

SELF-ASSESSMENT GUIDE

This guide has been developed by the Law Firm Pro Bono Project® staff of the Pro Bono Institute (“PBI”) to assist law firms in assessing the strengths and weaknesses of their respective firms’ pro bono programs. No one structure or program is appropriate for all - or even many - law firms. To be effective and successful, a pro bono program should be compatible with the firm’s environment, culture, and history. Firm size is an important factor, as are many other factors, including: geographic location, overall pro bono culture in the community in which the firm’s offices are located, the nature of the firm’s practice, the firm’s economic health, the breadth of locally available pro bono opportunities, and the approach to and expectations about pro bono of relevant local or state bars.

Our analysis of firms that have strong pro bono programs despite changes in firm size, leadership, and economics reveals certain common elements that are essential for virtually every firm seeking to establish or maintain a vibrant pro bono program. This self-assessment guide permits a firm’s pro bono leadership to determine the status of these critical elements within their firm.

How To Use This Guide

While it may be most efficient to assign one person at your firm to collect and assess the information needed to complete the self-assessment, we recommend that a larger group of firm leaders (either (1) an established committee, such as the policy, management committee, pro bono committee or long-range planning committee; or (2) a special committee created to assess the firm’s pro bono program and recommend future directions for that program) review the completed guide and analyze its implications for the firm’s program. Firm retreats, and similar events, offer an excellent opportunity to use the results of a self-assessment conducted with the help of this guide. Broad approval and understanding of the results of the self-assessment will go a long way in garnering support for any desired changes and enhancements to your current pro bono program.

A few firms continue to hold that time-keeping and maintenance of records are not congruent with the nature of their pro bono program. However, in an era in which time spent on work, is tracked nearly to the minute and serves as a measure of success and key to profitability, the absence of time-keeping and statistical information on pro bono work may unintentionally signal that any work not similarly tracked is less important and less relevant to the identity and operation of the firm. Consequently, PBI recommends that firms track pro bono work in the same manner they treat other billable work. Moreover, objective data demonstrating widespread participation in pro bono can also serve as social proof to anyone at a firm that has yet to recognize that those failing to participate are the outliers. Finally, tracking facilitates

proper recognition of pro bono contributors, efficient utilization of limited firm resources, and equitable distribution of burdens.

We encourage firms to share the results of their self-assessments with the Law Firm Pro Bono Project staff (“Project”). At a firm’s request, the Project is available, on a confidential basis, to review the completed guide with the firm and offer an analysis of the firm’s program. We are happy to work with the firm to facilitate a virtual/in-person pro bono retreat (whether firm-wide or at the pro bono management level) as part of any program review. Finally, if areas of inefficiency or obstacles are identified in the course of the self-assessment, the Project can provide confidential assistance to your firms in refining or restructuring your program in a manner that is uniquely suited to the circumstances of your law firm.

We hope that you will give us your thoughts about the utility of the self-assessment guide and your suggestions for revisions, additions, and deletions.

SELF-ASSESSMENT OUTLINE

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- A. Pro Bono Participation Growth:**
- B. Percentage of Pro Bono Participation by Type**

II. LEADERSHIP AND GOVERNANCE

III. SCOPE OF PROGRAM

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- F. Bonuses & Compensation**
- G. Annual Firm Pro Bono Report**
- H. Pro Bono Communications**
- I. Program Evaluations**

SELF-ASSESSMENT QUESTIONS

I. PROGRAM VITALITY

A. Pro Bono Participation Growth:

a. In comparison to four years ago:

1. The overall percentage of associates participating in pro bono work
☐ Increased ☐ Similar ☐ Decreased
2. The overall percentage of equity partners participating in pro bono work
☐ Increased ☐ Similar ☐ Decreased
3. The overall percentage of non-equity partners participating in pro bono work
☐ Increased ☐ Similar ☐ Decreased
4. The overall percentage of other attorneys (i.e., attorneys other than partners and associates) participating in pro bono work
☐ Increased ☐ Similar ☐ Decreased
5. The overall percentage of non-attorney staff (e.g. paralegals, legal assistants, research professionals, etc.) participating in pro bono work
☐ Increased ☐ Similar ☐ Decreased
6. The percentage of firm attorneys spending 20 hours or more annually on pro bono work
☐ Increased ☐ Similar ☐ Decreased
7. The percentage of firm attorneys spending 50 hours or more annually on pro bono work
☐ Increased ☐ Similar ☐ Decreased
8. The percentage of firm attorneys spending 60 hours or more annually on pro bono work
☐ Increased ☐ Similar ☐ Decreased
9. The average number of pro bono hours per pro bono participant contributed annually
☐ Increased ☐ Similar ☐ Decreased

