



STATE BAR of
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2007 Pro Bono Contributions Of Wisconsin Lawyers

State Bar of Wisconsin

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I. KEY FINDINGS FROM THE SURVEY

- a) More than one-half (57%) of the State Bar members who responded reported that they provided some free legal services to low income individuals in 2007. The percentage was unchanged from the last survey in 2005.
- b) The median number of pro bono hours per attorney last year for all respondents across all categories of service was 25 hours.
- c) State Bar of Wisconsin members responding to the survey reported performing a total of 142,372 hours of pro bono service in 2007, including:
 - 37,213 hours of free legal services for individuals on limited incomes
 - 19,707 hours of free legal services for organizations to help the poor
 - 14,889 hours of free legal services to other individuals and organizations
 - 37,884 hours of reduced fee services to individuals on limited incomes
 - 6,792 hours of reduced fee legal services to other individuals and organizations
 - 25,887 hours devoted to improving the legal system or the profession
- d) The median number of hours in free legal services to individuals with limited incomes in 2007 was unchanged from 2005 at 25 hours.
- e) The median number of hours in free legal services to organizations in matters to meet the needs of the poor in 2007 was unchanged from 2005 at 20 hours.
- f) The median number of hours of substantially reduced fee legal services to low income individuals in 2007 was unchanged from 2005 at 30 hours.
- g) Using the statewide median hourly billing rate of \$165/hour reported by respondents to the State Bar of Wisconsin's 2005 Economics of Law Practice Survey, the monetary value of the 71,809 hours of free legal services reported for 2007 by all State Bar members responding to the survey was at least \$11,848,485, including \$6,140,145 in free legal services provided to low income individuals.
- h) Using one-half of the statewide median hourly billing rate of \$165/hour reported by respondents to the State Bar of Wisconsin's 2005 Economics of Law Practice Survey, the monetary value of the hours of reduced fee legal services reported by State Bar members was approximately \$3,684,120 for services provided in 2007 to low income individuals and community organizations.
- i) The percentage of respondents who reported making a voluntary donation to fund the provision of legal services to the poor in 2007 was 36%, up from 29% in 2005.
- j) Written pro bono policies in their offices were reported by 15% of all respondents. The percentage rose steadily with office size to 50% for attorneys in offices with more than 50 lawyers. Lawyers in offices with written pro bono policies were more likely to report that they had provided some free legal services to help the poor and most reported providing more hours of free legal services than those without such policies.

II. HOW THE SURVEY WAS CONDUCTED

In January 2008, the State Bar of Wisconsin conducted a voluntary, online survey of its members to get a better sense of the pro bono contributions that members had made in the preceding 12 months. The survey was a follow-up to a similar 2005 pro bono survey of State Bar members. Invitations to participate in the 2007 survey were sent by electronic mail on January 10, 2008 to approximately 19,300 members who had valid email addresses on file at the State Bar, including inactive, nonresident, emeritus and publicly employed lawyers. Approximately 87% of the membership has an email address on file with the State Bar. An email reminder was sent on January 18. To encourage participation, respondents were offered an incentive. Three \$50 gift certificates were awarded to randomly selected respondents.

A total of 1,429 members responded to one or more parts of the survey. Not all respondents answered all questions, some because the question was automatically skipped if it did not apply based on a previous response and others for reasons unique to that individual.

Members were asked a series of up to 22 questions that gathered demographic information as well as the types of pro bono contributions each individual made in the 12 months preceding the survey.

The survey provided members with the text of Supreme Court Rule 20:6.1 which became effective July 1, 2007¹ and provides:

SCR 20:6.1 Pro bono publico service

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and 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;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

¹ Although Rule 6.1 changed midway through the 12 month period that the survey covered, all questions were based on the new rule that was in effect as of July 1, 2007.

(3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

The survey also provided the following guidance to respondents on the meaning of "*persons of limited means*," "*free*" and "*substantially reduced fee*":

For the purpose of this survey, the term "*persons of limited means*" refers to individuals who are variously called "low income," "poor," "working poor," or "indigent." It does not refer to a particular income standard. A client may be a "person of limited means" even if they would not be eligible for a public defender or would not fall below the federal poverty level.

"*Free*" legal services means (for this survey) legal services provided by an attorney without fee or expectation of a fee."

"*Substantially Reduced Fee*" means (for this survey): a reduction of usual fees of at least 50 percent.

III. SURVEY RESULTS

A. Who Responded?

The practice settings, office size and years in practice of the survey respondents are shown in **Figures 1-3**. More of the survey respondents were in private practice (59%) than the general membership (44%). Responses from lawyers employed by government (15%) and corporations (9%) were also slightly higher than their overall presence in the Bar (11% and 7% respectively).

