

SUPPORTING JUSTICE IN WISCONSIN: A Report on the Pro Bono Work of Wisconsin's Lawyers

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

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Section 1: Amount and Type of Pro Bono in 2016

When did attorneys most recently provide pro bono?

The respondents were asked to indicate when they most recently provided pro bono service. The majority (61.8%) indicated that they most recently provided pro bono service in 2016, while 17.9% indicated they have never provided pro bono service.

| In what year did you provide your most recent pro bono service? | Number | Percent |
|---|--------|---------|
| 2016 | 463 | 61.8 |
| 2015 | 36 | 4.8 |
| 2014 | 19 | 2.5 |
| 2013 | 17 | 2.3 |
| 2012 | 8 | 1.0 |
| 2011 | 8 | 1.1 |
| 2010 | 9 | 1.2 |
| 2009 | 2 | .3 |
| 2008 | 2 | .3 |
| 2007 | 5 | .7 |
| 2006 | 1 | .1 |
| 2005 or earlier | 46 | 6.1 |
| I have not yet provided pro bono service | 134 | 17.9 |
| Total | 749 | 100.0 |

Notable Trends:

- AGE: Younger attorneys were more likely to indicate that they had *never* provided pro bono service than other age groups. The below chart reflects the percentage of respondents indicating if and when they completed pro bono service, by age group.

| Year of most recent pro bono service | 29 or younger | 30-34 | 35-39 | 40-44 | 45-49 | 50-54 | 55-59 | 60-64 | 65-69 | 70-74 |
|--|---------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 2016 | 51% | 56% | 55% | 51% | 49% | 68% | 72% | 68% | 73% | 73% |
| 2015 or earlier | 12% | 14% | 25% | 31% | 24% | 17% | 21% | 23% | 20% | 20% |
| I have not yet provided pro bono service | 37% | 30% | 20% | 18% | 27% | 15% | 7% | 9% | 7% | 7% |

- PRACTICE SETTING: Attorneys in private practice were significantly more likely to have engaged in pro bono service in 2016 (70%) compared to attorneys in other practice settings (33.8% in the corporate setting, 26.2% in the government setting, and 65.5% in the non-profit setting).

How many hours of pro bono were provided in 2016?

Respondents were asked to complete a grid regarding their pro bono hours and matters for the year. Approximately 43.4% of respondents reported not providing any pro bono service, compared to 19.8% of respondents providing 1-19 hours; 17.6% providing 20-49 hours, 7.4% providing 50-79 hours and 11.8% providing 80 or more hours. Overall, the attorneys provided an average of 45.3 (median of 6) hours of pro bono service in 2016. And, the average number of matters was 10.2.

Among respondents who provided pro bono service in 2016 (i.e. omitting respondents who provided no pro bono service), the average number of hours dedicated to pro bono was 73.3 (median of 25). And, the average number of matters overall was 16.5.

| | | Number | Percent | |
|--------------------------|------------------|--------|---------|-------|
| 45.3 Average Hours | Pro Bono | None | 325 | 43.4 |
| | Hours in 2016 | 1-19 | 149 | 19.8 |
| | | 20-49 | 132 | 17.6 |
| | | 50-79 | 55 | 7.4 |
| | | 80+ | 89 | 11.8 |
| | | Total | 749 | 100.0 |

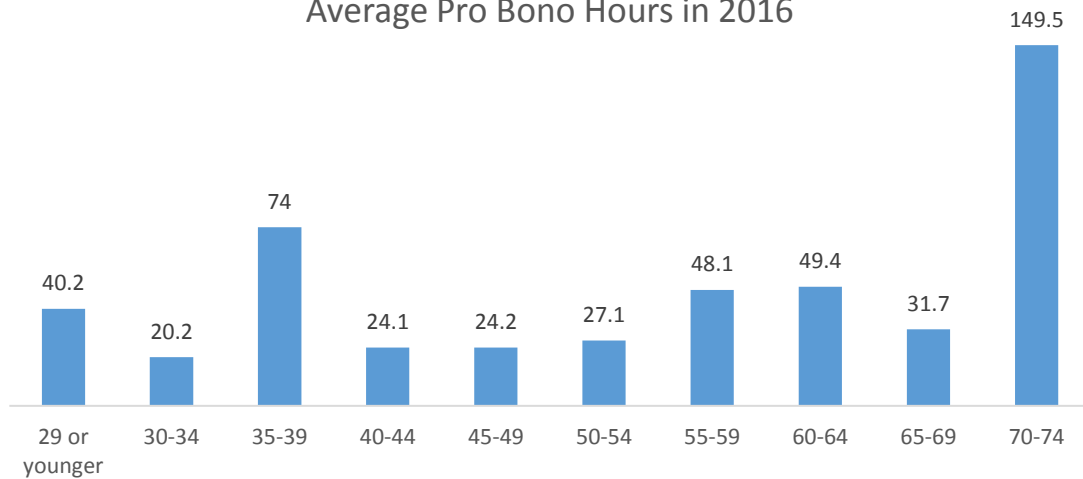
73.3
Average
Hours

Notable Trends:

- AGE: There were significant differences in the average pro bono hours completed by various age groups (see below chart). Attorneys in the 30-34 age group and the 70-74¹ age group provided significantly more pro bono, on average, than the other age groups.