10. In comparison to other departments/practice groups, which departments or groups, if any, are running significantly ahead or behind with respect to pro bono participation?

_____	☐ Ahead ☐ Behind
_____	☐ Ahead ☐ Behind
_____	☐ Ahead ☐ Behind
_____	☐ Ahead ☐ Behind
_____	☐ Ahead ☐ Behind

11. In comparison to other offices, which offices, if any, are running significantly ahead or behind with respect to pro bono participation?

_____	☐ Ahead ☐ Behind
_____	☐ Ahead ☐ Behind
_____	☐ Ahead ☐ Behind
_____	☐ Ahead ☐ Behind
_____	☐ Ahead ☐ Behind

2. For new or greatly expanded departments or practice groups in the past four years, how does their pro bono participation compare to rest of the firm?

☐ Ahead
 ☐ Similar
 ☐ Behind

3. For new or greatly expanded offices in the past four years, how does the pro bono participation of such office(s) compare to the firm's primary office and/or more established branches?

☐

Ahead

☐

Similar

☐

Behind

- B. Percentage of Pro Bono Participation by Type:** What percentage of the following categories of attorneys in your firm participated in pro bono activities involving the delivery of legal services in the past year?

- ☐ Associates first year ____%
- ☐ Associates years 2-5 ____%
- ☐ Associates years 6-9 ____%
- ☐ Non-equity partners ____%
- ☐ Counsel ____%
- ☐ Law Students ____%
- ☐ Non-litigators ____%
- ☐ Paralegals/Legal Assistants/Other Staff ____%

BRAINSTORMING BOX: GOALS, STRATEGIES TO IMPROVE, AND NEXT STEPS

II. LEADERSHIP AND GOVERNANCE

- a. **Pro Bono Professional(s):** Whether or not the firm has a pro bono committee, has the firm assigned one or more individual(s) to direct, oversee, or assist in administering the pro bono program?

☐ Yes ☐ No

- b. If yes, what position(s) do they hold (check all that apply)?

- ☐ Equity partner
☐ Non-equity partner
☐ Associate
☐ Counsel, of counsel or special counsel
☐ Paralegal or legal assistant
☐ Secretary or administrative assistant
☐ Other (please specify)

- c. If yes to II.a, what percentage of their time is spent in the administration of the pro bono program?

- ☐ Individual one _____ %
☐ Individual two _____ %
☐ Individual three _____ %

- d. Which of the following roles do such individual or individuals undertake? (check all that apply)

- ☐ Screen and approving new pro bono matters
☐ Designing or soliciting new pro bono projects
☐ Supervising associates handling pro bono matters
☐ Approving major or controversial pro bono matters
☐ Approving substantial out-of-pocket costs
☐ Monitoring individual attorney levels of pro bono participation
☐ Meeting with attorneys whose pro bono hours may be excessive
☐ Meeting with attorneys whose pro bono hours may be insufficient or who are not participating

- ☐ Reviewing, revising, and developing policies regarding pro bono
 - ☐ Preparing an assessment of the firm's pro bono performance on an annual or periodic basis
 - ☐ Sponsoring or participating in periodic events, such as department meetings, partner lunches, etc., to report on the firm's pro bono program
 - ☐ Reporting to the firm's management committee on the status of the pro bono program
 - ☐ Meeting with assignment partners or practice group heads who may have some antipathy to pro bono
 - ☐ Advertising pro bono opportunities and soliciting volunteers
 - ☐ Surveying the pro bono areas of interest of firm lawyers
 - ☐ Establishing, developing or maintaining contact with legal services and community organizations that are a source of pro bono matters
 - ☐ Preparing an annual pro bono budget
 - ☐ Determining recognition or rewards for attorney pro bono performance
 - ☐ Other (please specify)
-
-

e. **Firm Pro Bono Committee:** Does the firm have a formal firm-wide pro bono committee?

