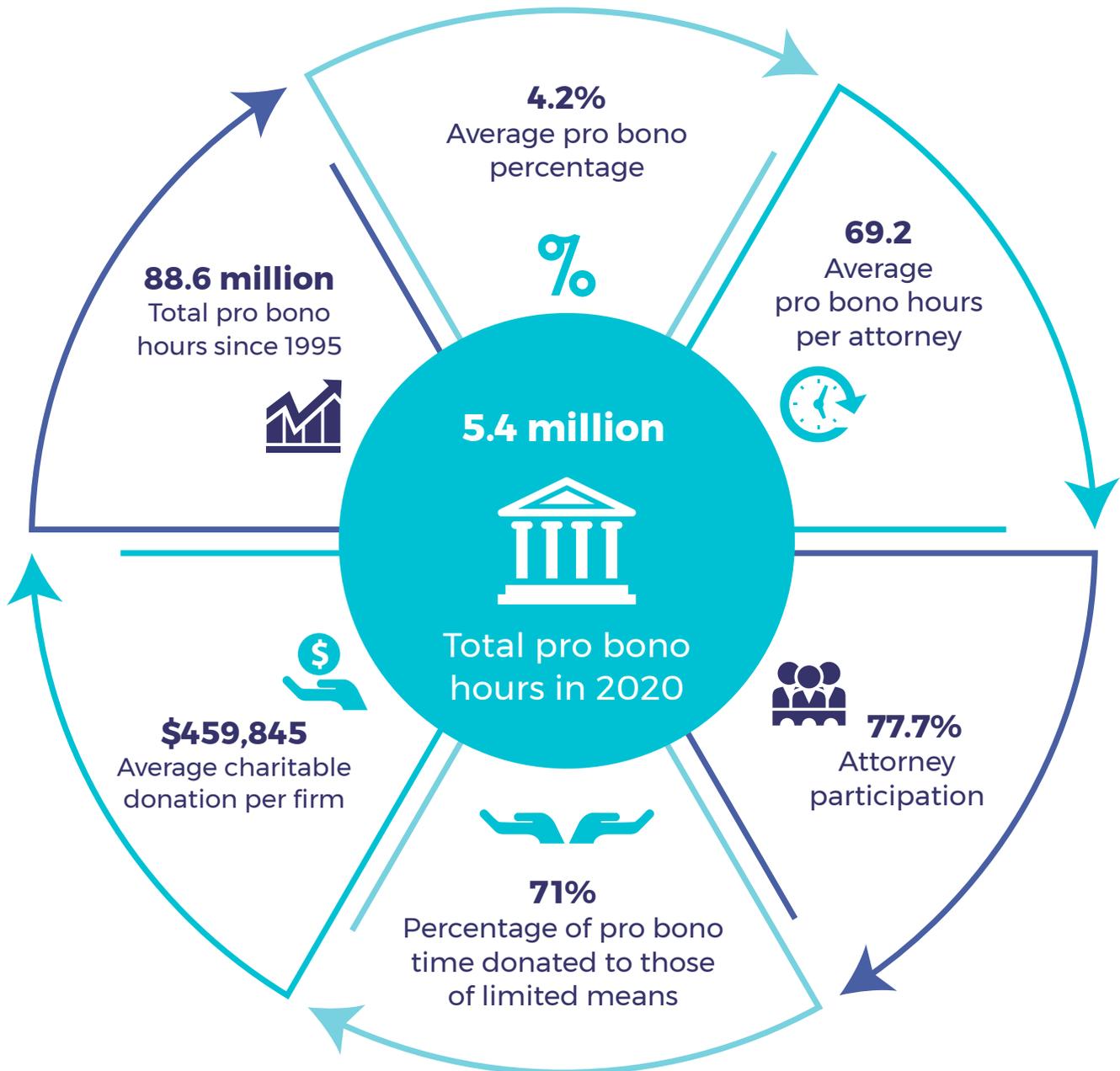
## Participation

The percentage of attorneys engaged in pro bono was up slightly in 2020. The percentage of **partners participating in pro bono was 69.5%** compared to 67.6 % in 2019, and the percentage of associates participating in pro bono was 88.7% compared to 90.1% in 2019. The combined participation rate was 77.7% of attorneys in 2020, compared to 76.3% in 2019.

## Charitable Donations

In 2020, the total amount of **charitable giving to legal services organizations decreased to \$18,853,661** from \$19,906,087 in 2019 (when 4 more firms reported on giving). The average reported firm donation in 2020 was \$459,845, which represents a 4.0% increase over the average firm donation in 2019 (\$442,358).

# SNAPSHOT



# INTRODUCTION

In 2020, signatories to the Law Firm Pro Bono Challenge initiative contributed approximately 5.4 million hours of pro bono service, a substantial increase (8.4%) in total pro bono hours from 2019, despite the fact that 4 fewer firms reported for 2020.<sup>1</sup>

“Certainly, life as a lawyer is a bit more complex today than it was a century ago. The ever-increasing pressures of the legal marketplace, the need to bill hours, to market to clients, and to attend to the bottom line, have made fulfilling the responsibilities of community service quite difficult. But public service marks the difference between a business and a profession. While a business can afford to focus solely on profits, a profession cannot. It must devote itself first to the community it is responsible to serve. I can imagine no greater duty than fulfilling this obligation. And I can imagine no greater pleasure.”

- **Justice Sandra Day O'Connor**  
78 Or. L. Rev. 385, 391 (1999)

<sup>1</sup>PBI appreciates the effort Challenge signatory firms made to report statistics for 2020 – in a chaotic year that made unprecedented demands on firm resources. The small reduction in the number of reporting firms was largely the unavoidable consequence of law firm mergers.

# 2020 CHALLENGE PERFORMANCE DATA

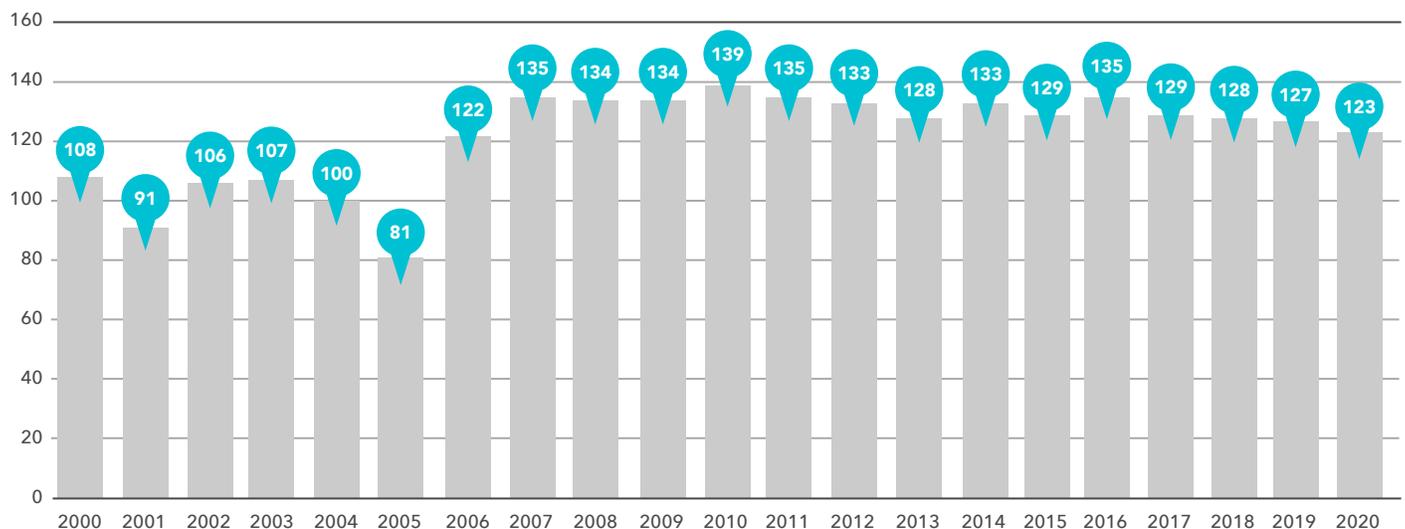
## Highlights of Overall Pro Bono Performance

One hundred twenty-three firms reported in 2020, performing an aggregated total of 5,410,723 hours of pro bono work, 417,325 hours more than in 2019, when 127 firms reported an aggregated total of 4,993,398 hours of pro bono work.