¹ This age group sample size was only 41.

Average Pro Bono Hours in 2016



- **URBAN/RURAL:** Attorneys in rural areas provided significantly more average pro bono hours than attorneys in other areas. Rural attorneys averaged 106.4 hours of pro bono in 2016, compared to 41.5 in urban areas, 37.3 in suburban areas and 61.3 in towns.

To whom were these pro bono services provided?

Among the attorneys who provided pro bono in 2016, 85.3% provided services to individuals, 7.7% had provided services to classes of individuals, and 41.8% had provided services to organizations. Of the pro bono services provided to individuals in 2016, the average hours were 69, compared to an average of 27.6 hours of services to organizations.

| Client Type | Percent of Attorneys Providing Services to ... | Average Hours | Average Number of Matters |
|----------------------|--|---------------|---------------------------|
| Individuals | 85.3% | 69.0 | 15.9 |
| Class of Individuals | 7.7% | 5.2 | 1.0 |
| Organizations | 41.8% | 27.6 | 5.3 |

What type of pro bono services were provided?

Limited scope representation was the most prevalent type of service undertaken by respondents. Among respondents who provided pro bono service in 2016 (i.e. omitting respondents who provided no pro bono service), 48.8% provided *only* limited scope representation and 26.2% provided both limited scope and full representation. Just shy of 25% had provided only full representation in 2016.

| Service Type | Percent of Attorneys Providing this Type in 2016 | Average Pro Bono Hours |
|---------------------------------------|--|------------------------|
| Full and Limited Scope Representation | 26.2% | 143.4 |
| Full Representation Only | 24.3% | 112.2 |
| Limited Scope Representation Only | 48.8% | 30.5 |
| Mediation Only | 0.7% | 17.3 |

Who were the pro bono clients in 2016?

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

| Type of Client | Percent of Attorneys Indicating Having Represented This Client Type | The below types of attorneys were more likely to represent the corresponding type of client |
|--------------------------------|---|---|
| Single Parent | 35.4% | Female |
| An Ethnic Minority | 32.1% | In an urban area |
| Disabled person | 28.0% | In the government or non-profit setting |
| Elderly Person | 26.9% | |
| Non or Limited English Speaker | 23.4% | Hispanic |
| Victim of Domestic Violence | 22.3% | Female, Hispanic |
| Rural Resident | 20.4% | In a rural area or town |
| Student | 17.9% | Hispanic, in the government or non-profit setting |
| Veteran | 16.1% | In the government or non-profit setting |
| Child/Juvenile | 12.4% | Under age 40 |
| Homeless | 12.1% | |
| Undocumented Immigrant | 11.3% | Hispanic, under age 40 |
| Incarcerated Person | 10.9% | |
| Documented Immigrant | 10.4% | Hispanic |
| Victim of Consumer Fraud | 10.2% | |
| LGBT | 6.9% | Hispanic |
| Migrant Worker | 3.3% | |

Section II: Most Recent Pro Bono Case/Experience

Which type of pro bono service is most typical?

The majority of pro bono service by respondents was undertaken on behalf of persons of limited means (76.4%) as opposed to a specific class of persons (1.7%) or an organization (21.9%). Additionally, most of these services were limited scope representation (56.2%) as opposed to full representation (42.6%) or mediation (1.0%).

How do attorneys find their clients?

Of the attorneys who provided pro bono service, 29.4% indicated that their most recent client came directly to them. The remaining 70.6% were referred from some specific source. The most common of which were legal aid pro bono programs, followed by non-profit organizations.

| How did this client come to you? | Number | Percent |
|--|---------------|----------------|
| The client came directly to me | 129 | 29.4 |
| A referral from a family member or friend | 20 | 4.6 |
| A referral from your employer | 11 | 2.6 |
| A referral from a co-worker within your organization | 11 | 2.5 |
| A referral from an attorney outside of your organization | 13 | 2.9 |
| A referral from a present or former client | 24 | 5.6 |
| A referral from legal aid pro bono program | 62 | 14.1 |
| A referral from an independent pro bono program | 3 | .8 |
| A referral from a self-help desk | 2 | .5 |
| A referral from a public or law library | 3 | .7 |
| A referral from a law school clinic | 19 | 4.4 |
| A referral from a mediation center | 1 | .2 |
| A referral from a religious organization | 13 | 2.9 |
| A referral from a non-profit organization | 41 | 9.4 |
| A referral from a judge or court administrator | 12 | 2.7 |
| Other | 33 | 7.5 |
| A referral from a bar association pro bono program | 23 | 5.3 |
| A referral from a lawyer referral service | 6 | 1.3 |
| A referral from a professional acquaintance | 9 | 2.1 |
| From a posting on a pro bono listserv to which I subscribe | 3 | .6 |
| Total | 438 | 100.0 |