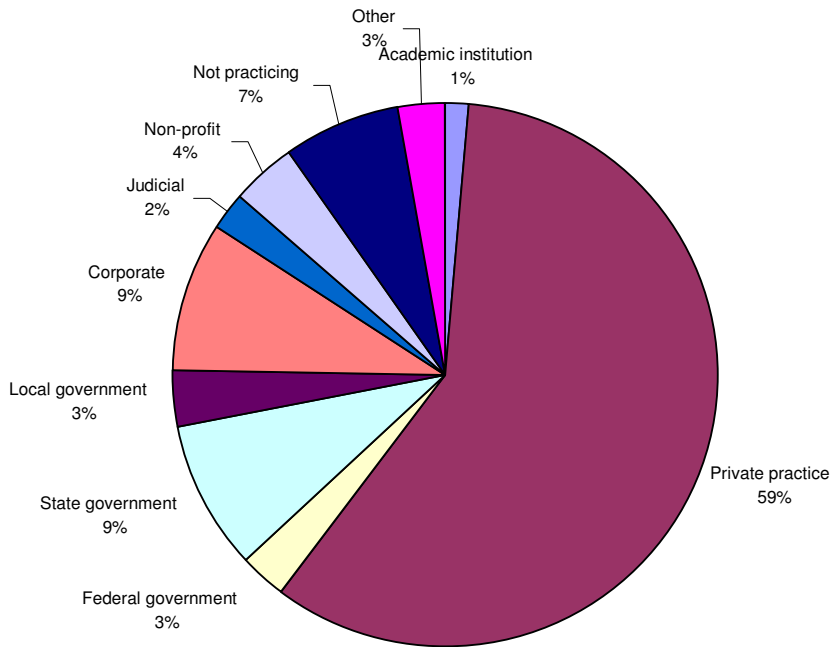


Figure 1 - Office or practice setting

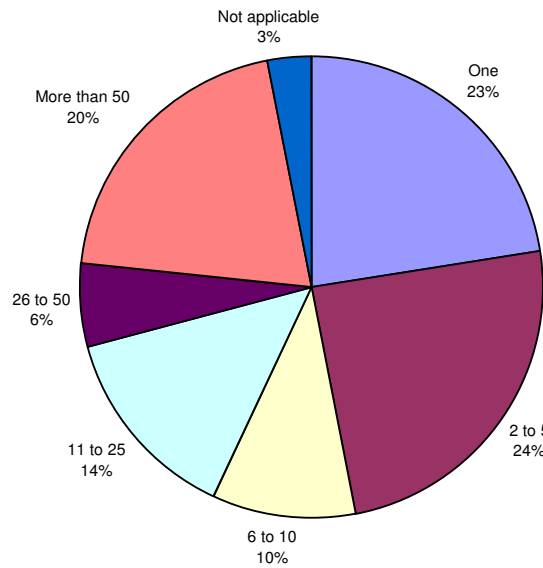


Figure 2 - Numbers of attorneys In office or firm

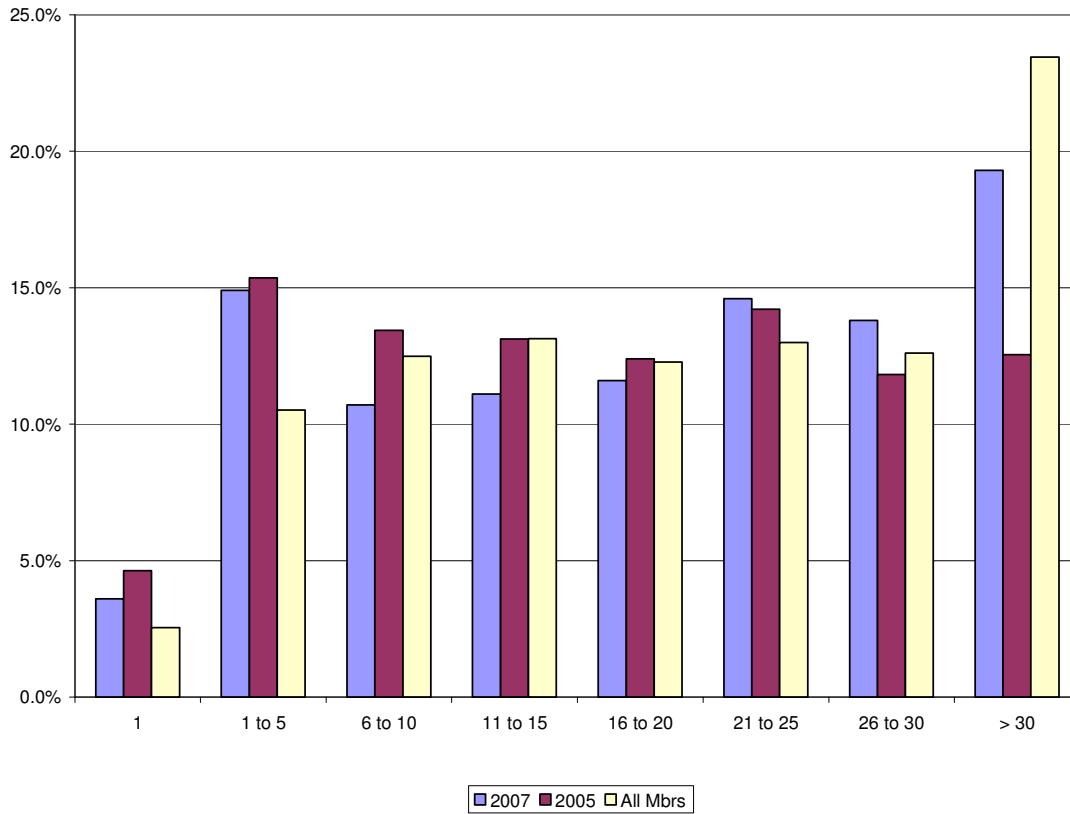


Figure 3 – Reported years in practice compared to entire membership

Geographically, the largest number of responses were received from the following counties:

County	Percent	Responses
Milwaukee	24.0%	316
Dane	19.0%	250
Out of State	17.4%	229
Waukesha	7.0%	92
Racine	2.7%	36
Brown	2.4%	31
Marathon	2.1%	27
Eau Claire	2.0%	26
Outagamie	1.8%	23
Rock	1.6%	21
La Crosse	1.4%	19
Winnebago	1.4%	18
Sheboygan	1.1%	15
Saint Croix	1.1%	15
Fond du Lac	0.9%	12
Kenosha	0.9%	12
Ozaukee	0.9%	12
Washington	0.8%	11

No responses were received from members in nine counties (Adams, Buffalo, Calumet, Crawford, Florence, Iron, Kewaunee, Lafayette & Marquette).

B. What Types Of Pro Bono Contributions Did Members Make?

In recognition of the unique role that lawyers have in the justice system and the limitations that some lawyers must operate within, Wisconsin Supreme Court Rule 6.1 takes a flexible but focused approach to defining “pro bono.” The rule provides a number of avenues for attorneys who elect to meet this goal. The survey asked members about: (1) direct service to clients; (2) activities to improve the administration of justice or the legal profession; and (3) voluntary financial contributions to support legal services to persons of limited means.

Not every lawyer can provide direct pro bono legal services to individuals in need. District attorneys, for example, are forbidden by statute from engaging in any private practice on behalf of private clients outside of their government work, which significantly limits the kinds of pro bono contributions they are able to make. Judicial employees face similar restrictions on the representation of private clients. Other lawyers may have become so specialized in their practice area that they no longer feel qualified to represent clients in the more routine legal matters experienced by low income Wisconsin families. However, Rule 6.1 provides avenues for all of these lawyers to make a pro bono contribution that fits their personal circumstances.

We have provided median results based on the responses. A median is a measure of central tendency. For purposes of comparison, a mean (also called the average or arithmetic average)² is calculated by adding the values of all responses, then dividing by the number of responses.²

² Example: Three responses – 1, 2, and 3 – are reported. The average is calculated by adding their values (1 + 2 + 3 = 6), then dividing by the number of responses (3). Thus, the average is 6 ÷ 3 = 2.

Because averages can be significantly distorted by a few anomalous responses, particularly in smaller samples, this report focuses on the median. The median is the middle value of a series (distribution) of values, which is initially rank-ordered (from low to high or vice versa). By definition, half the numbers are greater and half are less than the median.³ Use of the median as a statistic for central tendency reduces the effect of “outliers” (extremely high or low values), while the average does not.

The survey and this report are structured around the language of Rule 6.1. In keeping with the rule’s focus on encouraging Wisconsin lawyers to help meet the legal needs of the poor, more of the focus in this report will address various aspects of who is helping to meet those needs, the manner in which they are doing so and the amount of assistance they reported.

1. Free legal services to low income individuals

Wisconsin lawyers are encouraged in Rule 6.1 to devote a substantial majority of their pro bono legal services to persons of limited means and to organizations that serve them. So, State Bar members were asked a series of questions in the survey about different types of pro bono services they may have provided free of charge to low income clients. The first question dealt with free legal services provided to low income individuals. Most respondents indicated that they had provided some service in this area.