### Total Number of Pro Bono Hours by Year



### Number of Firms Reporting

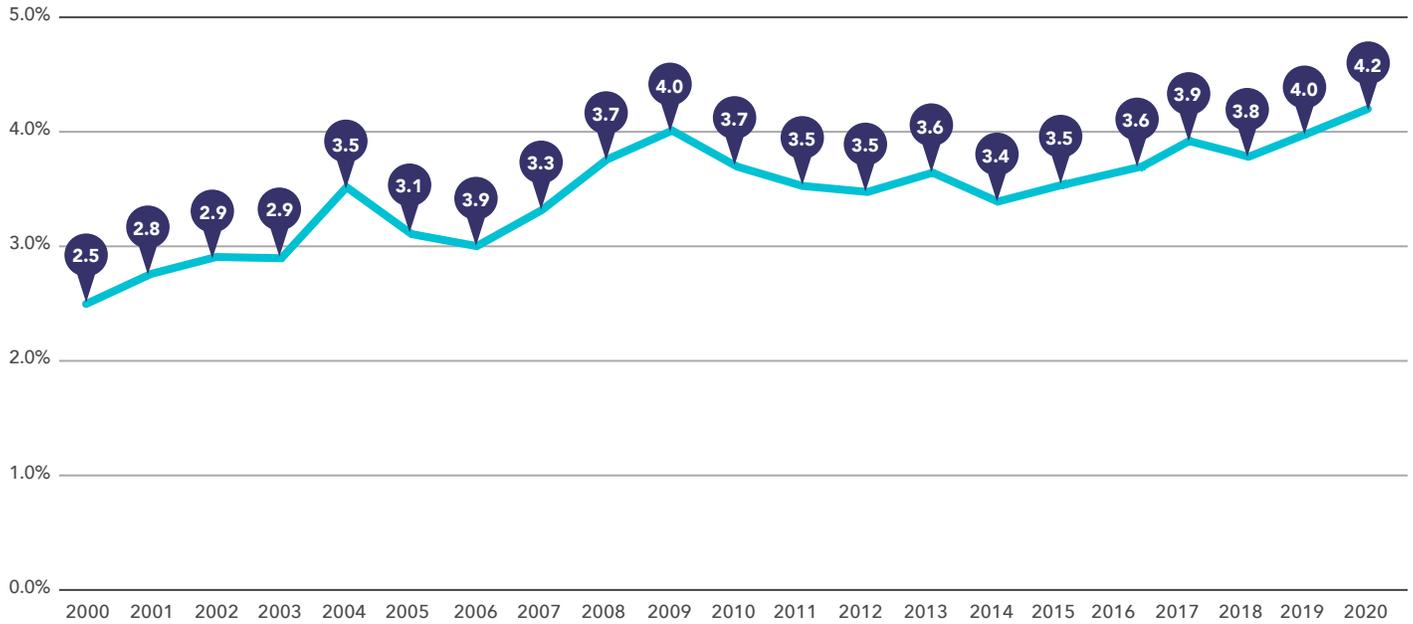


# 2020 CHALLENGE PERFORMANCE DATA

## Average Pro Bono Percentage

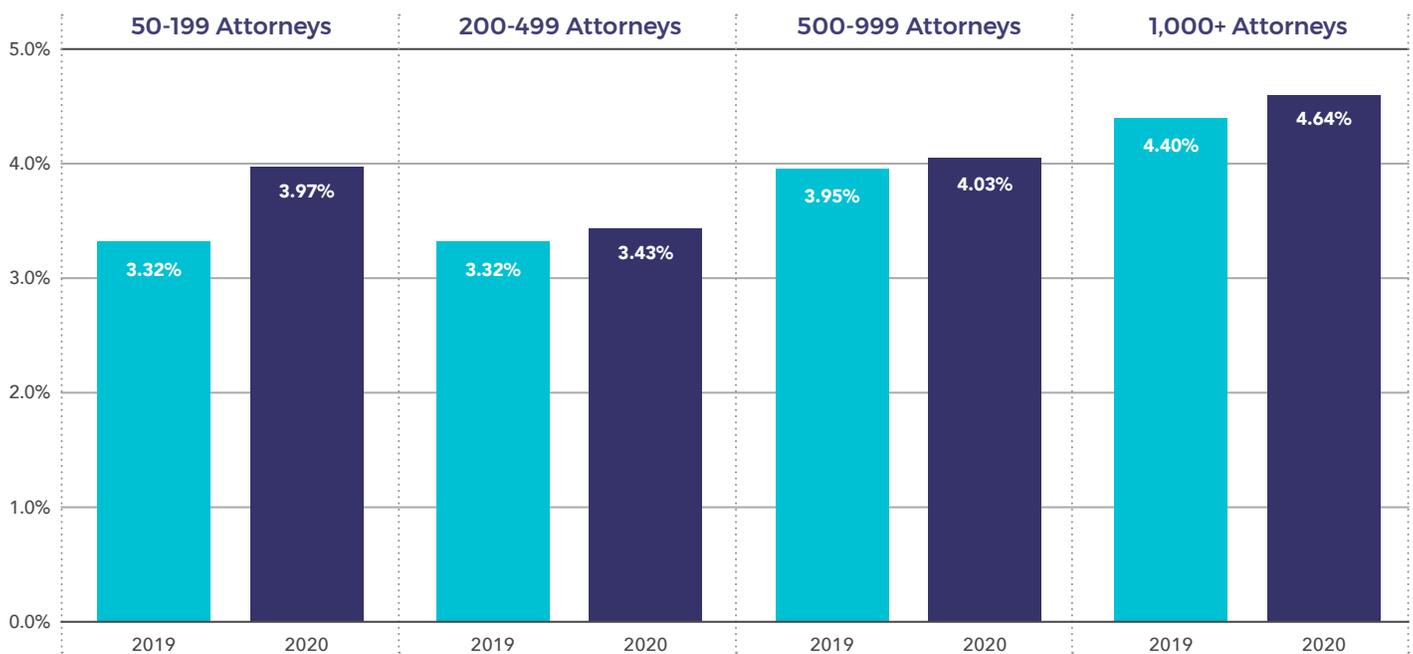
Viewed as a percentage of total client billable hours, pro bono hours increased slightly in 2020, at 4.17% of all reported hours.

Average Pro Bono Percentage by Year



As reflected in the graph below, firms with headcounts of 1,000 or more attorneys had the highest average pro bono percentage again in 2020.<sup>2</sup> Firms with a head count of 50-199 had the greatest increase (on a percentage basis) in pro bono participation from 2019 to 2020.

Average Pro Bono Percentage by Firm Size



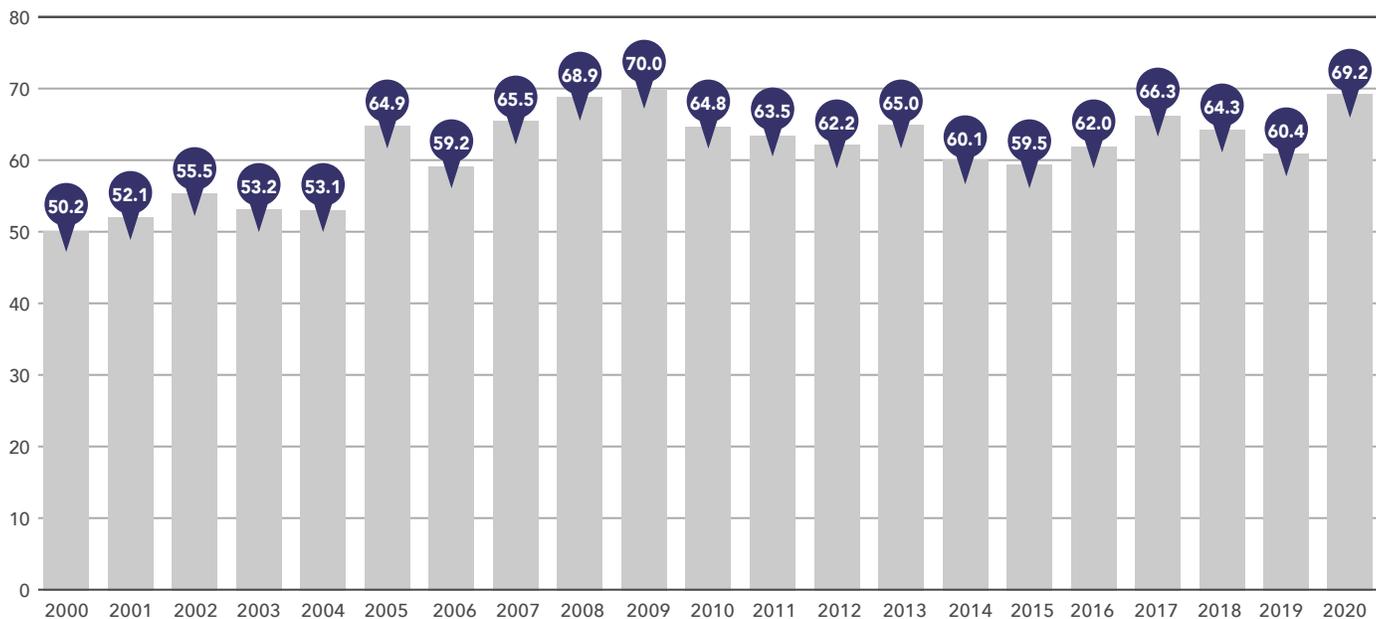
<sup>2</sup> For a detailed breakdown of average pro bono percentage by firm size, see Table 1 in Appendix B.

# 2020 CHALLENGE PERFORMANCE DATA

## Average Pro Bono Hours Per Attorney

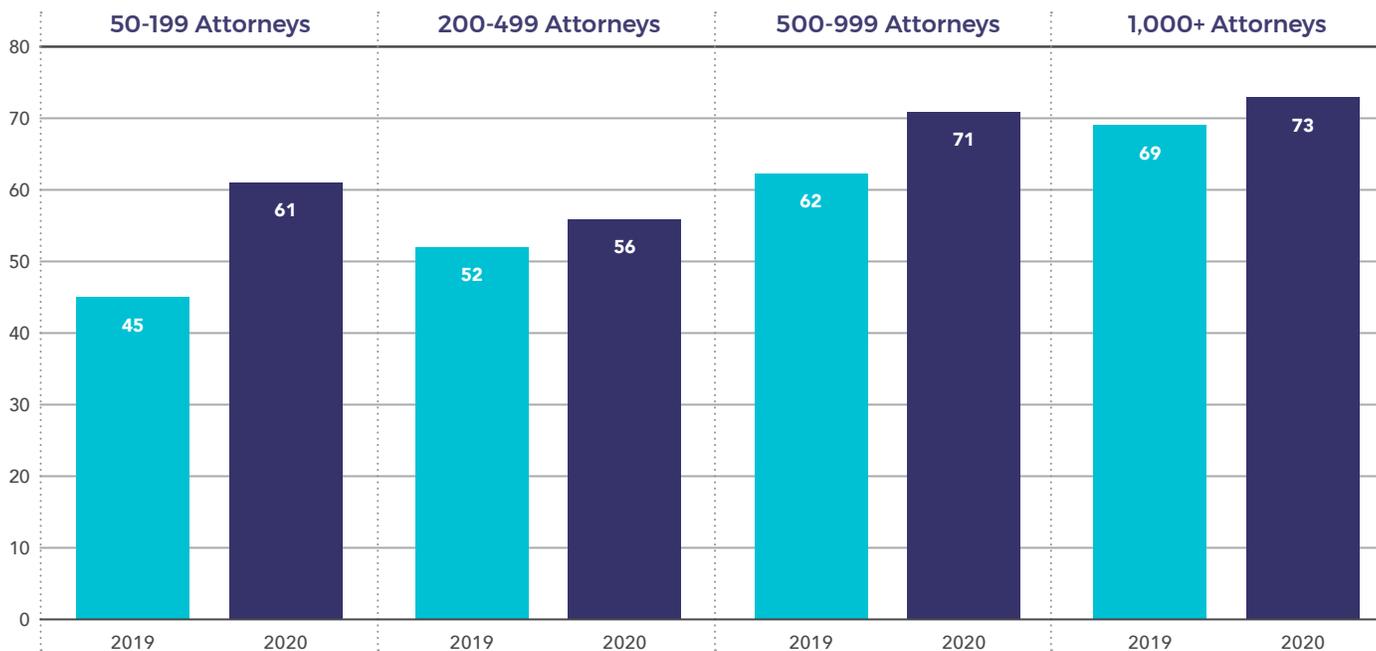
In 2020, the average number of pro bono hours per attorney increased substantially to 69.19 hours per attorney (a 15% improvement over 2019).