Among those respondents whose clients came directly to them, 41.7% reported having no personal relationship with the person, while 12.7% reported that their pro bono client had formerly been a paying client of theirs, 12.1% reported the client was an organization with which they were personally involved, and 10.3% reported that the client was a personal friend.

| How would you describe your relationship with the client before the legal engagement began? | Number | Percent |
|--|---------------|----------------|
| A personal friend | 11 | 10.3 |
| A relative | 3 | 2.6 |
| A co-worker | 1 | .7 |
| An acquaintance | 8 | 7.5 |
| A former client | 14 | 12.7 |
| A class of persons to whom a friend or family member had a connection | 1 | .7 |
| An organization with which I was personally involved | 13 | 12.1 |
| An organization with which a friend or family member was personally involved | 5 | 4.8 |
| Another relationship | 7 | 6.8 |
| None of the above- no prior relationship | 45 | 41.7 |
| Total | 109 | 100.0 |

How was the client determined to be low-income?

As noted in the below chart, to determine whether a client qualified for pro bono service, respondents primarily used impressionistic methods, such as relying on the word of the client or on the attorney’s knowledge of the client’s situation. Many (36.9%) attorneys relied on the referral source to vet the client’s financial eligibility. Otherwise, only 11.2% vetted the client’s financial data.

| Low Income Determination (Multiple Choice) | Percent of Respondents |
|--|-------------------------------|
| An indication from the referral source | 14.8% |
| The referral source qualified the client | 22.1% |
| Financial data, such as a W2 or paycheck information | 11.2% |
| The word of the client | 30.5% |
| Some other factor | 6.9% |
| My knowledge of the client’s situation | 37.0% |

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

The most frequently reported pro bono legal tasks consisted of providing advice (79.8%), reviewing and/or drafting legal documents (66%) and interviewing/meeting with the client (63.1%).

| Legal Task (Multiple Choice) | Percent of Respondents |
|--|------------------------|
| Provided advice | 79.8% |
| Reviewed/drafted documents | 66.0% |
| Interviewed/met with the client | 63.1% |
| Wrote letter | 36.8% |
| Provided full representation in court (trial or appellate) | 27.8% |
| Spoke with other attorneys | 26.4% |
| Referred to other organization(s) | 17.7% |
| Negotiated a settlement with other parties | 17.3% |
| Represented the client in administrative proceedings | 7.9% |
| Limited scope representation in court (trial or appellate) | 4.9% |
| Represented the client before a legislative body | 1.2% |
| Other | 7.7% |

Within the scope of the attorneys' expertise?

The tasks performed were generally within the attorneys' area of expertise. Specifically, 72.5% indicated that their recent pro bono experience was within their area of expertise.

Consistent with the attorneys' expectations?

Most (73.7%) of the attorneys indicated that their most recent pro bono experience was consistent with their expectations. Approximately 23.6%, however, indicated that the case took more time than they had expected and 6.5% said that the case was more complex than they had expected.

| Response (Multiple Choice) | Percent of Attorneys Providing Response |
|---|---|
| Yes – it was consistent in terms of time and complexity | 73.7% |
| No – it took more time than I expected | 23.6% |
| No – it took less time than I expected | 1.3% |
| No – it was more complex than I expected | 6.5% |
| No – it was less complex than I expected | 0.3% |
| No – it was not what I expected in some other way | 1.0% |

Hours of service provided?

On average, attorneys spent 24.1 hours on their most recent pro bono case.

Section III: Motivations and Attitudes

The importance of pro bono services?

The majority of attorneys (79.9%) believe that pro bono services are either somewhat or very important. Very few attorneys did not believe that pro bono services are important.

| Thinking about the legal needs of the low-income population in your state, how important is it for local attorneys to offer pro bono services? | Number | Percent |
|---|--------|---------|
| Don't know | 27 | 4.1 |
| Very unimportant | 29 | 4.3 |
| Somewhat unimportant | 24 | 3.6 |
| Neither important nor unimportant | 54 | 8.1 |
| Somewhat important | 212 | 31.5 |
| Very important | 326 | 48.4 |
| Total | 674 | 100.0 |

What motivates attorneys to do pro bono?

