March 20, 2013

The Honorable Frank Wolf
Chairman
Subcommittee on Commerce, Justice, Science, and Related Agencies
Committee on Appropriations
House of Representatives
Washington, DC 20515

Dear Chairman Wolf:

Because of your long-standing support for legal services and your efforts to increase pro bono, I wanted you to have an advance copy of “Supporting Justice III: A Report on the Pro Bono Work of America’s Lawyers,” created by the American Bar Association’s Standing Committee on Pro Bono and Public Service (“the Committee”). This report is the third in a series of national pro bono studies the Committee has conducted to determine American lawyers’ level of participation in pro bono and to find strategies for expanding pro bono legal services.

The Committee has 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 main goals of this report were: to quantify the amount of pro bono work done by attorneys; to identify the characteristics of recent pro bono service that can be used to guide development of new pro bono initiatives and communications; to obtain demographic and work environment data; and, to identify factors that either encourage or discourage pro bono.

The results of this study reflect American lawyers’ continued awareness of pro bono as a professional responsibility and their strong ongoing commitment to volunteering their legal services to meet the legal needs of the poor. The report found that 36 percent of respondents did 50 or more hours of legal pro bono work in 2011 – a significant percentage given the downturn in the economy and the failure of the report to account for the time invested by lawyers who engage in nonlegal community service and charitable work.

The average amount of hours of legal pro bono performed by all attorneys in 2011 was 56.5 hours (this average exceeds the ABA Model Rule’s recommendation of 50 hours per year). Sixty-three percent of respondents who provided pro bono service in 2011 reported that they worked on matters that address the everyday legal problems of people in poverty. The greatest barrier to providing pro bono was time constraint, with lack of skills or experience in the relevant practice areas also being limiting factors. Lack of desire to do pro bono was not a large factor.
The Committee found that across the profession, there are significant opportunities for expanding pro bono on a variety of fronts. As the report details, building and ensuring institutional support for pro bono is one of the key strategies that is most likely to result in increasing the number of lawyers who do pro bono, the number of hours they provide and, ultimately, the positive impact they have for their clients and the communities in which they live and practice. In particular, organized and supported employer pro bono initiatives are essential as is ensuring strong and effective infrastructure for independent programs, bar association initiatives, and legal services based pro bono projects.

The Committee’s report does not examine or answer the challenge of how best to address the unmet legal needs of low-income Americans. The study presumes that many different resources are necessary, and that pro bono is just one of many components of a legal services system. The Committee will lead efforts nationally to facilitate pro bono and will work closely with the Legal Services Corporation (LSC) on the recommendations of its Pro Bono Task Force. The ABA also looks forward to working with you on ways to increase pro bono and funding for LSC.

Thank you for your efforts in increasing pro bono for low-income Americans. We appreciate your service and look forward to continuing our efforts to provide legal services for all Americans. If you have any questions, please do not hesitate to contact Ann Carmichael in the ABA Governmental Affairs Office (202.662.1767, ann.carmichael@americanbar.org). Please note that the views expressed in the report have not been approved by the House of Delegates or the Board of Governors of the American Bar Association (ABA) and accordingly should not be construed as representing the policy of the ABA unless expressly noted therein.

Sincerely,

Laurel G. Bellows