Average Pro Bono Hours Per Attorney



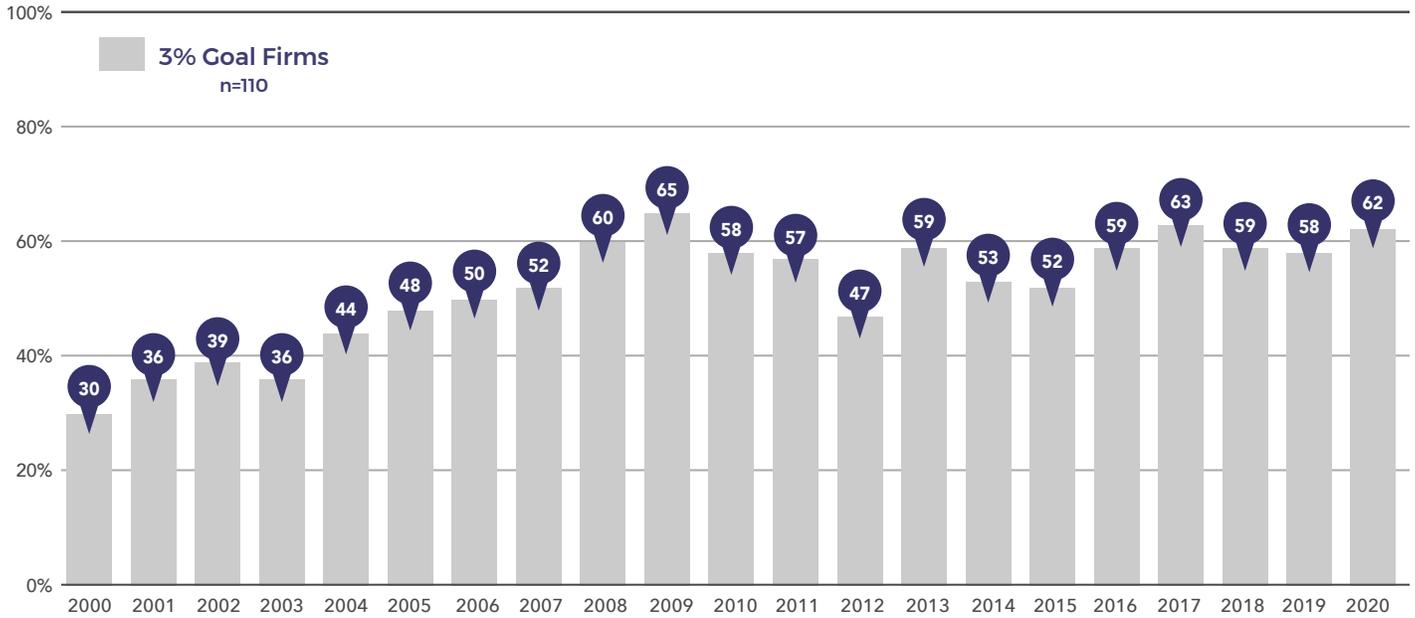
The graph below shows a breakdown of average pro bono hours per attorney by firm size in 2019 and 2020.

Average Pro Bono Hours Per Attorney by Firm Size

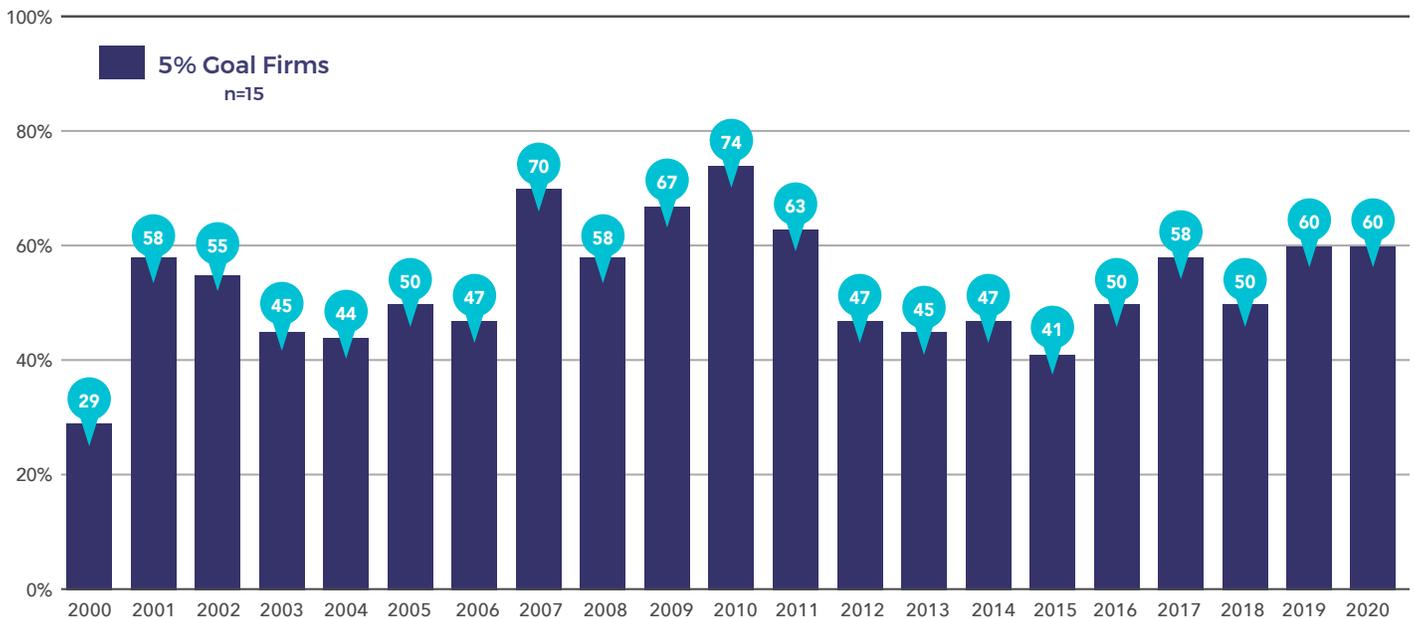


## Reaching the Challenge Goal

### Percentage of Firms that Achieved 3% Goal



### Percentage of Firms that Achieved 5% Goal

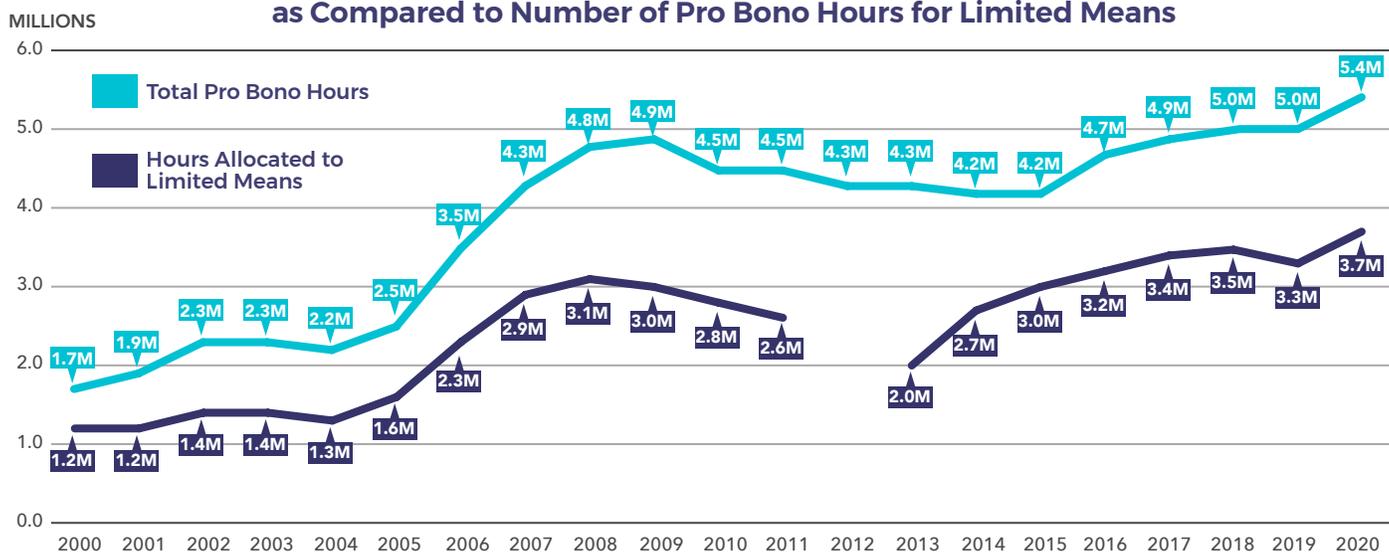


## Service to Persons of Limited Means

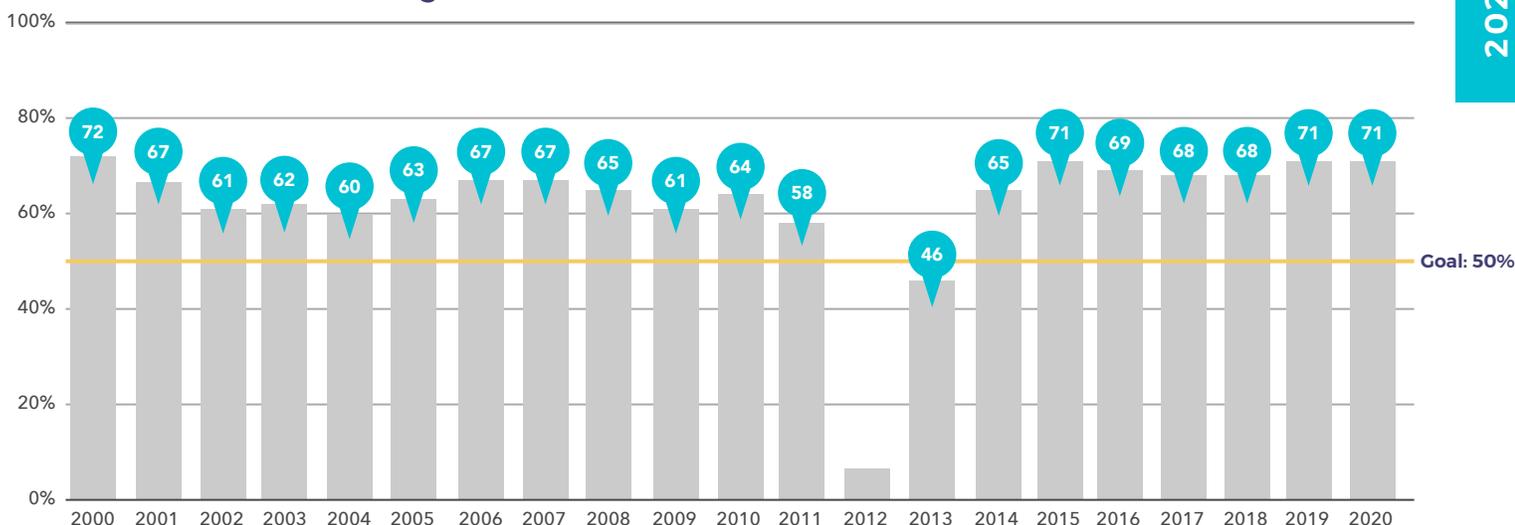
The Challenge (Principle 3) asks firms to devote a majority of their pro bono time “to persons of limited means or to charitable, religious, civic, community, governmental, and educational organizations in matters which are designed primarily to address the needs of persons of limited means.” This element of the Challenge remains particularly crucial at this time, when poverty in the U.S. remains high and resources and staffing for legal aid remain inadequate.

In 2020, 120 Challenge signatories reported 3,677,432 actual or estimated hours of service to persons of limited means and the organizations that serve them (collectively, “limited means”), a significant increase of 360,993 hours over 2019 (same number of firms reporting). Seventy-one percent of all pro bono time of reporting firms was devoted to limited means. Moreover, 87% of the increase in pro bono hours in 2020 over 2019 was devoted to limited means work. Reporting signatories are exceeding their Challenge commitment to devote a “majority” of their pro bono time to people of limited means by a material margin.<sup>3</sup>

**Total Number of Pro Bono Hours  
as Compared to Number of Pro Bono Hours for Limited Means**



**Percentage of Total Pro Bono Time Devoted to Limited Means**



<sup>3</sup> In 2012, the failure of a large number of Challenge signatories to report reliable data on the hours and percentage of total pro bono time committed to persons of limited means and the organizations that serve them meant that PBI, in turn, could not provide reliable aggregated statistics.