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

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

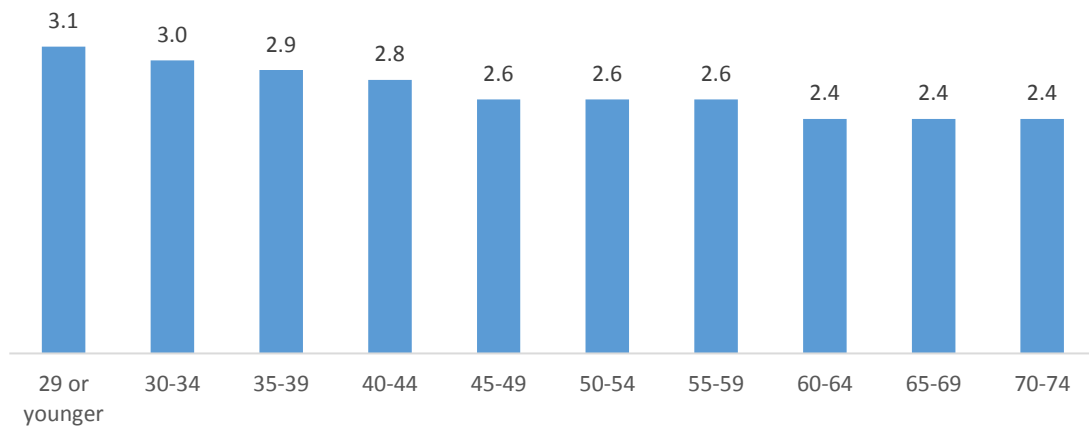
| Motivator | Average Rating (on a scale from 1-5, where 1 is the least motivating and 5 is the most motivating) |
|---|---|
| Helping people in need | 4.20 |
| Ethical obligation | 3.50 |
| Professional duty | 3.49 |
| Participating in reducing social inequalities | 3.42 |
| It would make me feel like a good person | 3.42 |
| Helping the profession's public image | 2.95 |
| A firm culture that encourages pro bono | 2.62 |
| Opportunities to interact with low-income populations | 2.51 |
| Opportunities to work directly with clients | 2.38 |
| Gaining experience in an area outside of my expertise | 2.17 |
| Opportunities to work with other attorneys | 2.15 |
| Recognition from colleagues and friends | 1.91 |

| | |
|--|------|
| Strengthening relationships with my private practice clients who value pro bono engagement | 1.87 |
| Recognition from employer | 1.83 |
| Opportunities to go to court | 1.75 |
| Average across all factors | 2.68 |

Notable Trends:

- GENDER: Overall, female attorneys provided higher ratings for the list of motivating factors (with an average of 2.9) than male attorneys (with an average of 2.6).
 - o Females were most motivated by: 1) helping people in need, 2) reducing social inequalities and 3) ethical obligation
 - o Males were most motivated by: 1) helping people in need, 2) ethical obligation/professional duty (both received the same average rating), and 3) feeling like a good person
- AGE: Younger attorneys provided higher average ratings for the motivating factors than older attorneys. The 29 and younger age group, for example provided an average rating of 3.1 across motivating factors, while the 70-74 age group provided an average rating of 2.4. See the chart below.
 - o For attorneys under age 50, top motivators were: helping people in need, followed by feeling like a good person and reducing social inequalities.
 - o For attorneys over 50, the top motivators were: helping people in need, followed by ethical obligations and professional duty.

Average Rating Across Motivating Factors

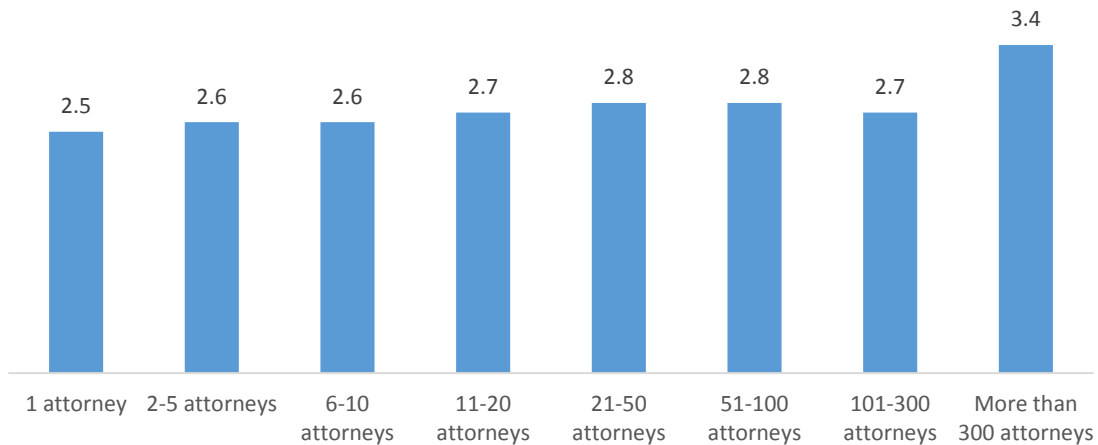


- URBAN/RURAL: Urban attorneys provided the highest overall ratings for the motivating factors, with an average of 2.7, compared to suburban attorneys (2.6), rural attorneys (2.4) and attorneys in towns (2.6). And specifically:
- PRACTICE SETTING: Private practice attorneys provided slightly lower ratings (2.6) than corporate (2.7), government attorneys (2.8), and non-profit attorneys (3.0). Within private

practice, attorneys from larger firms generally provided higher ratings. See the chart below. And, specifically:

- For private attorneys and non-profit attorneys, the top motivating factors were: 1) helping people in need, 2) ethical obligations, and 3) professional duty
- For government attorneys, the top motivating factors were: 1) helping people in need, 2) reducing social inequalities, and 3) ethical obligations
- For corporate attorneys, the top motivating factors were: 1) helping people in need, 2) feeling like a good person, and 3) professional duty

Average for Motivating Factors



- BY PRO BONO HOURS PROVIDED: As expected, attorneys who provided 50 or more hours of pro bono in 2016 also provided higher ratings for the motivating factors (2.8 compared to 2.7).