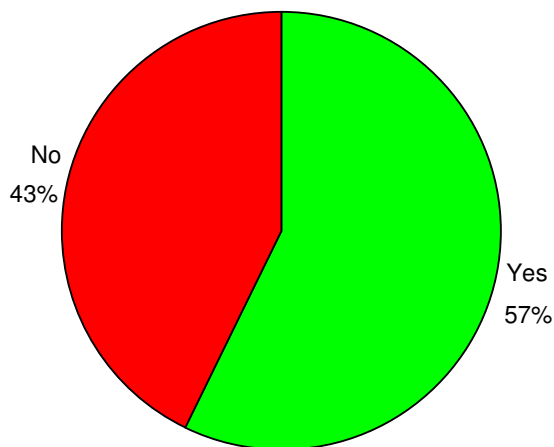


Figure 3 - Provided free legal services to individuals of limited means

The same question was asked in the 2005 pro bono survey. Although the number of hours reported for 2007 is lower, because the number of respondents was lower, the percentage who reported providing some free legal services to the poor and the median number of hours they provided were the same for both 2005 and 2007. Members reported providing a median of 25 hours of free legal services to low income individuals in both time periods.

³ Example: Three responses – 1, 2 and 30 – are reported. The *median* is the middle number of the order of distribution (1, 2, 30) or 2. The *average* of this same distribution is $33 \div 3 = 11$.

The following data table presents information on members who responded “yes” and included the hours they spent providing free legal services to individuals of limited means.

	2005	2007
Responses	1144	760
Median hours per attorney	25	25
Total hours	52,706	37,213

Table 1 - Free legal services to low income individuals

For lawyers in private practice, the median number of hours of reported pro bono service in this category was somewhat higher at 30 hours in 2007. There was a steady rise in the median hours reported based on the respondent’s years in practice, with lawyers having more than 30 years in practice reporting a median of 35 hours each.

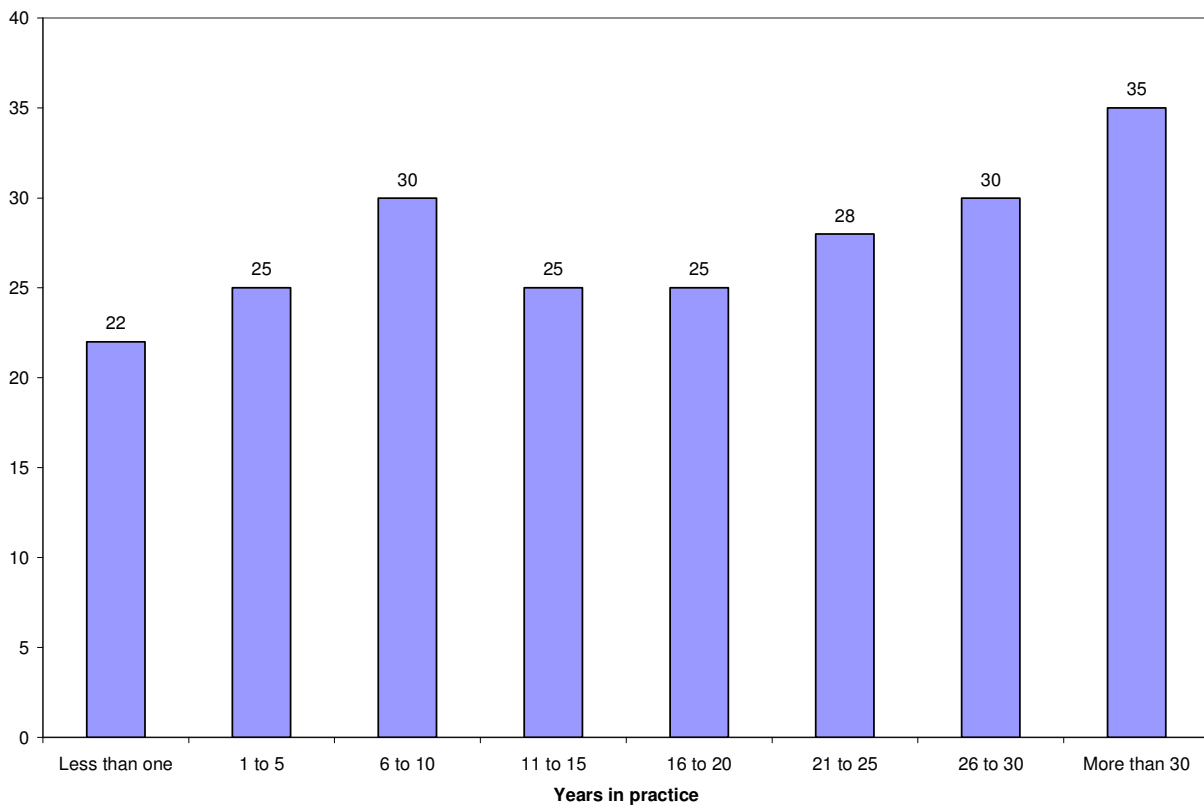


Figure 2 - Median hours of free services to individuals by years in practice

Median hours of service that State Bar members’ reported varied somewhat based on the number of attorneys in office or firm but the difference was not large.