## Correlation Between Total Pro Bono and Limited Means Work

This year we conducted additional analysis to determine whether there are any correlations associated with firms engaging in more limited means pro bono work and pro bono work generally.<sup>4</sup> We discovered an incredibly high correspondence between doing limited means related pro bono work and overall pro bono work – a correlation of 0.94. This correlation was not a matter of more limited means related pro bono work simply overwhelming other pro bono work. There was also a positive correlation (0.54) between firms doing more limited means work and doing more non-limited means related work as well. Thus, firms doing more limited means related work also did more pro bono hours of non-limited means related work and more total pro bono hours.

## Response to Legal Needs Arising from the COVID-19 Pandemic

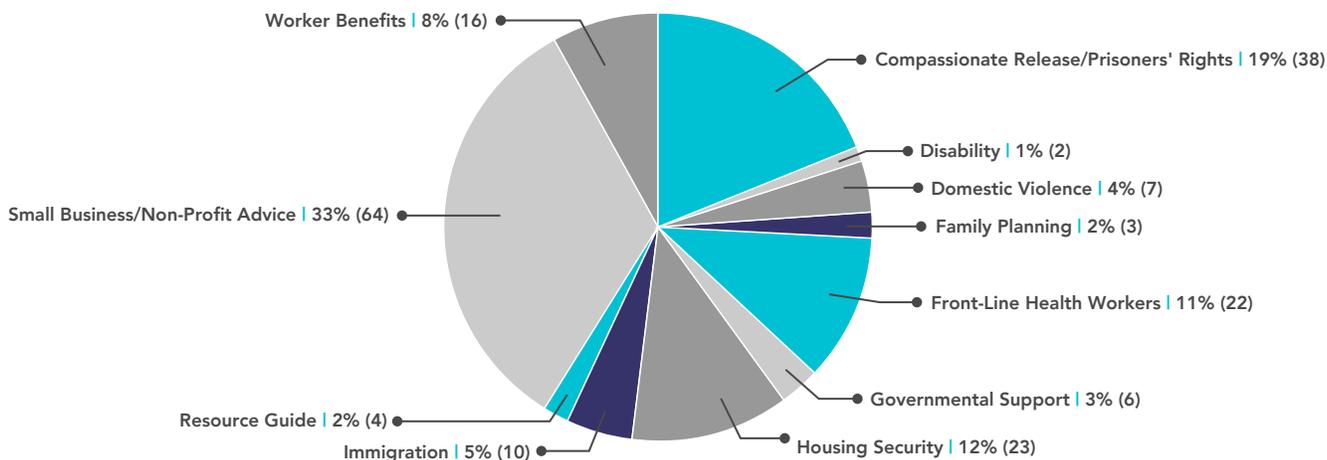
In our 2021 Law Firm Pro Bono Challenge survey, we included several optional questions regarding how law firms responded to assisting pro bono clients with needs for legal services resulting from the COVID-19 pandemic. Eighty percent of the Challenge signatories responded to these questions. An overwhelming majority (97%) of those who responded indicated that they had provided pro bono legal services directly in response to the pandemic. Seventy-three percent of the firms quantified the hours of COVID-19 related services provided. Overall, 262,276 (or 8% of all) pro bono legal services hours of reporting firms were devoted to assisting with COVID-19 driven legal matters.

The five most commonly addressed legal areas were:

- > Compassionate release or prisoners’ rights
- > Front-line health worker support (e.g., living wills and directives)
- > Housing security
- > Small business/non-profit advice and representation (e.g., obtaining loans, understanding workers rights, and lease issues, as well as helping such entities with their efforts to help individuals with limited resources mitigate the impacts of the pandemic)
- > Worker benefits

Assisting small businesses and non-profits was the area of most focus, with 64 firms of the 83 firms (and 33% of responses) mentioning this. Compassionate relief or prisoners’ rights was the second biggest area of focus (38 firms and 19% of the responses), with housing security (23 firms and 12% of responses) and front-line health worker support (22 firms and 11% of responses) next.

**COVID-19 Response Categories (n=83)**



<sup>4</sup>While correlation does not demonstrate causation, it does provide a picture of what attributes go hand-in-hand. The higher the correlation, the more a change in one measure corresponds with the change in the other measure. The highest possible correlation is one (perfect correspondence) and the lowest is zero (no relationship between the two facts being measured). A positive correlation means that as one item increases, so does the other item being measured. A negative correlation means as one item increases, the other falls.

# 2020 CHALLENGE PERFORMANCE DATA

In sum, a majority of firms responding to the Challenge survey reported pro bono efforts tied directly to mitigating the impacts of COVID-19. While this work constituted only a modest portion of law firm pro bono in 2020, it was multifaceted and constituted 63%, or almost two-thirds, of the additional pro hours Challenge signatory firms reported for 2020.

## Addressing Racial Justice

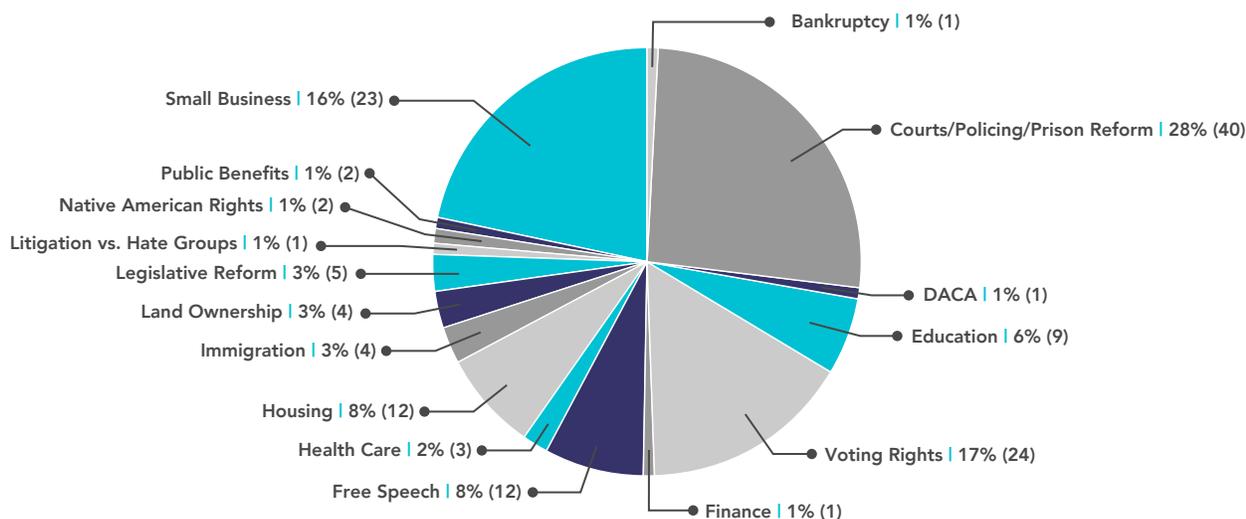
In light of recent events bringing new focus on racial justice, and endeavors of the legal community to address racism at both the institutional and individual levels, we included several new optional questions in the 2021 Law Firm Pro Bono Challenge survey. More than three-quarters (77%) of the Challenge signatories responded to these questions. A vast majority (94%) of those who responded indicated that their pro bono programs had adopted a new or renewed focus on racial justice in 2020. Furthermore, of the six percent of firms indicating that they did not adopt a new or renewed focus in this area, many commented that racial justice was already a key focus area prior to 2020. Because racial justice is not a new issue and there is not universal agreement as to what constitutes working for racial justice, we did not attempt to quantify to what extent law firms increased their pro bono hours in this area in 2020 versus prior years. (For example, some would count assisting minority-owned and operated businesses, while others would limit racial justice work to matters seeking to directly rectify past or continuing legal harms.) However, we did ask law firms to report on those areas they were actively addressing and how such work represented change from their past practices.

The five most commonly addressed legal areas were:

- > Criminal justice (including court, policing and prison reform);
- > Voting rights (including election protection, census, and anti-gerrymandering work);
- > Free speech (especially freedom to peacefully protest);
- > Housing; and
- > Small business/non-profit advice and representation.

As shown in the following graph, reforming courts, policing and prisons was by far the most commonly cited area being addressed, with 40 of the 79 firms (28% of responses) mentioning this. Rounding out the top three were voting rights (24 firms and 17% of responses) and small business assistance (23 firms and 16% of responses).

**Racial Justice Response Categories (n=79)**



# 2020 CHALLENGE PERFORMANCE DATA

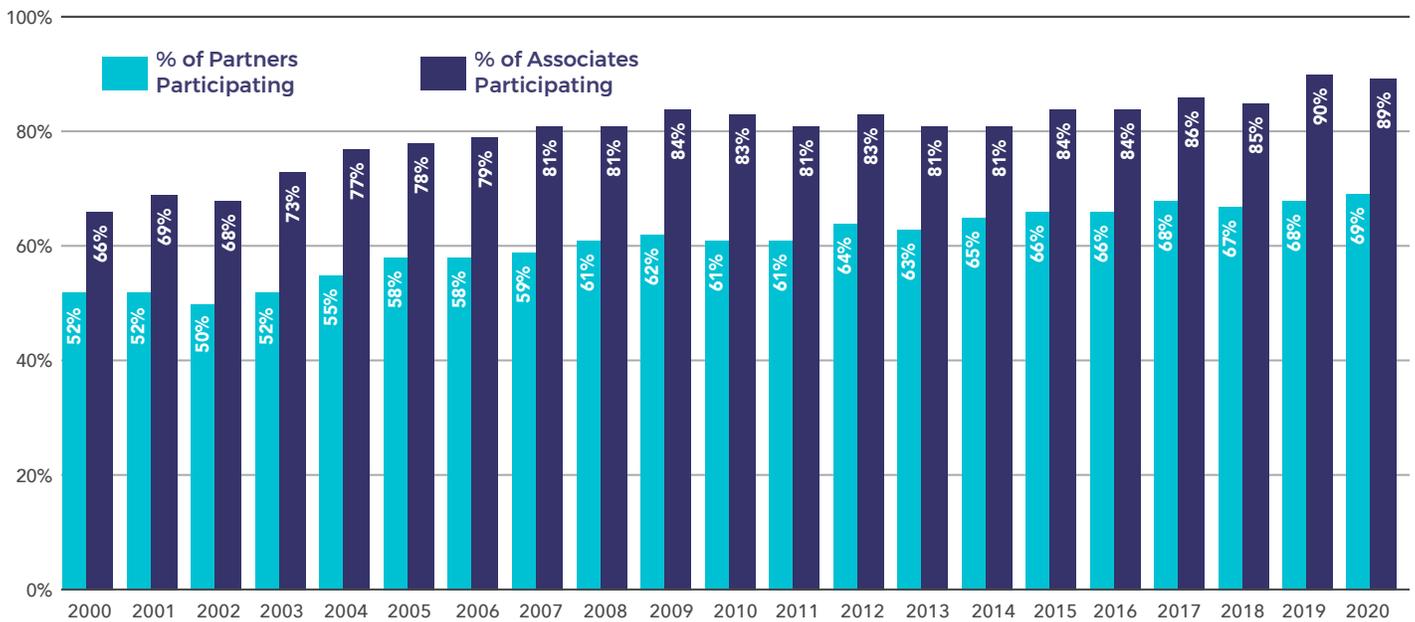
It is important to consider whether racial justice work represents: (1) a shift in existing resources, (2) additional resources being applied, or (3) some combination of both. Thirty-nine percent of respondents indicated that they had broadened the scope of their pro bono programs to include more types of racial justice matters. Forty-one percent of respondents reported that their programs had shifted to place greater focus on racial justice matters. Twenty-two percent of those responding said that they had increased their total number of pro bono hours to step up the effort to achieve racial justice while continuing to fully support their other pro bono efforts. Notably, these approaches are not mutually exclusive. Some law firms indicated that they had simultaneously shifted their program focus to place greater emphasis on racial justice, broadened the scope of their racial justice matters, and increased their overall pro bono hours to put more attention on racial justice without shrinking their other efforts.