- ☐ Yes ☐ No

1. If so, does the committee have the same permanence and status as other firm committees?

- ☐ Yes ☐ No

f. Is there any overlap in membership between the pro bono committee and the firm's management or policy committees?

- ☐ Yes ☐ No

g. The chair of the pro bono committee is a:

- ☐ Equity partner
- ☐ Non-equity partner
- ☐ Associate
- ☐ Counsel, of counsel or special counsel

☐ Other (please specify) _____

h. If the chair is a partner, how long have they been a partner at the firm? _____

i. How often does the pro bono committee meet? _____

j. What percentage of the committee is in attendance at a typical meeting? _____

k. The following activities are clearly within the mandate of the firm-wide pro bono Committee: (check all that apply)

- ☐ Screen and approving new pro bono matters
- ☐ Designing or soliciting new pro bono projects
- ☐ Supervising associates handling pro bono matters
- ☐ Approving major or controversial pro bono matters
- ☐ Approving substantial out-of-pocket costs
- ☐ Monitoring individual attorney levels of pro bono participation
- ☐ Meeting with attorneys whose pro bono hours may be excessive
- ☐ Meeting with attorneys whose pro bono hours may be insufficient or who are not participating
- ☐ Reviewing, revising, and developing policies regarding pro bono
- ☐ Preparing an assessment of the firm's pro bono performance on an annual or periodic basis
- ☐ Sponsoring or participating in periodic events, such as department meetings, partner lunches, etc., to report on the firm's pro bono program
- ☐ Reporting to the firm's management committee on the status of the pro bono program
- ☐ Meeting with assignment partners or practice group heads who may have some antipathy to pro bono
- ☐ Advertising pro bono opportunities and soliciting volunteers
- ☐ Surveying the pro bono areas of interest of firm lawyers
- ☐ Establishing, developing or maintaining contact with legal services and community organizations that are a source of pro bono matters
- ☐ Preparing an annual pro bono budget

- ☐ Directly representing pro bono clients
- ☐ Other (please specify)

l. Does the firm have formal office-level pro bono committees or managers?

- ☐ Yes ☐ No

m. If your firm has office-level pro bono committees or managers:

1. Do the committees or managers have the same permanence and status as other office level committees or managers?

- ☐ Yes ☐ No

2. Is there any overlap in membership between the office-level pro bono committees or managers and other office-level management?

- ☐ Yes ☐ No

3. What titles do the chairs of the office-level pro bono committees or office-level pro bono managers hold? (check all that apply)

- ☐ Equity partner
- ☐ Non-equity partner
- ☐ Associate
- ☐ Counsel, of counsel or special counsel
- ☐ Other (please specify)

4. How often do the office-level pro bono committees, if any, meet?

5. The following activities are clearly within the mandate of office-level pro bono committees or managers: (check all that apply)

- ☐ Screen and approving new pro bono matters
- ☐ Designing or soliciting new pro bono projects
- ☐ Supervising associates handling pro bono matters
- ☐ Approving major or controversial pro bono matters

- ☐ Approving substantial out-of-pocket costs
- ☐ Monitoring individual attorney levels of pro bono participation
- ☐ Meeting with attorneys whose pro bono hours may be excessive
- ☐ Meeting with attorneys whose pro bono hours may be insufficient or who are not participating
- ☐ Reviewing, revising, and developing policies regarding pro bono
- ☐ Preparing an assessment of the firm's pro bono performance on an annual or periodic basis
- ☐ Sponsoring or participating in periodic events, such as department meetings, partner lunches, etc., to report on the firm's pro bono program
- ☐ Reporting to the firm's management committee on the status of the pro bono program
- ☐ Meeting with assignment partners or practice group heads who may have some antipathy to pro bono
- ☐ Advertising pro bono opportunities and soliciting volunteers
- ☐ Surveying the pro bono areas of interest of firm lawyers
- ☐ Establishing, developing or maintaining contact with legal services and community organizations that are a source of pro bono matters
- ☐ Preparing an annual pro bono budget
- ☐ Directly representing pro bono clients
- ☐ Other (please specify) _____

n. **Firm Leadership Support of Pro Bono Program:** Does the firm's leadership (i.e., chair, managing partner, management committee) provide consistent, visible, and on-going support for the pro bono program?