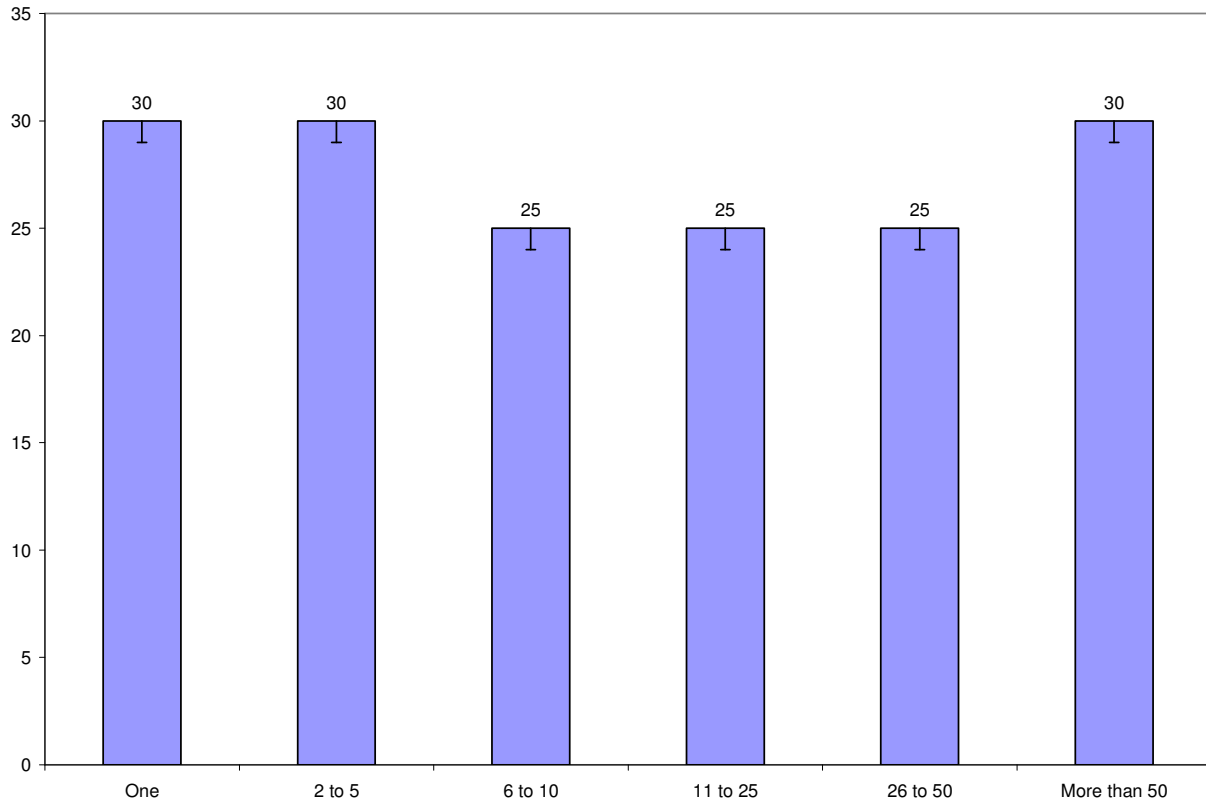


Figure 3 - Median hours of free services to individuals by office/firm size

a) Referral sources

Among the members who reported providing free legal services to individuals who are poor, most did so in response to a personal request from a prospective client. A breakdown of the referral sources that members reported for their free legal services to low income clients is shown below. Most survey respondents who reported performing free legal services for low income clients did so in response to a request from the affected person rather than as the result of a referral through a formal pro bono program or project.

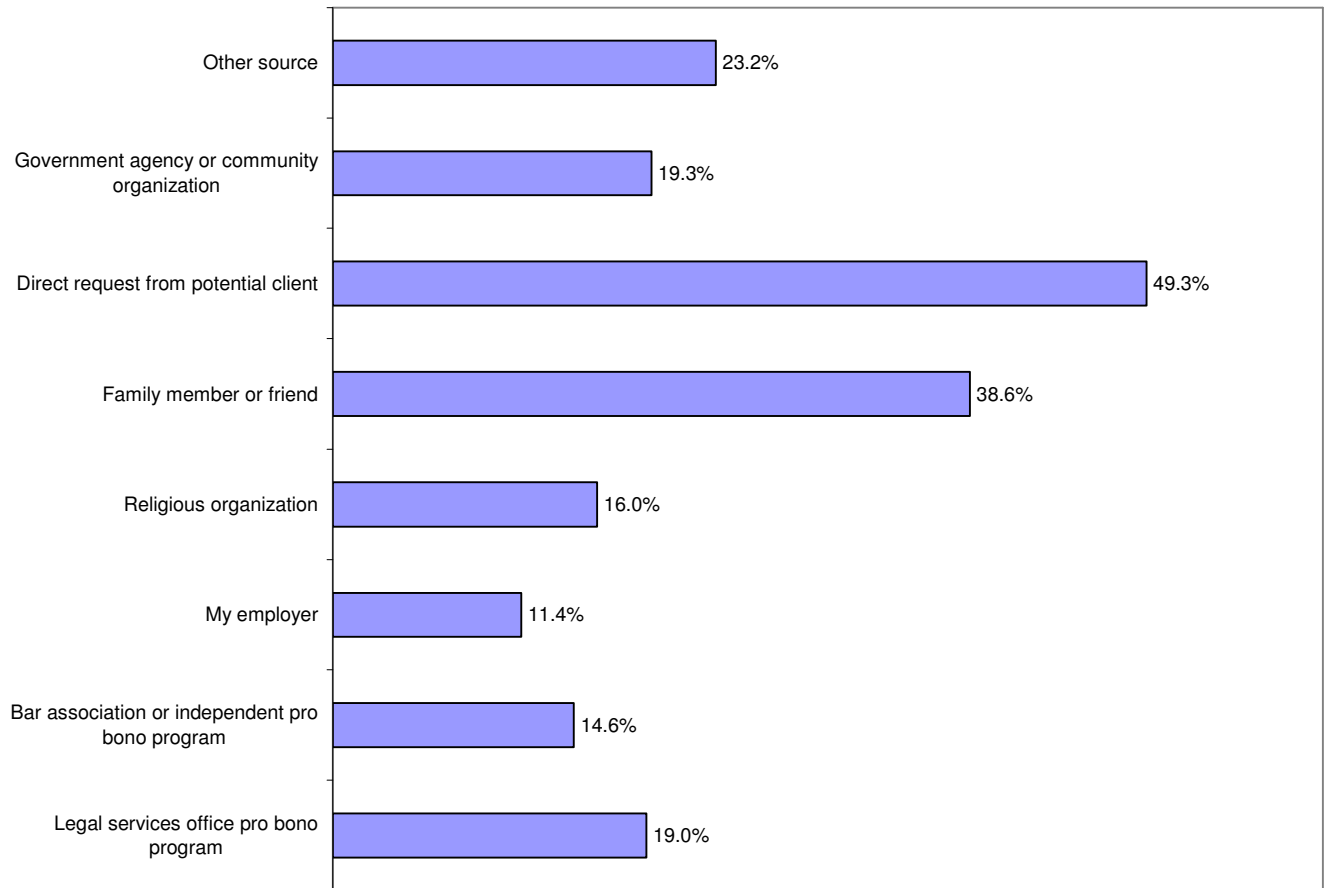


Figure 4 - Referral sources for free legal services to indigent individuals

b) Types of matters handled

This year, members who responded that they did provide some free legal services to low income individuals were also asked to indicate the top three areas of law in which they provided those services. The results are shown below. The specific areas of law identified most often were Family, Consumer and Housing related issues.