The overall increase in pro bono hours for firms that reported increasing their pro bono hours to address racial justice issues was 11 percent.

## Participation

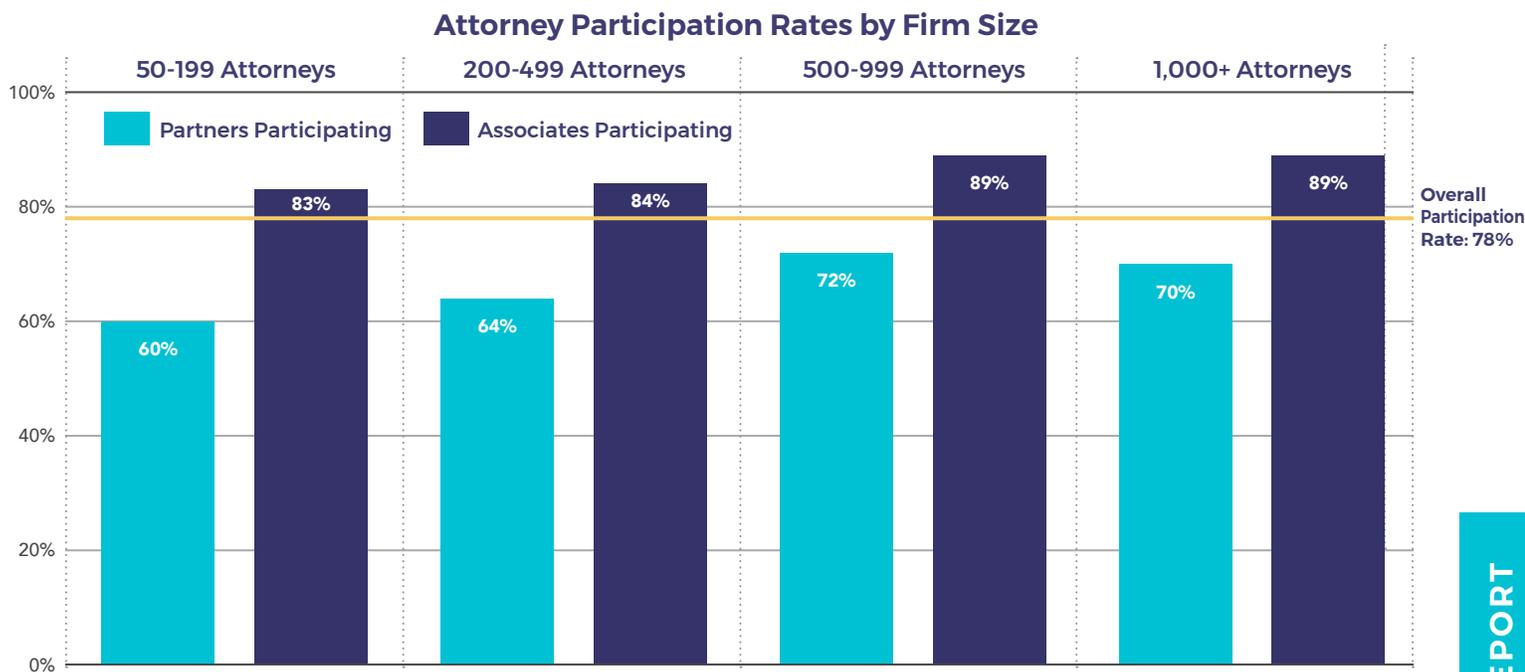
Participation rates in 2020 were up for partners and down for associates. As seen below, 69.5% of partners and 88.7% of associates participated in pro bono in 2020, compared to 67.6% and 90.1%, respectively, in 2019. Collectively, 77.7% of attorneys participated in pro bono in 2020, higher than the 76.3% who participated in 2019.

### Attorney Participation Rates



# 2020 CHALLENGE PERFORMANCE DATA

The graph below shows a breakdown of partner/associate participation in pro bono by firm size for 2020.<sup>5</sup>



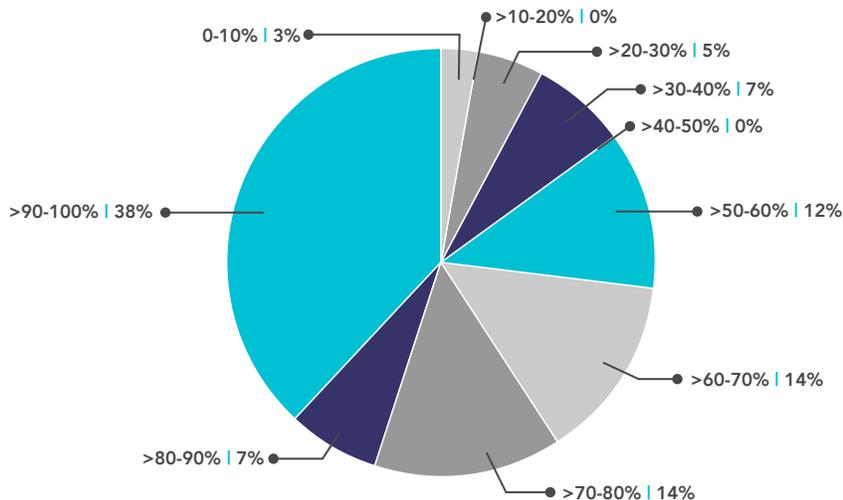
For 2021, we also considered the importance of partner participation for achieving maximum associate participation, increasing pro bono hours per participant, and meeting and exceeding Challenge billable hour goals. At 0.69, 0.49 and 0.59 respectively, associate participation, pro bono hours per participant, and pro bono hours as a percentage of all billable hours all have positive correlations with partner participation, *i.e.* firms with higher partner participation rates also tend to have higher associate participation rates, higher pro bono hours per participant, and higher pro bono percentages.

This year, PBI also asked law firms to provide more granular data with respect to law students, paralegals, legal assistants and other legal staff in pro bono matters. Forty-six of the law firms responding to our survey reported employing law students in 2020. An overwhelming majority of these law firms (93%) involved their law students in pro bono. Further, a total of 1,040 law students, or 71% of all law students working at the responding firms, participated in those firms' pro bono programs. At the firms that included law students in their pro bono efforts, 72% of the law students they employed participated in pro bono.

One-third of the reporting firms achieved 100% law student participation rates, and well over half (56%) of the firms reported participation rates of at least 75%.

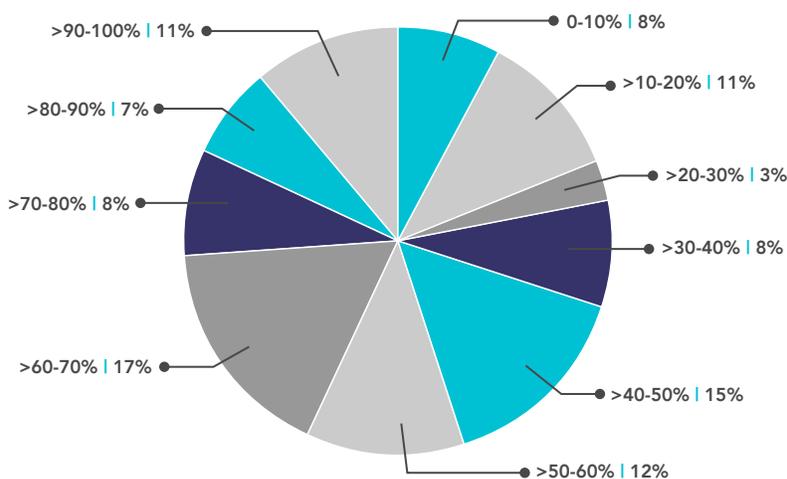
<sup>5</sup> For a detailed breakdown of attorney participation rates by firm size, see Table 3 in Appendix B.

## Law Student Pro Bono Participation Rates



With regard to other legal staff, 97% of responding firms employ paralegals, legal assistants, and others ("Legal Staff") that track their time in pro bono. In all, firms reported a total of 3,397 Legal Staff (31%) participated in pro bono. Nine percent of responding law firms reported participation rates of 100%; 20% of firms achieved participation rates of at least 75%; and 57% of firms had participation rates of 50% or more.