Are Attorneys Reactive or Proactive Concerning Pro Bono Opportunities?

To identify pro bono opportunities, 42.4% of the attorneys had reached out to some organization and 70.5% had been contacted by an organization regarding a pro bono opportunity.

| Organization | Percent of Respondents Who Contacted... | Percent of Respondents Who Were Contacted By... |
|--------------------------------------|---|---|
| State bar association | 16.8% | 44.3% |
| Local bar association | 14.7% | 37.4% |
| A legal aid or pro bono organization | 32.4% | 50.4% |
| Some other organization | 12.1% | 24.6% |
| At least one of the above | 42.4% | 70.5% |

What can pro bono programs do to engage more attorneys?

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

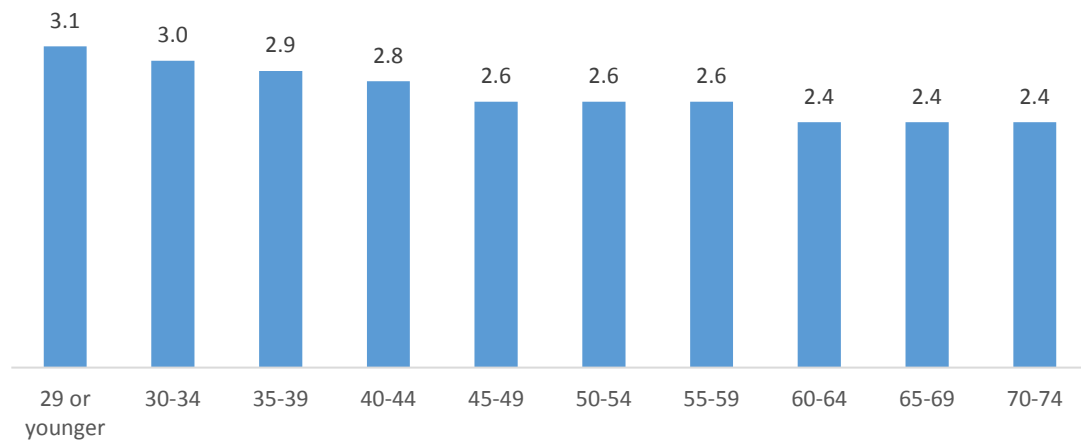
1. Engage judges in soliciting participation
2. Provide limited scope representation opportunities
3. Provide CLE credit for doing pro bono

| Action | Average (on a scale from 1-5, where 1 is the least encouraging and 5 is the most encouraging) |
|--|--|
| If a judge solicited my participation | 3.37 |
| Limited scope representation opportunities | 3.33 |
| CLE credit for doing pro bono | 3.31 |
| Free or reduced cost CLE | 3.14 |
| Malpractice insurance provided by referral org | 3.13 |
| If a colleague asked me to take a case | 3.07 |
| Online description of case opportunities from which to select | 2.89 |
| The option of selecting a client based on demographics/descriptors | 2.85 |
| Administrative or research support | 2.78 |
| Opportunities to do pro bono remotely | 2.74 |
| Mentorship/supervision by an attorney specializing in the legal matter | 2.73 |
| Opportunities to act as a mentor to young attorneys or law students | 2.69 |
| If I were matched with another attorney to share the work | 2.59 |
| Periodic contact by a referral organization (I'll take a case when I can) | 2.59 |
| Alternative dispute resolution opportunities | 2.55 |
| Reduced fee opportunities as opposed to free service opportunities | 2.42 |
| Availability of networking opportunities with other attorneys providing pro bono in my community | 2.41 |
| More support from my firm | 2.31 |
| Self-reporting and state bar tracking of voluntary pro bono contributions | 2.29 |
| Formal recognition of my past volunteer efforts | 1.93 |
| Average of All Factors | 2.76 |

Notable Trends:

- GENDER: Overall, female attorneys provided higher ratings for the list of actions (3.0 compared to 2.6 for male attorneys). Specifically,
 - o For female attorneys, the top three influential actions were: 1) limited scope representation opportunities, 2) CLE credit, and 3) if a judge solicited participation
 - o For male attorneys, the top three influential actions were: 1) if a judge solicited participation, 2) CLE credit/ limited scope representation opportunities (both received the same average rating), and 3) if a colleague asked
- AGE: Younger attorneys provided higher ratings than did older attorneys for the list of actions. See the chart below.