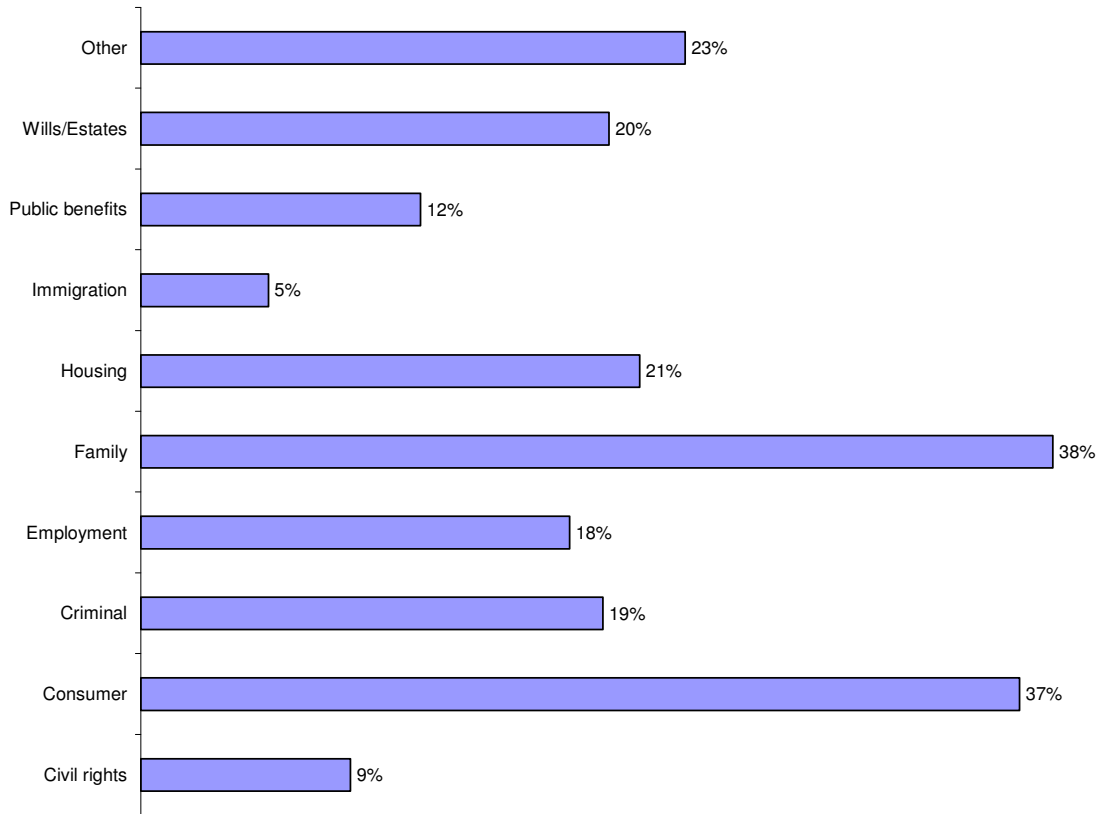


Figure 5 – Areas of law for free legal services to low income individuals

2. Free legal services to organizations in matters to help the indigent

The latest survey results show a slight increase over 2005 in the number of State Bar members indicating that they provided free legal services to organizations serving low income people.

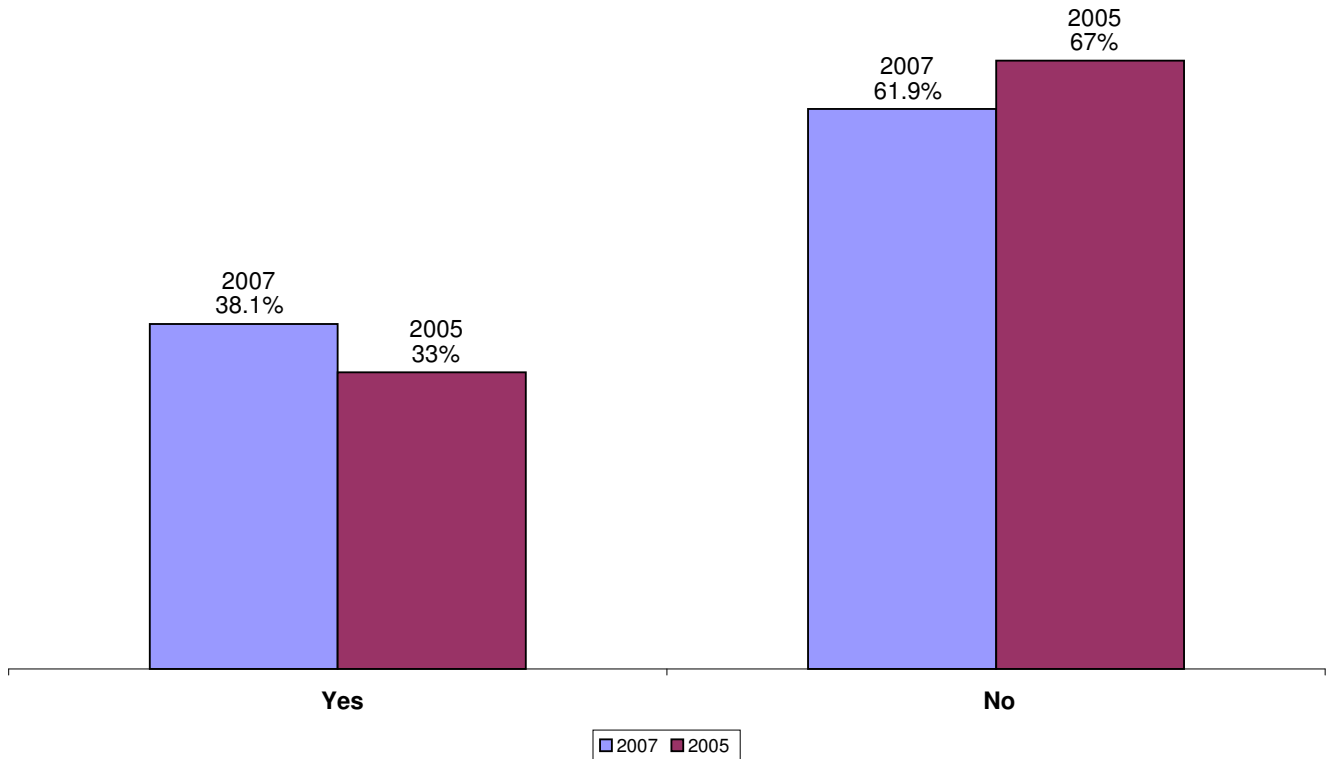


Figure 4 - Free legal services to organizations serving persons of limited means

The following data table presents information on members who responded “yes” and included the hours they spent providing free legal services to organizations that serve the poor.

	2005	2007
Responses	641	503
Median hours per attorney	20	20
Total hours	19,619	19,707

Table 2 - Free legal services to organizations serving the poor)

As one might expect, the referral sources that led to lawyers performing these services for organizations were significantly different from those where lawyers were helping low income individuals directly.