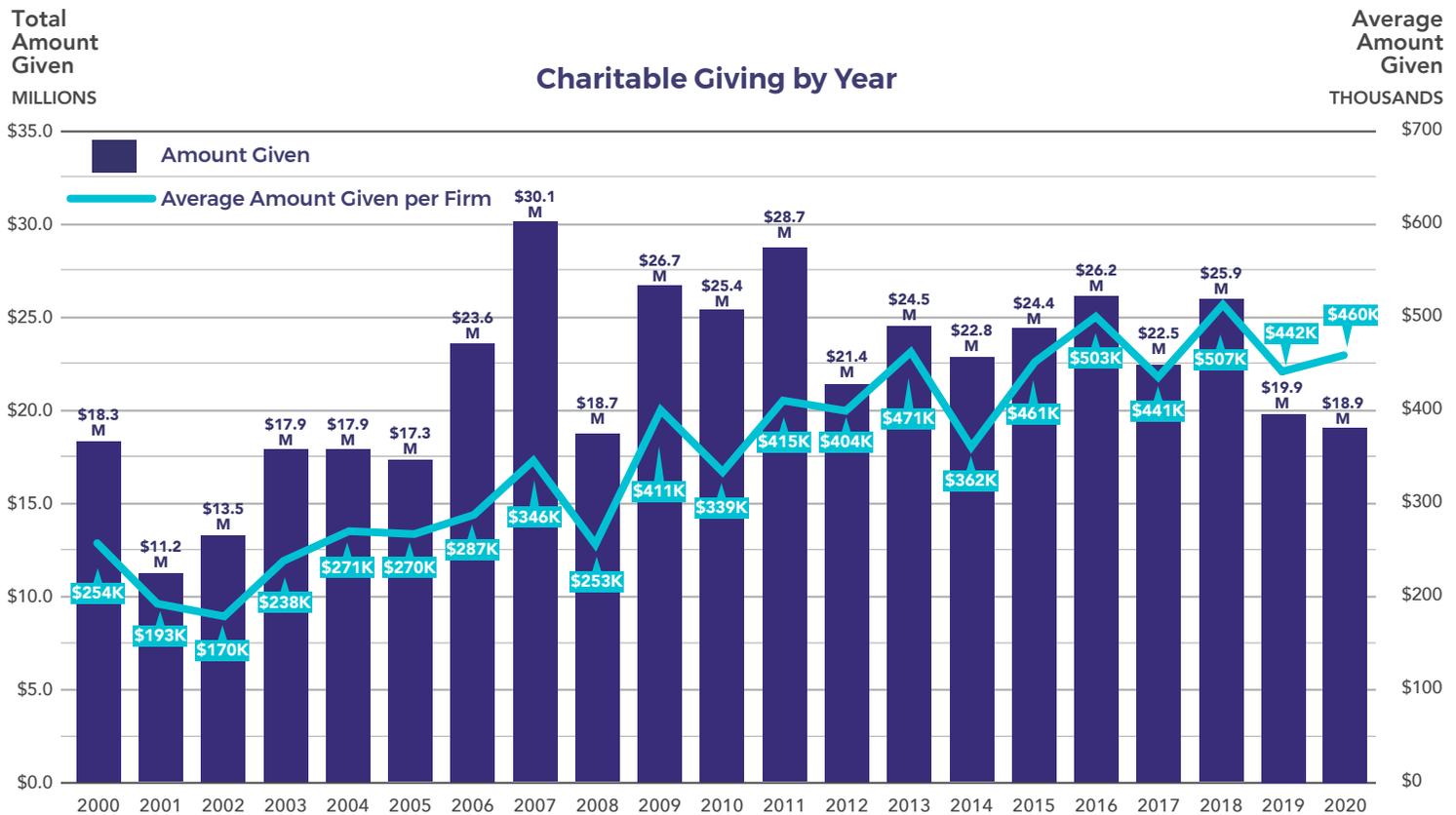
## Legal Staff Pro Bono Participation Rates



# 2020 CHALLENGE PERFORMANCE DATA

## Charitable Donations

Each year, the Challenge asks firms to respond to several standard optional questions, including providing supplemental information on charitable donations to legal services organizations ("LSOs"). In 2020, 41 firms reported that they had donated \$18,853,661 to LSOs compared to 2019, when 45 firms reported they had donated \$19,906,087 to LSOs.



This year we also examined the relationship between (a) charitable giving to entities providing free legal services, and (b) other firm attributes, (i) including total billable hours, (ii) number of partners, (iii) number of partners participating in pro bono, and (iv) percentage of billable hours devoted to pro bono.

We discovered that there was a moderate<sup>6</sup> correlation between total billable hours of a firm's lawyers and giving at 0.49. The highest correlation was between the percent of billable hours that a firm devoted to pro bono and giving – correlation coefficient of 0.57. Meaning those firms who take pro bono service most seriously also commonly believe in providing substantial financial support to LSOs.

<sup>6</sup> In many fields, relationships are considered to be strong only if the correlation coefficient is at least 0.75. However, when it comes to human behavior, which is influenced by so many variables, correlations coefficients tend to be less than 0.6.

# REFLECTIONS

Law firm pro bono grew in a year of unprecedented uncertainty and increased need. Law Firm Pro Bono Challenge signatories had their best year ever, contributing 5.4 million hours of pro bono service – eclipsing the previous record set in 2018, when 5 more firms participated in reporting.<sup>7</sup> The key metrics of (1) pro bono hours for those of limited means and organizations serving them; (2) attorney participation rates; and (3) average hours per attorney for 2020 were all at or near record highs. In the wake of such an unusual year, it is too early to draw a conclusion as to whether 2020 represents either: an enduring trend in increased pro bono engagement; or a response to extraordinary circumstances related to the pandemic, its impact on law firm paying work and the demand for pro bono, as well as focused efforts to pursue racial justice. However, looking at the long-term trends over the 25-year history of the Law Firm Pro Bono Challenge offers a basis for watchful optimism, while underscoring the need for continued effort to promote pro bono; vigilance; and long-term, strategic thinking. At a time of continuing widespread economic challenge, increased need, social upheaval and concern for the future, meaningful efforts to promote access to justice for all are critical to moving society forward.

## Pro Bono is a Core Value

- > The Law Firm Pro Bono Project's longitudinal data indicate that law firm pro bono did not peak in 2018. Total pro bono hours reported increased by approximately 417,325 hours in 2020 over 2019, despite 4 fewer firms reporting. Moreover, 2020 marked a 7% increase over the previous record set in 2018. Further, the average number of pro bono hours was 69.2 hours per attorney, up 15% from 2019 and another record high.
- > In 2020, 62.4% (significantly better than 2018 and 2019) of Challenge signatories that committed to pro bono service hours equal to at least 3% of total billable hours and 60% of signatories that committed to 5% met their stated Challenge goals. In 2018, approximately 50% of firms with a goal of 5% met that goal; in 2019, 60% met the goal. Pro bono hours were 4.17% of total paying client billable hours in 2020, as compared to 4.00% in 2019 and 3.79% in 2018. The approximately 40% of firms that did not reach their Challenge goals in 2020 may want to examine their partner participation rates, as such rates have a significant correlation with achieving proportionally higher pro bono hours.
- > When the Challenge was launched in 1993 and implemented in 1995, one fundamental goal was to encourage more than half of a firm's attorneys to participate in pro bono, an ambitious objective at that time. In 2020, the combined attorney participation rate for partners and associates was 77.7%, a new record high driven by increasing partner participation.
- > The 77.7% average overall partner and associate participation rate is only that – an average. Just as there are a cohort of firms that achieved more than 77.7% participation rates, there are others with participation rates well below the 77.7% average. We encourage firms that find themselves below the industry average to focus on boosting participation rates with a goal of not just exceeding the Challenge goal of 50% participation but approaching the current average performance.
- > As we embark on the next 25 years of the Challenge, a look back provides some perspective and context: the first data collection from 1995 yielded information from 135 Challenge signatories, which reported 1.6 million pro bono hours, an average of 53.3 pro bono hours per attorney, and 17,779 attorneys participating in pro bono. In 2020, 123 Challenge signatories reported over 5.4 million pro bono hours, an average of 69.2 pro bono hours per attorney, and 60,757 attorneys participating in pro bono.<sup>8</sup>

<sup>7</sup> It is important to note that a reduction in the number of firms reporting does not equate to an expectation that the number of pro bono hours reported for that year will also decrease. In many cases, the reduction in the number of firms reporting is related to a merger involving two Challenge signatory firms.

<sup>8</sup> In 1995, PBI attorney participation tracking was limited to partners and associates. In recent years, PBI has tracked all attorneys at reporting firms. For comparison purposes the number of partners and associates reported to have participated in pro bono in 2020 was 53,799.

# 2020 CHALLENGE PERFORMANCE DATA

- > Pro bono performance varies greatly by geographic region, which demonstrates the need to address persistent differences in pro bono culture, leadership, infrastructure, and the availability of pro bono opportunities.
- > In these times of crisis (both natural and human-made), law firms have consistently risen to the occasion to secure and protect the rights of underserved and marginalized communities. We continue to experience increased and novel needs for legal assistance and are prepared to help firms craft and implement innovative and meaningful solutions.
- > Law firm pro bono efforts are having an impact on local, national, and global scales. Lives are being improved, rights are being protected, and access to justice is being advanced every day. Inspiring and creative innovations are being developed, assessed, and replicated; collaborations and partnerships, with both familiar and unconventional stakeholders, are being formed; and delivery systems are being tested and tweaked. In short, the impact of pro bono goes well beyond the numbers.

## Responding to New and Chronic Challenges

- > Ironically, demand for COVID-19 related pro bono services may well peak only after the spread of the disease itself ebbs. As important as the government COVID-19 relief initiatives have been and continue to be, many of those measures have served to delay, rather than mitigate the harm. For example, moratoriums on housing evictions and mortgage foreclosures have forestalled many from becoming homeless helping to keep people out of shelters and thereby reducing the spread of COVID-19. However, when such moratoriums fall, many renters and homeowners will not be able to cover past due amounts, creating increased need for legal assistance.
- > Based on our survey results this year, it is clear that, far from being deterred by COVID-19 and the challenges it posed, including working remotely, law firm Challenge signatories increased their efforts to secure access to justice for all, taking into account the increased demand in traditional areas of pro bono as well as serving new demands. However, it remains to be seen whether this effort will be sustained in the face of a return to normalcy for law firm practice. Front-line health workers and those of limited means will continue to be among those who face the brunt of the pandemic's effect. The PBI Law Firm Pro Bono Project initiative stands ready to assist existing and new members with improving the efficiency, focus and impact of their pro bono programs to keep pro bono attorneys engaged and maximize what can be accomplished in the face of continuing need as well as increased commercial demands or other obstacles. To track law firm success in meeting needs related to the COVID-19 crisis, Challenge signatories should anticipate another round of COVID-19 related survey questions in January 2021.
- > Racial justice can hardly be considered a new issue. Indeed, it is a chronic issue that has historically attracted attention in waves. In the past year, this issue has once again risen to the forefront and is getting well deserved national and global attention that needs to be sustained on many fronts if we are to finally achieve equity in our system of justice and in society, more broadly.
- > The results from this year's survey show that Challenge signatories have almost universally stepped up their efforts on behalf of achieving racial justice, whether by increasing the focus of their existing programs or enlarging their efforts overall. While there does not appear to be a common definition of racial justice work among Challenge signatories, responding firms reported engaging in a broad range of racial justice work; many firms focused their efforts in 2020 on specific areas where communities of color have been disproportionately impacted and where there exists a persistent equity gap, including criminal justice, wealth creation, voting, and housing.

While PBI did not include specific questions regarding pro bono partnerships in its Challenge survey, PBI knows from its consultative services throughout the year that, as firms refined or expanded their pro bono offerings to include racial justice work, legal service providers were called on to highlight their own racial justice work to their pro bono partners. For many organizations, whether legal aid providers, civil rights

entities, or community activists, racial justice work is central to their mission. Law firms also expanded their list of partners to include new organizations that allowed firms to develop projects designed to address racial inequity.

- > Despite the increased focus on racial justice, it is undeniable that much remains to be done to fully implement racial justice initiatives within law firms. For these initiatives to be effective, in addition to being sustained over time, they must engage multifaceted and collaborative approaches. There is no silver bullet. Fortunately, given the attention many law firms have shown this past year, PBI hopes that 2021 will produce further engagement in racial justice work.
- > The demand for pro bono legal services to achieve racial equity will not slacken any time soon. Consequently, law firms can expect to see future questions in the Challenge survey on this subject, and we encourage all firms to track their efforts in a way that allows for meaningful analysis.