Average Rating Across Motivating Factors



- PRACTICE SETTING: Attorneys in private practice provided lower average ratings for the list of actions (2.7) compared to attorneys in other practice areas (corporate: 2.9; government: 3.0; and non-profit: 3.0)

What discourages attorneys from doing pro bono?

According to respondents, the top three discouraging factors were:

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

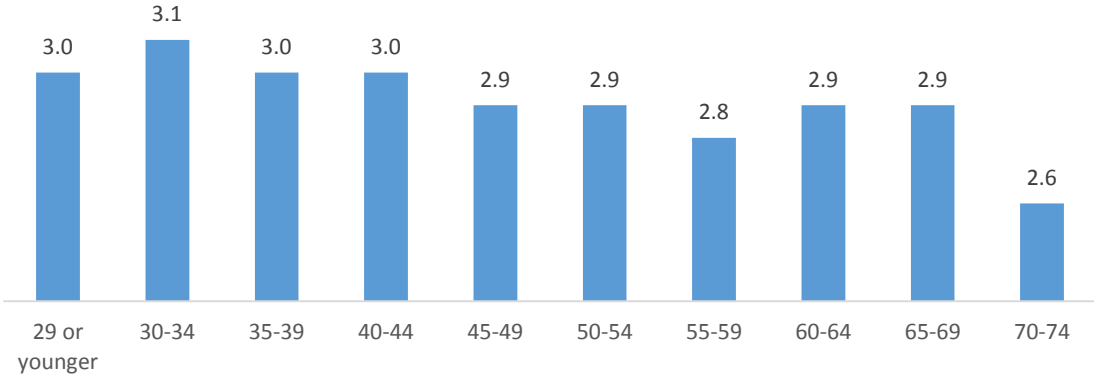
| Factor | Average (on a scale from 1-5, where 1 is the least discouraging and 5 is the most discouraging) |
|---|--|
| Lack of time | 4.20 |
| Commitment to family or other personal obligations | 3.98 |
| Lack of skills or experience in the practice areas needed by pro bono clients | 3.61 |

| | |
|--|------|
| The unrealistic expectations of clients | 3.23 |
| Lack of clarity on how much time I would end up having to commit | 3.22 |
| Competing billable hour expectations and policies | 3.12 |
| Lack of interest in the types of cases | 3.10 |
| Lack of malpractice insurance | 3.09 |
| Too costly; financially burdensome to my practice | 3.04 |
| Scheduling conflicts making it difficult to be available for court appearances | 3.00 |
| A preference for spending volunteer time on non-legal matters | 2.83 |
| Lack of administrative support or resources | 2.78 |
| Lack of information about opportunities | 2.66 |
| Discouragement from employer/firm | 2.46 |
| Concerns that doing pro bono work would compromise the interests of my other clients | 2.40 |
| A preference for providing reduced fee assistance rather than no fee assistance | 2.05 |
| I feel that a lot of pro bono clients really can afford legal assistance | 1.84 |
| Personal or philosophical objections | 1.59 |
| Total for all factors | 2.91 |

Notable Trends:

- GENDER: Overall, female attorneys were generally more discouraged than were male attorneys, with an average rating of 3.0 for the list of discouraging factors, compared to 2.8 for the male attorneys. Specifically,
- AGE: Younger attorneys were more discouraged than were older attorneys. The 29 and younger age group, for example, provided an average rating of 3.0, while the 70-74 age group provided an average rating of 2.6.

Average Rating for Discouraging Factors



- BY PRO BONO HOURS PROVIDED: As expected, attorneys who provided 50 or more hours of pro bono in 2016 provided slightly lower ratings for the list of discouraging factors (2.7 compared to 3.0).

Firm/Employer attitude toward pro bono?

Private practice attorneys were asked about their employers' attitude towards pro bono. Just over half (54.5%) indicated that their employer neither encourages nor discourages pro bono activities, while 37.3% indicated that their employer encourages pro bono activities.

| Which of the following best describes your firm's or employer's attitude toward pro bono? | Number | Percent |
|--|--------|---------|
| Employer encourages pro bono activities | 101 | 37.3 |
| Employer neither encourages nor discourages pro bono activities | 148 | 54.5 |
| Employer discourages pro bono activities | 22 | 8.2 |
| Total | 271 | 100.0 |

According to the surveyed attorneys, the most common ways their employers encouraged pro bono was by allowing pro bono during regular business hours (22.5% reported this) or allowing the use of internal resources (22.3%). Only a small percentage reported that their employers did things that discouraged pro bono.

| Employer Activity (Multiple Choice) | Percent |
|--|----------------|
| Employer allows pro bono during regular business hours | 22.5% |
| Employer allows use of internal resources for pro bono activities | 22.3% |
| Employer has a pro bono policy that supports employee pro bono activities | 10.6% |
| Employer allows billable hour credit for pro bono work | 7.4% |
| Employer has procedures in place for identifying and referring pro bono cases internally | 6.0% |
| Employer provides mentoring for pro bono activities/matters | 4.2% |
| Employer has a pro bono manager | 3.5% |
| Employer requires a specific number of pro bono hours or matters per year | 0.4% |
| Employer places restriction on number of pro bono clients or matters in a fiscal year | 1.8% |
| Employer does NOT allow pro bono during regular business hours | 1.5% |
| Employer disallows use of internal resources for pro bono activities | 2.1% |

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

Of the 61.7% of respondents that indicated that they had provided pro bono legal services as a law student, over half (56.8%) noted that doing so made them “more” or “far more” likely to provide pro bono services after graduating from law school. Around 38.9% indicated that it had no impact on their likelihood of providing pro bono services after law school, and only 4.4% reported that it made them less likely to provide pro bono services after law school.