☐ Yes ☐ No

o. Do a substantial portion of the firm's formal and informal leaders (i.e., chair, managing partner, management or policy committee, practice department heads, noted rainmakers or opinion-leaders) undertake pro bono work?

☐ Yes ☐ No

p. **Additional Support:** Which, if any, of the firm's administrative departments provide support for the pro bono program? (check all that apply)

- ☐ Accounting
- ☐ Human Resources
- ☐ Library
- ☐ Practice Development
- ☐ Recruitment
- ☐ Training/Professional Development
- ☐ Marketing/Public Relations
- ☐ Information Technology
- ☐ Other (please specify) _____

BRAINSTORMING BOX: GOALS, STRATEGIES TO IMPROVE, AND NEXT STEPS

III. SCOPE OF PROGRAM

A. Pro Bono Policy

- a. Does your firm have a written pro bono policy?
 - ☐ Yes ☐ No
- b. The firm's pro bono policy addresses the following: (check all that apply)
 - ☐ Firm's Expressed Commitment to Pro Bono/Pro Bono Goals
 - ☐ Firm's Definition of Pro Bono (see PBI definition)
 - ☐ Matter Intake Procedures, Matter Tracking Expectations

- ☐ Billable Hours and Pro Bono “credit” (for partners, associates, and others)
- ☐ Consideration of Pro Bono Work in Awarding Bonuses, Partner Compensation, etc.
- ☐ Contact for Pro Bono Questions
- c. The activities in the firm’s internal definition of pro bono *include*: (check all that apply)
 - ☐ Legal services to the poor
 - ☐ Legal services to organizations serving the poor
 - ☐ Legal services to charitable, religious, civic, community, governmental, and educational organizations
 - ☐ Legal services to firm employees, friends, and family
 - ☐ Free legal services with respect to legal matters for clients also paying for representation in other matters handled by the firm
 - ☐ Free legal research and analysis on behalf of a qualifying client group and a court
 - ☐ Legal assistance to a start-up company or other small business
 - ☐ Legal assistance to a “poor nation”
 - ☐ Fundraising for legal services
 - ☐ General fundraising (e.g., United Way)
 - ☐ Serving on the board of a legal services program
 - ☐ Serving on the board of an organization focused on the poor
 - ☐ Serving on the board of other non-profits (e.g., arts groups)
 - ☐ Serving on a bar committee on legal services, pro se representation, etc.
 - ☐ Serving on a rules committee of a court
 - ☐ Other bar association activities
 - ☐ Reduced fee representation
 - ☐ Mediation/arbitration without compensation
 - ☐ Mediation/arbitration with compensation
 - ☐ Non-legal community services and help to individuals
 - ☐ Other (please specify) _____

B. Firm Special Projects

- a. The firm sponsors, or otherwise participate in, the following special projects: (check all that apply)

- ☐ Joint pro bono ventures with corporate client
- ☐ Signature/thematic project
- ☐ Rotation/externship program
- ☐ Fellowships
- ☐ Formal pro bono program for summer associates
- ☐ Joint projects with other law firms
- ☐ Other (please specify) _____

C. Percentage of Total Pro Bono Time

- a. Approximately what percentage of total pro bono time spent by firm attorneys is devoted to (may total more than 100% in the aggregate due to overlapping categories):