### Enhancing Access to Justice through Pro Bono Service and Charitable Giving

- > In addition to the commitment to devote 3 or 5% of a firm's total paying client billable hours to pro bono, Challenge signatories also agree to devote **"a majority"** of their pro bono time "to persons of limited means or to charitable, religious, civic, community, governmental, and educational organizations in matters which are designed primarily to address the needs of persons of limited means" (Principle 3) (*emphasis added*). This year, 71% of all pro bono time was devoted to those of limited means and organizations serving them. This effort equals the same percentage as 2019, but represents a substantially greater amount of pro bono hours from last year (i.e., about 361,000 hours or 10.9% more). In step with the Challenge goals, signatories are continuing to make service to persons of limited means, both direct and indirect, a priority.
- > Furthermore, if 2020 is any indication, indirect and direct service to persons of limited means does not come at the cost of other worthy pro bono causes. Overall, the higher a firm's pro bono hours dedicated to limited means, the higher the firm's pro bono hours for pro bono service to other causes as well. It appears that, on the whole, when a law firm chooses to up its commitment to pro bono, all causes are better off, and placing emphasis on serving those of limited means does not preclude providing law firm pro bono participants with a wealth of opportunities of all types.
- > With regard to the direct provision of legal services to individuals of limited means, this year we also asked firms to separately report (on a voluntary basis) the percentage of pro bono provided directly to persons of limited means (as opposed to organizations that assist individuals of limited means). Nearly half (40.8%) of firms provided information responsive to this question (despite the voluntary nature of the question and lack of notice in 2019 that this information should be tracked). Their responses indicated that well over two-thirds (69%) of pro bono time devoted to serving individuals of limited means took the form of direct representation of persons of limited means.
- > With regard to charitable donations, it appears that firms that have a strong culture of pro bono also have a strong culture of giving in support of legal aid. In 2020, there was a strong correlation between firms with high pro bono hour percentages by partners and associates and giving. There was only a weak correlation between the number of partners at a firm and giving (indeed, even between the number of partners participating in pro bono at a firm and giving) and a modest correlation between total billable hours of a firm and giving. Thus, firms that give generously do not do so merely because they have the fiscal resources to support such giving, but rather because culturally they are willing to dig deeper and contribute a greater percentage of both (a) their earning potential (in the form of legal services hours) and (b) their earnings (in the form of cash contributions) than other firms.

## 2020 CHALLENGE PERFORMANCE DATA

- > The financial support provided by Challenge signatories to legal services organizations, whose expertise and assistance make law firm pro bono possible, is critical. In 2020, 41 firms reported that they had donated \$18,853,661 to legal services organizations. (In 2019, 45 firms reported that they had donated \$19,906,087; in 2018, 51 reporting firms donated \$25,891,604.) While the total sums reported has decreased over the last three years, the average reported firm donation increased by 4% (from 2019 to 2020) though it remains lower than 2018 (\$459,845 in 2020 and \$507,679 in 2018).<sup>9</sup> Reporting of financial contributions is optional for Challenge signatories. Because real world factors and reporting variances account for most of the year-to-year fluctuation, it is difficult to draw definitive conclusions from the data. As such, fluctuations should be less volatile if the number of reporting firms increases; therefore, we encourage additional firms to report donations for 2021 and subsequent years. All individual firm data is kept strictly confidential, so there is no downside, and all firms will benefit from better benchmarking.
- > Firm contributions are indispensable for maintaining an effective pipeline and support network for legal services programs, which in turn benefit law firm pro bono efforts. Even at a time when all expenses are being carefully scrutinized, we encourage firms to evaluate their financial and in-kind support for legal services organizations; consider creative and stretch increases when possible to maintain the quality and integrity of their own pro bono efforts; and commit to accurately tracking and reporting these amounts to the Law Firm Pro Bono Project.

### Inspiring Action and Maximizing Impact: The Year Ahead

- > 2021 is the 26th year of the Law Firm Pro Bono Challenge initiative. This is an exciting time in law firm pro bono, and PBI looks forward to building the Challenge initiative, and improving the value of this Report as a benchmarking tool and vehicle for refinement and change. Challenge signatory firms that are also PBI Law Firm Pro Bono Project member firms are encouraged to use their 15+ hours of free consulting time to explore their individual performance in more detail with PBI staff, which can be helpful in identifying practicable ways to improve their pro bono programs.
- > We are encouraged that Challenge signatories are generally more successful than their peers who have not yet enrolled in the Challenge. While we do not claim causality, the correlation is notable. As signatories often confirm, making a public commitment to the Challenge heightens awareness of pro bono internally, increases attorney participation, engages firm leadership, and sets a clear and shared goal for success. All of these elements combine to make it more likely that a firm's pro bono program will grow and succeed. For firms that have not yet joined because of a concern that you cannot meet the Challenge goals, we encourage you to sign on and use this tool to advance pro bono at your firm. There is no downside to enrolling, as we do not publish disaggregated statistics, nor do we in any way publicly identify individual firms as having met or not met their Challenge goals.
- > Metrics create incentives and shape behaviors. To the extent they capture and measure incomplete inputs, they can lock in inefficient ways of working and thinking, and produce resistance to change. Should we regard a firm as providing higher value because its lawyers clock more pro bono hours? Should a year be looked at more favorably simply because Challenge signatories reported more aggregated total pro bono hours? The Challenge looks at several nuanced metrics to evaluate pro bono performance, but it is (past) time to assess the metrics themselves. In 2021, the Law Firm Pro Bono Project initiative, with the help of its members and others, is embarking on an effort to find practicable ways for law firms to evaluate the

<sup>9</sup> This drop does not demonstrate that law firms are becoming less generous, as the statistic is greatly influenced by shifts in the relative number of small and large firms reporting donations. In 2020, the percentage of small firms reporting donations was much larger than the percentage of large firms reporting, which may explain the reduction in the average amount donated per firm. For this reason, we began reporting of an additional metric in 2020 – average donations per attorney – and continue to do so this year. See Table 4 of Appendix B. Because of law firm mergers, giving per law firm would need to go up each year to maintain the same total contributions at the industry level. On the other hand, because the number of lawyers is growing (and, while mergers tend to reduce the total number of firms, mergers have little impact on the total number of lawyers at firms) if firms are able to maintain or grow giving per attorney, then overall contributions also should be increasing.

effectiveness of their pro bono programs. While that effort proceeds, we urge each law firm to carefully evaluate not only the amount of pro bono work being undertaken, but also the outcomes and impact of that work to ensure that we are making the highest and best use of our pro bono resources. How can we more fully appreciate and implement a broad range of additional metrics that might help us better evaluate and improve overall pro bono performance and service to clients: Quality and consistency of work? Timeliness and helpfulness of services provided? Efficiency with which services are performed? The skill with which projects are managed? The worth to the client or results obtained? The "social good"? The quality of the experience, engagement, and impact on the firm?

- > The Law Firm Pro Bono Project will continue to listen to the pro bono community and to serve as counselor, resource, strategic advisor, trainer, and catalyst and offer expert guidance on law firm pro bono. Leadership requires being open-minded and resisting the pull of the status quo and the power of the fear of failure to try new ideas to provide improved services. We will also promote experimentation, evaluation, dialogue, and collaboration on how, working together, we can build on the dedication, creativity, and maturation of law firm pro bono to strengthen access to justice.

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June 2021

2021

# Report on the Law Firm Pro Bono Challenge Initiative

## APPENDICES

# METHODOLOGY

Once again, the survey was distributed exclusively in an electronic format, which allows for greater efficiency in the data-gathering process and improved accuracy of the data, which we carefully vet prior to analysis.

Some firms report attorney participation rates higher than 100%. For example, this occurs if the firm's headcount at the end of the year is smaller than the total number of attorneys who participated in pro bono throughout the year. For the purposes of data analysis in the Report, however, attorney participation was capped at 100%.

Aggregated data collected on pro bono hours devoted to those of limited means includes both tracked and estimated data. The Law Firm Pro Bono Project will continue to work with firms to develop comprehensive and accurate tracking systems.

Firms have historically been asked to report metrics for partners and associates. Since 2011, firms have been asked to separately report counsel and staff/other attorneys as well. For 2020, we also asked firms to separately report on: 1) law students; and 2) paralegals, legal assistants and other (non-lawyer) staff. These additional groups represent an important resource for current law firm pro bono programs and their involvement with pro bono now will lead to future lawyers, members of the judiciary and policy makers with a greater appreciation for access to justice and the challenges that have yet to be overcome.

For ease of reference, we now present the data over a 20-year period, *i.e.* in this Report from 2000 to 2020.

# DATA TABLES

**Table 1: Average Pro Bono Reporting by Firm Size**

Firm Size	2020 # of Firms Reporting	2020 Average Pro Bono Percentage	2020 Average Pro Bono Hours Per Attorney	2019 # of Firms Reporting	2019 Average Pro Bono Percentage	2019 Average Pro Bono Hours Per Attorneys	Average Pro Bono Percentage Change
50 - 199 Attorneys	22	3.97%	60.73	21	3.32%	45.4	+0.65%
200 - 499 Attorneys	34	3.43%	56.08	34	3.32%	51.7	+0.11%
500 - 999 Attorneys	45	4.03%	70.68	49	3.95%	62.3	+0.08%
1,000 + Attorneys	22	4.64%	73.33	19	4.40%	69.2	+0.24%

**Table 2: Participation by Partners, Associates, Counsel, and Staff/Other Attorneys**

Category	2020 # of Attorneys	2020 # of Attorneys Participating	2020 Participation Rate	2019 # of Attorneys	2019 # of Attorneys Participating	2019 Participation Rate
Partners	31,797	22,088	69.5%	30,246	20,452	67.6%
Associates	35,742	31,691	88.7%	35,764	32,230	90.1%
Counsel	7,656	5,221	68.2%	7,277	4,932	67.8%
Staff/Other Attorneys	3,008	1,757	58.4%	5,696	2,474	43.4%
<b>Totals<sup>10</sup></b>	<b>78,204</b>	<b>60,757</b>	<b>77.7%</b>	<b>79,754</b>	<b>60,857</b>	<b>76.3%</b>

<sup>10</sup>Totals exceed sum of individual attorney types because of (a) rounding of full-time attorney equivalent head counts for 2020 and (b) a very small number of firms reporting only total attorneys and total attorneys participating, without a by-type breakdown for 2019.

### Table 3: Average Participation by Firm Size

Firm Size	2020 # of Firms Reporting	2020 Partner Participation Rate	2020 Associate Participation Rate	2020 Attorney Participation Rate	2019 # of Firms Reporting	2019 Partner Participation Rate	2019 Associate Participation Rate	2019 Attorney Participation Rate
50 - 199 Attorneys	22	60%	83%	68%	21	57%	86%	66%
200 - 499 Attorneys	34	64%	84%	70% <sup>11</sup>	35	61%	85%	60% <sup>11</sup>
500 - 999 Attorneys	45	72%	89%	79%	51	68%	90%	77%
1,000 + Attorneys	22	70%	89%	79%	20	72%	93%	79%

### Table 4: Donations per Attorney by Firm Size

Firm Size	Average Amount per Attorney Donated to Legal Services Organizations in 2020	Average Amount per Attorney Donated to Legal Services Organizations in 2019
50 - 199 Attorneys	\$1,495.72	\$713.26
200 - 499 Attorneys	\$635.08	\$654.70
500 - 999 Attorneys	\$492.34	\$794.98
1,000 + Attorneys	\$1,739.30	\$1,251.90

<sup>11</sup>This result suggests that the participation of firm attorneys not falling within the partner or associate classification at mid-sized firms is lagging substantially behind participation of partners and associates at mid-sized firms and all types of lawyers at other sized firms.