If you provided pro bono legal services while you were a law student, to what degree did that experience affect your decision to provide pro bono services as a practicing attorney?

| | Number | Percent | Percent of attorneys who had provided pro bono in law school |
|---|--------|---------|--|
| Far more likely to provide pro bono services | 101 | 16.1 | 26.2 |
| More likely to provide pro bono services | 118 | 18.9 | 30.6 |
| It had no impact on my provision of pro bono services | 150 | 24.0 | 38.9 |
| Less likely to provide pro bono services | 17 | 2.7 | 4.4 |
| I did not provide pro bono legal services while I was a law student | 239 | 38.3 | N/A |
| Total | 625 | 100.0 | 100 |

Likelihood of providing pro bono in 2017?

Overall, 44.4% of the respondents indicated that they were either likely or very likely to offer pro bono services in 2017, while 23.5% indicated they were unlikely or very unlikely to offer such services.

| How likely are you to offer pro bono services in 2017? | Number | Percent |
|---|--------|---------|
| Very Unlikely | 89 | 13.9 |
| Unlikely | 61 | 9.6 |
| Somewhat Unlikely | 37 | 5.8 |
| Undecided | 74 | 11.6 |
| Somewhat likely | 94 | 14.7 |
| Likely | 88 | 13.8 |
| Very Likely | 196 | 30.6 |
| Total | 639 | 100.0 |

Section IV: Other Public Service Activities

What public service activities did attorneys provide in 2016?

The surveyed attorneys engaged in a range of public service activities in 2016. Approximately 27% of the attorneys reported that they had provided legal services for a reduced fee in 2016, and that they provided an average of 165 hours of such services. See the below chart for information on additional public service activities.

| Public Service Activity | Percent of Attorneys Providing... | Average Hours |
|---|--|----------------------|
| Legal services for a reduced fee | 26.5% | 165 |
| Speaker at legal education event for non-lawyers | 17.4% | 9.9 |
| Trainer or teacher on legal issues | 16.5% | 24.6 |
| Grassroots community advocacy | 12.2% | 56.9 |
| Policy advocacy | 9.2% | 50.2 |
| Supervising or mentorship to another attorney providing pro bono representation | 7.5% | 12.8 |
| Member of board of legal services or pro bono organization | 7.2% | 42.1 |
| Member of bar committee related to pro bono or access to justice | 5.6% | 18.4 |
| Lobbying on behalf of a pro bono organization | 2.1% | 20.3 |
| Member of firm committee related to pro bono or access to justice | 2.0% | 9.5 |
| Other | 7.3% | |
| None of the above | 28.9% | |

Notable Trends:

- URBAN/RURAL: Attorneys in towns were more likely to provide reduced fee services (47%).
- PRACTICE SETTING: Private practice attorneys were significantly more likely to have provided reduced fee services in 2016 (36.5%) compared to attorneys in other practice settings.

As noted in the below chart, for the legal services provided for a reduced fee, about half of the attorneys had reduced their fees by 46-75%.

| Reduced Fee - Average Reduction Percent | Number | Percent |
|--|---------------|----------------|
| 5% or less | 4 | 2.2 |
| 6-10% | 1 | .6 |
| 11-15% | 4 | 2.2 |
| 16-20% | 5 | 2.4 |
| 21-25% | 12 | 6.3 |
| 26-30% | 11 | 5.7 |
| 31-35% | 6 | 3.2 |
| 36-40% | 5 | 2.4 |
| 41-45% | 5 | 2.6 |
| 46-50% | 47 | 23.9 |
| 51-55% | 10 | 5.2 |
| 56-60% | 13 | 6.5 |
| 61-65% | 4 | 2.2 |
| 66-70% | 15 | 7.7 |
| 71-75% | 22 | 11.3 |
| 76-80% | 16 | 8.1 |
| 81-85% | 4 | 2.0 |
| 86-90% | 3 | 1.4 |
| 91-95% | 2 | 1.2 |
| 96-99% | 6 | 2.8 |
| Total | 198 | 100.0 |

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

| And, based on this reduction, approximately what was your average reduced hourly fee? | Number | Percent |
|--|---------------|----------------|
| \$1-50 | 53 | 27.2 |
| \$51-100 | 65 | 33.4 |
| \$101-150 | 43 | 22.2 |
| \$151-200 | 20 | 10.5 |
| \$200-300 | 11 | 5.5 |
| More than \$300 | 2 | 1.2 |
| Total | 195 | 100.0 |

How much unbundling are attorneys doing?