- ☐ Representation of individual low-income clients ____%
- ☐ Routine assistance to non-profit groups (e.g., preparing by-laws, assistance in tax-exempt status) ____%
- ☐ Legal services to charitable, religious, civic, community, governmental, and educational organizational ____%
- ☐ Legal services to firm employees, friends, and family ____%
- ☐ Free legal services with respect to legal matters for clients also paying for representation in other matters handled by the firm ____%
- ☐ Free legal research and analysis on behalf of a qualifying client group and a court ____%
- ☐ Legal assistant to a start-up company or other small business ____%
- ☐ Legal assistance to a "poor nation" ____%
- ☐ Major litigation affecting low-income client ____%
- ☐ Major transactional pro bono projects (e.g., affordable housing projects, serving broadly as general counsel to a non-profit group) ____%
- ☐ Civil rights/Civil liberties litigation ____%
- ☐ Representation of criminal defendants/prisoners (non-capital) ____%
- ☐ Representation of criminal defendants/prisoners (capital) ____%
- ☐ Environmental protection litigation ____%
- ☐ Environmental advocacy, agreements and negotiations ____%
- ☐ Environmental permitting and administrative practice ____%

- ☐ Policy advocacy on behalf of the poor/disadvantaged (e.g., lobbying, major research projects) ____%
- ☐ Assisting public/municipal legal departments (civil or criminal) ____%
- ☐ Serving on boards ____%
- ☐ Reduced fee representation ____%
- ☐ Fundraising ____%
- ☐ Bar activities ____%
- ☐ Arbitration/mediation uncompensated ____%

BRAINSTORMING BOX: GOALS, STRATEGIES TO IMPROVE, AND NEXT STEPS

IV. POLICIES AND PRACTICES

A. Firm Pro Bono Goals

- a. Does your firm have a per-attorney or overall pro bono goal/expectation?
 - ☐ Yes ☐ No
- b. If so, what is that expectation/goal for equity partners?
 - ☐ Hours per attorney annually or
 - ☐ Total firm hours or
 - ☐ % of billable hours or
 - ☐ Total dollars of attorney time annually or
 - ☐ No expectation/goal or

☐ Other (please specify) _____

c. If so, what is that expectation/goal for non-equity partners?

☐ Hours per attorney annually or

☐ Total firm hours or

☐ % of billable hours or

☐ Total dollars of attorney time annually or

☐ No expectation/goal or

☐ Other (please specify) _____

d. If so, what is that expectation/goal for partner track associates?

☐ Hours per attorney annually or

☐ Total firm hours or

☐ % of billable hours or

☐ Total dollars of attorney time annually or

☐ No expectation/goal or

☐ Other (please specify) _____

e. If so, what is that expectation/goal for other attorneys?

☐ Hours per attorney annually or

☐ Total firm hours or

☐ % of billable hours or

☐ Total dollars of attorney time annually or

☐ No expectation/goal or

☐ Other (please specify) _____

B. Distributing Opportunities

a. What is the process & frequency of distribution of matters to:

1. The entire firm

2. Different offices

3. Individual volunteers

b. Who is involved in distributing the pro bono opportunities?

- ☐ The firm pro bono professional (partner / director / manager / coordinator)
- ☐ The chair or member of the pro bono committee
- ☐ Department or practice group head
- ☐ The partner responsible for assigning all legal work in that department or practice group
- ☐ The pro bono committee member in each office
- ☐ The attorney who brings the matter to the firm
- ☐ By staff of legal services/public interest program
- ☐ Other (please specify)

C. Matter Supervision

a. How are pro bono matters supervised (check all that apply)?

- ☐ Routine pro bono matters are not supervised
- ☐ By the firm pro bono professional (partner / director / manager / coordinator)
- ☐ By the chair or a member of the pro bono committee
- ☐ By the pro bono special counsel
- ☐ By a partner with expertise in the subject area of the pro bono matter
- ☐ By the pro bono committee member in each office
- ☐ By department or practice group head
- ☐ By staff of legal services/public interest program

☐ Other (please specify) _____

D. Evaluations (Associates & Partners)

a. Are pro bono matters considered in the evaluation of associates?

☐ Yes ☐ No

1. If yes, are such matters considered:

- ☐ As evidence of civic or community involvement
☐ In the same manner as paying legal work

2. If yes, does the firm evaluation process automatically include assessments of pro bono work, even if done outside the associate's practice area?

☐ Yes ☐ No

b. Does the firm evaluate the substantive performance of partners?

☐ Yes ☐ No

1. If yes, does that evaluation routinely include an assessment of pro bono involvement?

☐ Yes ☐ No

E. Billable Hour Credit

a. Does the firm provide billable hour credit/equivalency for time spent on pro bono matters?