# 2020 REPORTING CHALLENGE SIGNATORIES

We thank and congratulate the Challenge signatories whose commitment to pro bono is positively reflected in this Report, and we look forward to a renewed and expanded level of commitment in 2021, particularly in light of the pandemic and its aftermath, which has greatly increased the need for pro bono.

- \* Akin Gump Strauss Hauer & Feld
- Alston & Bird
- \* Arent Fox
- Armstrong Teasdale
- Arnall Golden Gregory
- \*† Arnold & Porter
- † Baker Botts
- Baker, Donelson, Bearman, Caldwell & Berkowitz
- Baker McKenzie
- Barnes & Thornberg
- Ballard Spahr
- Beveridge & Diamond
- Blank Rome
- Bradley Arant Boult Cummings
- † Brown Rudnick
- Brownstein Hyatt Farber Schreck
- \* Bryan Cave Leighton Paisner
- Buchanan Ingersoll & Rooney
- Buckley
- \* Carrington, Coleman, Sloman & Blumenthal  
DALLAS, TX OFFICE ONLY
- \* Cleary Gottlieb Steen & Hamilton
- Coblentz Patch Duffy & Bass
- Cooley
- \* Covington & Burling
- Cozen O'Connor
- Cravath, Swaine & Moore
- Crowell & Moring
- Davis Wright Tremaine
- Day Pitney
- \* Debevoise & Plimpton
- Dechert
- \* Dentons US
- \* DLA Piper (US)
- \* Dorsey & Whitney
- \*† Duane Morris
- Epstein Becker & Green  
WASHINGTON, DC, OFFICE ONLY
- Eversheds Sutherland
- † Faegre Drinker
- † Foley & Lardner
- Foley & Mansfield
- † Foley Hoag
- \* Foster Garvey
- \* Fredrikson & Byron
- Freshfields Bruckhaus Deringer (US)
- Fried, Frank, Harris, Shriver & Jacobson
- \* Gibbons
- † Gibson, Dunn & Crutcher
- Goodwin Procter
- Goulston & Storrs
- Graves, Dougherty, Hearon & Moody  
DALLAS, TX OFFICE ONLY
- Greenberg Traurig
- \* Hogan Lovells
- \* Holland & Hart
- \*† Holland & Knight
- Hughes Hubbard & Reed
- \* Hunton Andrews Kurth
- Husch Blackwell
- Irell & Manella
- \*† Jenner & Block
- † K&L Gates
- Kilpatrick Townsend & Stockton
- King & Spalding  
WASHINGTON, DC OFFICE ONLY
- Kirkland & Ellis
- Kramer Levin Naftalis & Frankel
- Latham & Watkins
- Linklaters
- Loeb & Loeb
- Lowenstein Sandler
- Manatt, Phelps & Phillips
- Maslon
- Mayer Brown
- McCarter & English

\* Denotes Charter signatories to the Challenge

† Denotes reporting on global offices, including U.S.

# 2020 REPORTING CHALLENGE SIGNATORIES

† McDermott Will & Emery	Paul Hastings	Simpson Thacher & Bartlett
† McGuireWoods	* Paul, Weiss, Rifkind, Wharton & Garrison	* Skadden, Arps, Slate, Meagher & Flom
Michael Best & Friedrich	Perkins Coie	† Snell & Wilmer
Milbank	† Pillsbury Winthrop Shaw Pittman	* Steptoe & Johnson LLP
* Miller, Canfield, Paddock and Stone	* † Proskauer Rose	Stinson
Miller & Chevalier	Pullman & Comley	Thompson Coburn
WASHINGTON, DC OFFICE ONLY	Quarles & Brady	Troutman Pepper Hamilton Sanders LLP
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo	* Reed Smith	* Venable
Mitchell Silberberg & Knupp	Robins Kaplan	White & Case
† Morgan, Lewis & Bockius	Robinson & Cole	Williams & Connolly
* Morrison & Foerster	Ropes & Gray	WASHINGTON, DC OFFICE ONLY
* Nelson Mullins	Saul Ewing Arnstein & Lehr	Willkie Farr & Gallagher
Riley & Scarborough	Schiff Hardin	* Wilmer Cutler Pickering Hale and Dorr
Nixon Peabody	Schnader Harrison Segal & Lewis	Wilson Sonsini Goodrich & Rosati
Nutter McClennen & Fish	† Seyfarth Shaw	* Winston & Strawn
O'Melveny & Myers	* Shearman & Sterling	Womble Bond Dickinson
* Orrick, Herrington & Sutcliffe	Shook, Hardy & Bacon LLP	Zuckerman Spaeder
Patterson Belknap	† Sidley Austin	WASHINGTON, DC OFFICE ONLY
Webb & Tyler		
NEW YORK, NY OFFICE ONLY		

\* Denotes Charter signatories to the Challenge

† Denotes reporting on global offices, including U.S.

# 2020 NON-REPORTING CHALLENGE SIGNATORIES

**These firms did not report in 2021 for the 2020 calendar year:**

Carlton Fields

Clark Hill Strasburger

Cohen Milstein Sellers & Toll

Dykema Gossett

Finnegan, Hendererson, Farabow, Garret & Dunner LLP

Hollingsworth

Miller Nash

Munger, Tolles & Olson

Norton Rose Fulbright

Shipman & Goodwin LLP

Vinson & Elkins

Weil, Gotshal & Manges

Wiley Rein

# ABOUT THE LAW FIRM PRO BONO CHALLENGE INITIATIVE

The Law Firm Pro Bono Challenge initiative, developed by law firm leaders and corporate general counsel, articulates a single standard for one critical segment of the legal profession – firms with 50 or more lawyers. The Challenge has become the definitive aspirational pro bono standard for large law firms throughout the world. It is unique for several reasons:

- > It uses a progressive standard – i.e., a target of either 3 or 5% of a firm’s total paying client billable hours (equivalent to 60 or 100 hours per attorney) which ties pro bono performance to firm productivity and profitability.
- > It calls for an institutional commitment, rather than an individual lawyer goal, in recognition of the reality that the policies and practices of law firms are keys to the ability and willingness of firm lawyers to undertake pro bono work.
- > It creates goals not only with respect to the amount of pro bono work to be undertaken, but also with regard to the policy elements that are essential for the creation and maintenance of a pro bono-friendly firm culture.
- > It links Challenge signatories to the extensive consultative services and resources available from PBI’s Law Firm Pro Bono Project.
- > It includes an accountability mechanism and an outcome measurement through its annual reporting process.

While statistics are an important measurement tool, the Challenge is not limited to quantifiable goals. Rather, it provides a framework, a set of expectations, and operational and policy elements that are the keys to major law firms’ ability to institutionalize and strengthen the culture and operations of their pro bono programs. Since the inception of the Challenge, PBI has worked with law firms to: promulgate pro bono policies; enhance their relationships with public interest, legal services, pro bono programs and other groups, including the courts; improve the oversight and staffing of firms’ pro bono work; design and implement pro bono partnerships with corporate legal departments; improve processes for planning and evaluating pro bono efforts; create more meaningful time-keeping mechanisms; incorporate a number of innovative pro bono models – including signature projects, rotation/externship programs, global efforts, integration with other firm goals including professional development, talent management, diversity, and associate satisfaction, and more; and successfully encourage many firms to expand the breadth and depth of their pro bono docket.

With only minor changes made in the language and principles of the Challenge since its creation, it has become the industry standard by which firms define, measure, and assess their pro bono achievements. It has also become a rallying point and a catalyst that enables firms, despite economic cycles and other pressures, to contribute materially to their local communities, to the national justice system, and to communities around the world.

# LAW FIRM PRO BONO CHALLENGE STATEMENT

Recognizing the growing severity of the unmet legal needs of the poor and disadvantaged in the communities we serve, and mindful that major law firms must – in the finest traditions of our profession – play a leading role in addressing these unmet needs, our firm is pleased to join with other firms across the country in subscribing to the following statement of principles and in pledging our best efforts to achieve the voluntary goals described below.

1. Our firm recognizes its institutional obligation to encourage and support the participation by all of its attorneys in pro bono publico activities. We agree to promulgate and maintain a clearly articulated and commonly understood firm policy which unequivocally states the firm’s commitment to pro bono work.
2. To underscore our institutional commitment to pro bono activities, we agree to use our best efforts to ensure that, by no later than the close of the calendar year, our firm will either:
  - (1) annually contribute, at a minimum, an amount of time equal to 5% of the firm’s total billable hours or 100 hours per attorney to pro bono work; or
  - (2) annually contribute, at a minimum, an amount of time equal to 3% of the firm’s total billable hours or 60 hours per attorney to pro bono work.
3. In recognition of the special needs of the poor for legal services, we believe that our firm’s pro bono activities should be particularly focused on providing access to the justice system for persons otherwise unable to afford it. Accordingly, in meeting the voluntary goals described above, we agree that a majority of the minimum pro bono time contributed by our firm should consist of the delivery of legal services on a pro bono basis to persons of limited means or to charitable, religious, civic, community, governmental, and educational organizations in matters which are designed primarily to address the needs of persons of limited means.
4. Recognizing that broad-based participation in pro bono activities is desirable, our firm agrees that, in meeting the minimum goals described above, we will use our best efforts to ensure that a majority of both partners and associates in the firm participate annually in pro bono activities.
5. In furtherance of these principles, our firm also agrees:
  - a. To provide a broad range of pro bono opportunities, training, and supervision to attorneys in the firm, to ensure that all of our attorneys can avail themselves of the opportunity to do pro bono work;
  - b. To ensure that the firm’s policies with respect to evaluation, advancement, productivity, and compensation of its attorneys are compatible with the firm’s strong commitment to encourage and support substantial pro bono participation by all attorneys; and
  - c. To monitor the firm’s progress toward the goals established in this statement and to report its progress annually to the members of the firm and to the Law Firm Pro Bono Project.
6. This firm also recognizes the obligation of major law firms to contribute financial support to organizations that provide legal services free of charge to persons of limited means.

# LAW FIRM PRO BONO CHALLENGE STATEMENT

7. As used in this statement, the term “pro bono” refers to activities of the firm undertaken normally without expectation of fee and not in the course of ordinary commercial practice and consisting of (i) the delivery of legal services to persons of limited means or to charitable, religious, civic, community, governmental, and educational organizations in matters which are designed primarily to address the needs of persons of limited means; (ii) the provision of legal assistance to individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties, or public rights; and (iii) the provision of legal assistance to charitable, religious, civic, community, governmental, or educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization’s economic resources or would be otherwise inappropriate.

FIRM
PARTNER EXECUTING ON BEHALF OF FIRM
ADDRESS
ADDRESS (CONT.)
CITY / STATE / ZIP
PHONE / EMAIL
DATE