The private practice attorneys were asked a series of questions about their use of limited scope representation/unbundling as part of the practice in 2016. The majority of attorneys (57.3%) indicated that none of their cases involve unbundled legal services for a fee. However 35.7% of attorneys indicated that 1-20% of their caseload involves unbundling.

In 2016, approximately what percentage of your overall caseload involved unbundled legal services for a fee?

| | Number | Percent |
|---------|--------|---------|
| 0% | 249 | 57.3 |
| 1-20% | 155 | 35.7 |
| 21-40% | 12 | 2.8 |
| 41-60% | 5 | 1.2 |
| 61-80% | 5 | 1.1 |
| 81-100% | 8 | 1.9 |
| Total | 435 | 100.0 |

What encourages or discourages attorneys from providing unbundling?

Attorneys were provided with a list of things that might encourage unbundling and asked to rank them. The top three actions that attorneys said would encourage them to do more unbundling were:

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

| Activity and Ranking | Percent Selecting Activity as #1 | Ave Ranking (1 being the most encouraging) |
|---|----------------------------------|--|
| (1) More guidance/clarity concerning ethical obligations for unbundling | 29.5% | 2.58 |
| (2) More guidance clarity concerning malpractice exposure for unbundled matters | 7.6% | 3.26 |
| (3) More guidance/clarity concerning court procedures for unbundled matters | 3.5% | 4.04 |
| (4) Sample limited-scope agreements | 10.8% | 4.25 |
| (5) Programs to connect you with prospective clients interested in unbundled legal services | 8.3% | 4.76 |
| (6) Information to better understand fee structures for unbundled legal services | 5.4% | 5.62 |
| (7) Opportunities to network with lawyers who unbundle | 2.8% | 5.98 |
| Nothing. Unbundling is just not in my future | 32.1% | |

For those who had not provided any unbundling, most (76.9%) indicated that “agreed” or “strongly agreed” with the statement: “I don’t think unbundling would work for much of my practice” and many (67.8%) indicated that they “agreed” or “strongly agreed” with the statement “I worry that unbundling would expose them to more malpractice claims.”

| Statement | Average (1= strongly disagree and 4=strongly agree) |
|---|--|
| I don’t think unbundling would work for much of my practice | 3.09 |
| I worry that unbundling would expose me to more malpractice claims | 2.85 |
| It is difficult to get enough clients to make unbundling worthwhile | 2.71 |
| Prospective clients are not interested in unbundled legal services | 2.65 |
| Unbundled cases do not produce enough revenue | 2.58 |
| I am concerned that unbundling may be unethical | 2.42 |
| My law firm does not permit me to unbundle | 1.92 |

For those who had provided unbundling, the most (82.9%) indicated that they “agreed” or “strongly agreed” with the statement “unbundling lowers the cost of cases so that more people can afford my services.” Similarly, most (69.1%) also “agreed” or “strongly agreed” with the statement: “unbundling allows them to offer legal services at a more competitive price.”

| Statement | Average (1= strongly disagree and 4=strongly agree) |
|--|--|
| Unbundling lowers the cost of cases so that more people can afford my services | 2.95 |
| Unbundling allows me to offer legal services at a more competitive price | 2.73 |
| Unbundling lowers receivables and results in fewer uncollectable fees | 2.51 |
| Unbundling clients are likely to become full-service clients | 2.30 |
| Unbundling clients are more engaged in the process and invested in the outcome than full service clients | 2.28 |
| Unbundling clients are more satisfied with their service than full-service clients | 2.23 |
| I am less worried about disciplinary complaints for unbundled cases | 2.09 |

Appendix

Methodology: the web-based survey was distributed to all attorneys for whom contact information was available in the 24 participating states. The surveys for Wisconsin were distributed by email on February 24, 2017. The final sample of surveys amounted to 819, with 815 of these responses being from attorneys with active licenses.

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

| Category | Percent |
|---------------------------------------|---------|
| Race/Ethnicity | |
| White, Not Hispanic | 92.7% |
| Black, Not Hispanic | 1.2% |
| Hispanic | 1.8% |
| Asian, Pacific American, Not Hispanic | 1.2% |
| Gender | |
| Male | 61.7% |
| Female | 37.6% |
| Gender Non-Conforming | 0.1% |
| Age | |
| 29 or younger | 9.9% |
| 30-34 | 14.6% |
| 35-39 | 8.1% |
| 40-44 | 8.2% |
| 45-49 | 7.9% |
| 50-54 | 8.4% |
| 55-59 | 10.2% |
| 60-64 | 13.7% |
| 65-69 | 11.8% |
| 70-74 | 5.6% |
| 75+ | 1.5% |
| Practice Setting | |
| Private Practice | 77.3% |
| Corporate Counsel | 5.0% |
| Government | 10.1% |
| Non-profit | 5.5% |
| Other | 2.2% |