☐ Yes ☐ No

b. The firm provides billable credit/equivalency for time spent on pro bono matters for: (check all that apply)

- ☐ Equity partners
☐ Non-equity partners
☐ Counsel, of counsel or special counsel
☐ Other attorneys
☐ Associates

c. What are the maximum number, if any, of pro bono hours that an attorney can receive billable equivalent credit for annually (if it varies by title, please provide breakdown)?

1. If yes, how are pro bono hours reported?

- ☐ In a separate category from billable hours
- ☐ As non-billable time along with activities such as firm committee work, etc.
- ☐ As non-chargeable but billable time along with other activities such as training, client development, etc.
- ☐ As part of total client "billable" hours
- ☐ As part of total receivables (arrived at by placing a dollar value on pro bono hours as if they were billed out to clients)
- ☐ Other (please specify)

F. Bonuses & Compensation

a. Are pro bono hours considered in awarding bonuses to associates?

- ☐ Yes ☐ No

1. If yes, are they:

- ☐ Credited hour for hour in determining hours in excess of firm targets/expectations
- ☐ A prerequisite to eligibility for bonuses (e.g., an associate must meet a minimum pro bono annual hourly level to be eligible for a bonus)
- ☐ Other (please specify) _____

b. Are pro bono hours a factor in partner compensation?

- ☐ Yes ☐ No

1. If yes, please describe the manner in which pro bono hours are credited for partners: _____

G. Annual Firm Pro Bono Report

a. Does the firm prepare an annual report on its pro bono activities?

☐ Yes ☐ No

1. If yes, does that report contain (check all that apply)

- ☐ Statistical information on total pro bono hours, hours per attorney, etc.
- ☐ Narrative information summarizing or highlighting the types of pro bono activities undertaken by firm attorneys
- ☐ An assessment of the firm's success in meeting its pro bono goals

2. If yes, to whom is that report distributed? (check all that apply)

- ☐ Pro bono committee
- ☐ Managing partner/chair
- ☐ Policy committee
- ☐ Department/practice group/branch heads
- ☐ All partners/shareholders
- ☐ All attorneys
- ☐ All firm employees
- ☐ Clients
- ☐ Public interest/legal services organizations
- ☐ Bar associations

H. Pro Bono Communications

a. Does the firm publicize pro bono activities/accomplishments?

☐ Yes ☐ No

1. If yes, which of the following methods does the firm use? (check all that apply)

- ☐ Pro bono newsletter
- ☐ Articles on pro bono in general firm newsletter
- ☐ Cite in firm daily/weekly/monthly bulletin
- ☐ E-mail

- ☐ Voicemail broadcast message
- ☐ Special memorandum circulated
- ☐ Special pro bono recognition event
- ☐ Recognition as part of established firm event
- ☐ Awards
- ☐ Other (please specify) _____

I. Program Evaluations

a. Does the firm routinely/periodically evaluate/reassess its pro bono efforts?

- ☐ Yes ☐ No

1. If yes, what criteria are used? _____

b. How do attorneys receive feedback on their individual pro bono work?

- ☐ Periodic electronic or printed reports on pro bono hours
- ☐ One-on-one evaluations of project work with lead matter attorney
- ☐ One-on-one feedback from attorney's mentor
- ☐ One-on-one debrief with firm's pro bono attorney or manager
- ☐ Discussed during annual (or other periodic) review with attorney review committee
- ☐ Attorney receives written evaluation
- ☐ Attorney receives certificate or commendation
- ☐ Attorney receives hang tag or other tangible item announcing participation
- ☐ Other (please explain) _____

BRAINSTORMING BOX: GOALS, STRATEGIES TO IMPROVE, AND NEXT STEPS

Congratulations on completing the self-assessment.

Developed by the Law Firm Pro Bono Project®

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SECTION I. BRAINSTORMING BOX: ADDITIONAL THOUGHTS

SECTION II. BRAINSTORMING BOX: ADDITIONAL THOUGHTS

SECTION III. BRAINSTORMING BOX: ADDITIONAL THOUGHTS

SECTION IV. BRAINSTORMING BOX: ADDITIONAL THOUGHTS