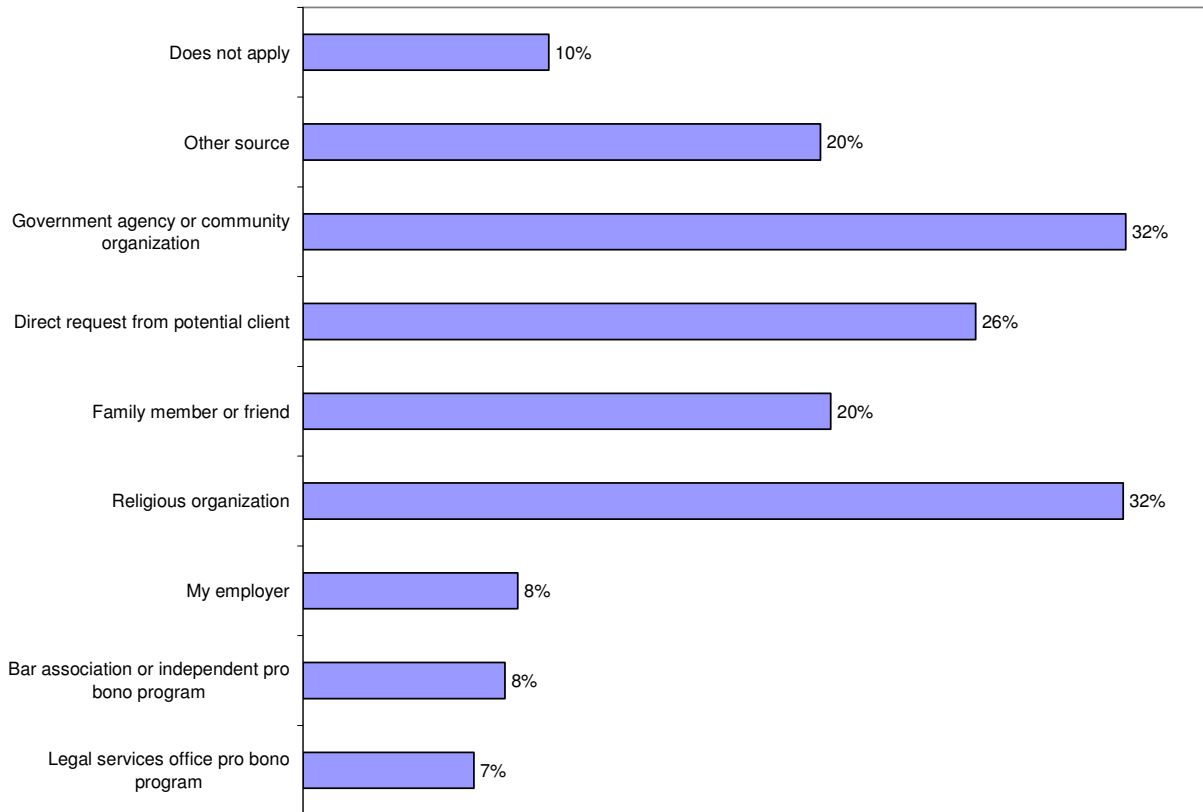


Figure 6 - Referral sources for free legal services to groups assisting the poor

3. Free legal services to other individuals and organizations

Although Wisconsin lawyers are encouraged to devote a substantial majority of their pro bono legal services free of charge to persons of limited means and to organizations that serve them, Rule 6.1 also makes room for a number of other types of service. Members are encouraged to provide any additional pro bono legal assistance free or at a substantially reduced fee to “individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and 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”.

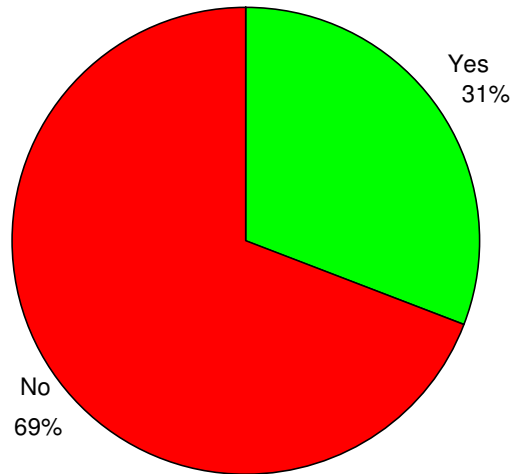


Figure 5 - Free legal services provided to other individuals or groups

The following data table presents information on members who responded “yes” and included the hours they spent providing free legal services to a broader group of individuals and groups. Because of differences in the wording of Rule 6.1 and the survey questions and responses are not directly comparable.

	2007
Responses	402
Median hours per attorney	20
Total hours	14,889

Table 3 - Free legal services to other individuals and groups

4. Reduced fee legal services

Because pro bono legal services include more than free help, respondents were asked a series of questions about any pro bono legal services that were provided at a substantially reduced rate to both individual low income clients and to a variety of other individuals and community groups.

a) Low income individuals

First, members were asked whether they provided any substantially reduced fee legal services to low income individuals.

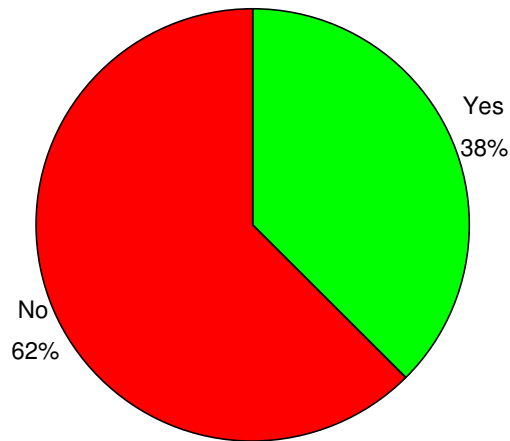


Figure 6 - Reduced fee legal services to low income individuals.

There was no significant change from the findings of the 2005 survey in the overall percentage of members indicating that they provided reduced fee legal services to low income individuals.

The following data table presents information on members who responded “yes” and included the hours they spent providing reduced fee legal services to individuals of limited means.

	2005	2007
Responses	738	484
Median hours per attorney	30	30
Total hours	67,491	37,894

Table 4 - Reduced fee service to low income individuals

Among lawyers who reported that they were the only lawyer in their firm or office, the median number of hours reported was significantly higher at 40 hours of reduced fee assistance.

b) Other individuals & groups

The category of reduced fee legal services to other individuals and organizations includes both those individuals who may have limited resources but would not be called poor, as well as a variety of charitable and public interest organizations. Members responding to the survey were asked first whether they had provided any substantially reduced fee legal services in this area.

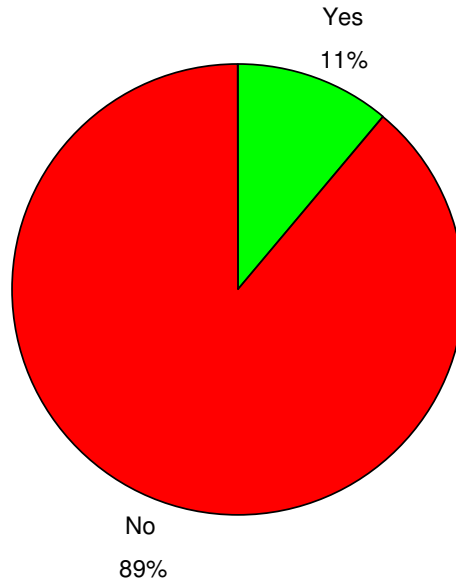


Figure 7 - Reduced fee legal services to other individuals & groups

The following data table presents information on members who responded “yes” and included the hours they spent providing reduced fee legal services to other individuals and organizations on a broader range of issues.

	2007
Positive Responses	143
Median hours per attorney	20
Total hours	6,762

Table 5 - Reduced fee services to other individuals & groups

5. Service to improve the legal system or the profession

In addition to any free or reduced fee work that they may do for clients, members were also asked to provide information on the amount of time they spent on activities to improve the law, the legal system or the legal profession. The results for 2007 as compared to 2005 are presented below.

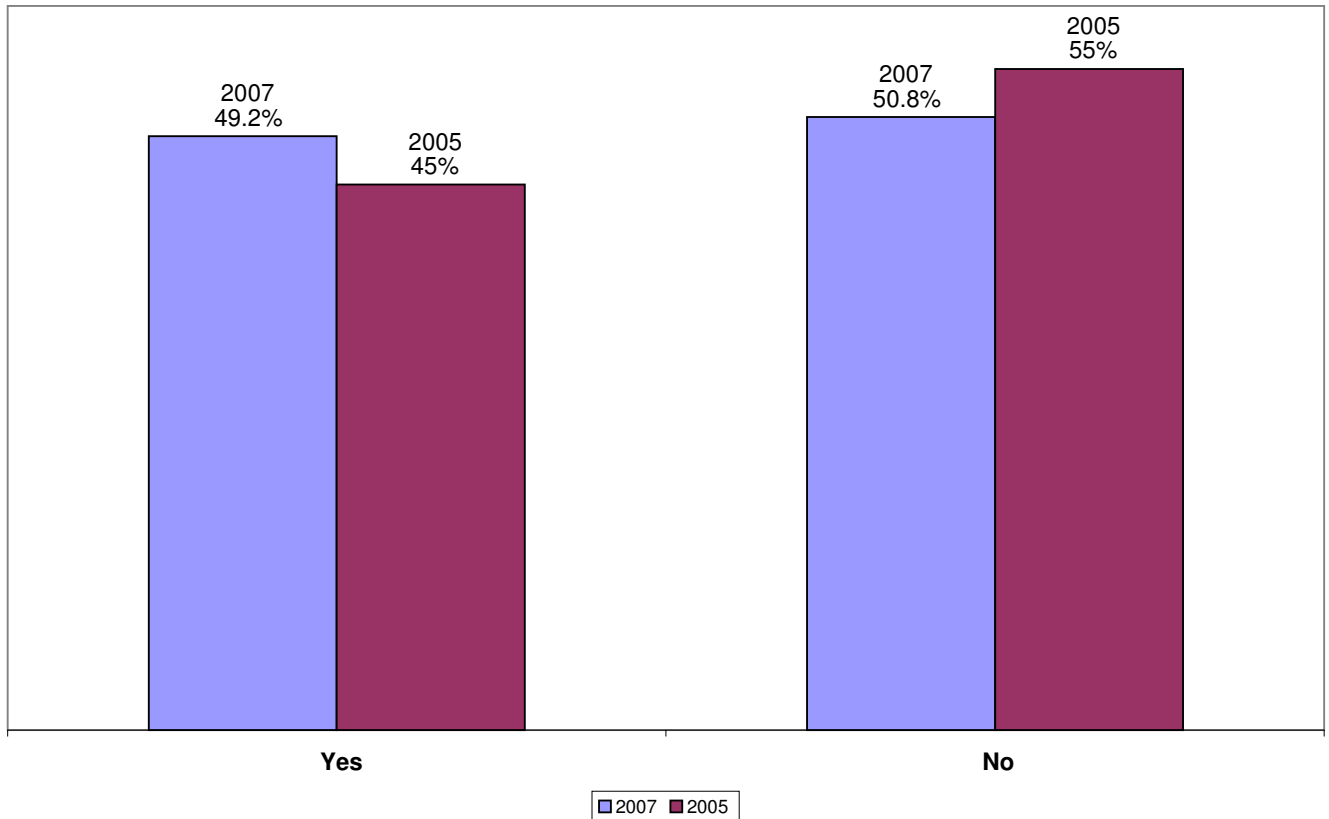


Figure 8 – Service to improve the legal system or the profession

The pro bono hours that Wisconsin lawyers reported in this category in 2005 and 2007 are shown below.

	2005	2007
Responses	882	636
Median hours per attorney	15	20
Total hours	28,669	25,887

Table 6 – Median hours of service reported to improve the legal system or profession

6. Providing financial support for legal services to the poor

Because financial support for legal services to the poor is so important and is recognized as a means of making a pro bono contribution under Rule 6.1, State Bar members were asked whether they had provided voluntary financial support to legal services of limited means in the preceding 12 months. Contributions may have been made directly to legal services providers or through grant-making agencies such as the [Wisconsin Equal Justice Fund](#), [Community Shares of Wisconsin](#), [Community Shares of Greater Milwaukee](#) or a local [United Way](#) chapter. Members were not asked to specify the amount that they contributed in financial support.

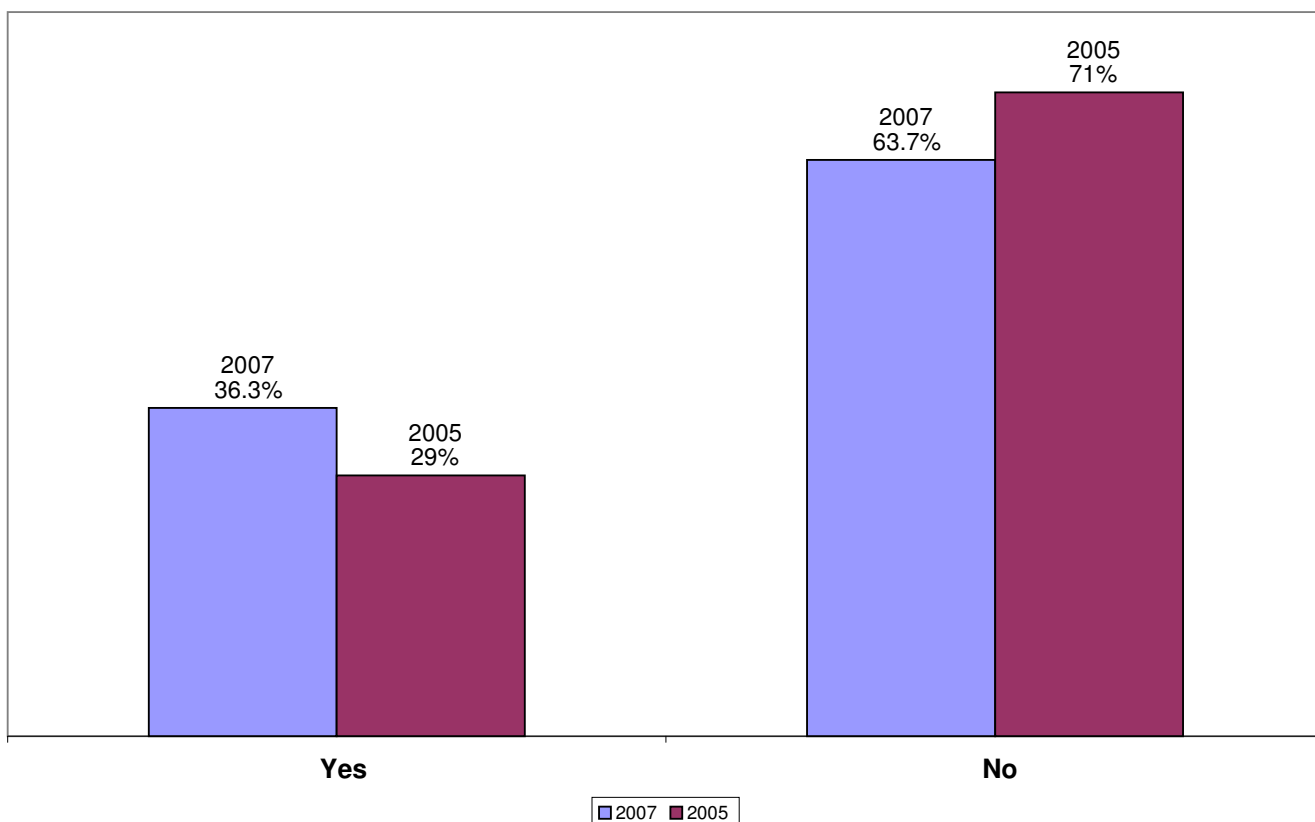


Figure 10 - Voluntary donations to fund legal aid to the poor

C. Prevalence & Impact of Pro Bono Policies

1. Who has a written pro bono policy?

Many law offices have found that having a formal policy in place encouraging pro bono legal activities is helpful both to expand their pro bono activities and to support those attorneys who want to do pro bono legal work. In this year's survey, State Bar members were asked to indicate whether or not their office had a written pro bono policy. Although most respondents reported that their firm or office does not have a written pro bono policy, the percentage of positive responses rose steadily with the size of the firm or office. Almost one-half of the largest law firms had a written pro bono policy in place.

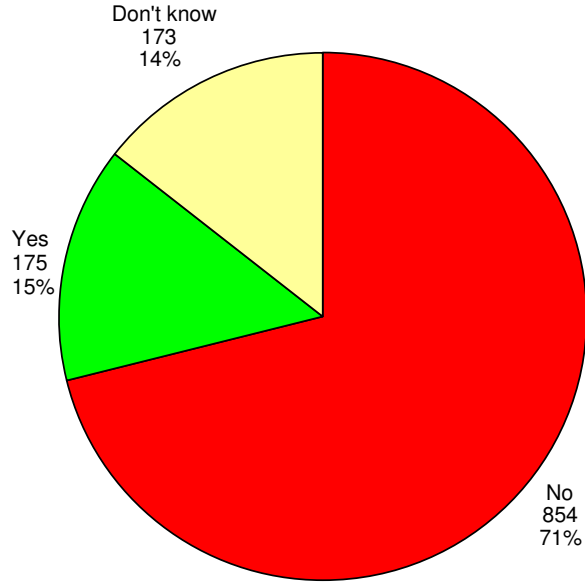


Figure 11 - Office or firm has a written pro bono policy

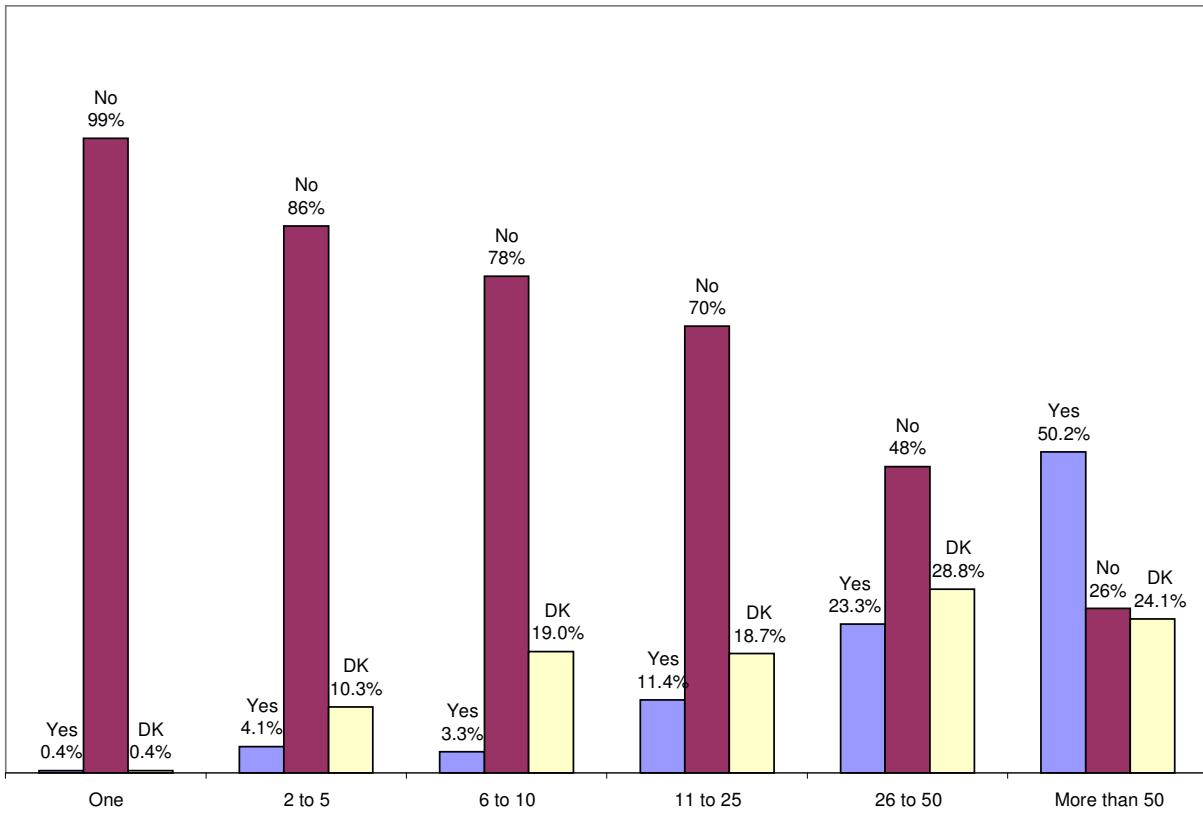


Figure 12 –Written pro bono policies by office size

2. Does a pro bono policy make a difference?

In general, the answer is “yes” a pro bono policy makes a significant difference both in terms of whether lawyers report doing pro bono work and in the amount of pro bono work they report. There was a positive correlation between the existence of a formal, written pro bono policy in a lawyer’s office and whether or not they reported providing free pro bono legal services in the following areas:

- Lawyers who reported that their office did not have a policy were less likely to report that they had provided free legal services to low income individuals in 2007 (60%). This figure rises to 72% for those attorneys working in offices with a written pro bono policy.
- Lawyers in offices with written pro bono policies were also more likely to report that they provided free legal services to organizations in matters designed to meet the needs of the poor (the positive response rose from 41% to 50%).
- Lawyers in offices with written pro bono policies were also more likely to report that they provided free legal services to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and 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. The positive response rose from 33% to 42% for lawyers with written pro bono policies.

Lastly, the survey data show that lawyers in offices with a written pro bono policy were more likely to report that they made a pro bono contribution in the form of activities to improve the profession or the administration of justice. The positive response rate rose from 50% to 54% for those in offices with a written pro bono policy.

Further analysis of the responses allow drawing some conclusions about whether lawyers are likely to have reported more or fewer pro bono hours depending on whether their office had a written pro bono policy. For most categories where members were asked to indicate how much pro bono work they had done in 2007, lawyers in offices with pro bono policies reported doing more pro bono work than those working in offices without such a policy. The complete results from the responses are presented below.

Type Of Service Reported	Median Hours --Office Has Written Policy	Median Hours - Office Has No Written Policy
Free legal services to persons of limited means	30	30
Free legal services to groups in matters to help persons of limited means	25	20
Free legal services to other individuals or to public interest groups	27.5	20
Reduced fee legal services to persons of limited means	20	30

Reduced fee legal services to other individuals or to public interest groups	15	20
Activities to improve the legal profession or the administration of justice	25	20

Table 7 – Median hours of pro bono service for lawyers in offices with and without pro bono policies

Interestingly, for substantially reduced fee legal services both reports of providing such service and the median hours likely to be reported were higher when there was no written pro bono policy in the lawyer’s office. The results may be a reflection in part of the following factors: (1) solo practitioners reported doing significantly more reduced fee legal work for low income individuals than lawyers in larger firms (see p. 17 above); (2) lawyers in such firms account for the majority of State Bar members and survey responses (see Figure 2 above); and (3) lawyers in solo and small firm law practice are least likely to have written pro bono policies (see Figure 12 above).