

The extent and value of pro bono work provided by legal executives

ECOTEC

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Summary

1,000 legal executives were surveyed in order to ascertain estimates of the amount and value of pro bono work conducted. Though the sample constituted a good proportion of ILEX Fellows and Members (11% approximately), response rates to the survey were relatively low (20%). Therefore, findings should be treated as broad indicators of the proportion of legal executives who undertake pro bono work, and of the value of this work, rather than definitive results. Nevertheless, this survey adds substantially to the previously limited evidence base on the value and nature of pro bono work provided by this group of legal professionals.

The survey finds:

- Almost a quarter of legal executives surveyed (24%) stated that they had personally carried out pro bono work, with 14% reporting that they had done work pro bono in the last 3 months and 18% having undertaken pro bono work in the last 12 months.
- On average an individual legal executive who has delivered pro bono work in the last 12 months provided £2,730 worth of work (based on a calculation of average hours and hourly rates), which equates to an estimated £496,860 worth of pro bono work provided by the sample of legal executives in the last 12 months.
- An estimated £4.4 million of pro bono work was undertaken in total across the whole population of legal executives over a 12 month period.
- The majority of legal executives who do pro bono work, do so regularly but on a relatively small scale in terms of the number of hours of pro bono work undertaken.
- A significantly higher proportion of male legal executives (34%) had carried out pro bono work, compared to female legal executives (20%).
- Those in the private sector were more likely to provide pro bono work, with 27% of legal executives surveyed reporting that they do pro bono compared to just 12% of those in the public sector.
- The majority of pro bono work was carried out in the South East (19%), South West (13%) and North West (13%). In Devon and Cornwall, almost half of the respondents (45%) sampled in this region carried out work pro bono, although the total sample size in this region was fairly low.
- Civil litigation cases make up the majority of cases (64%) delivered on a pro bono basis.

- The most common type of service provided on a pro bono basis was verbal advice provided by 89% of the legal executives who undertake pro bono work.
- Individuals who are not eligible for legal aid or cannot afford to make contributions were highly represented as pro bono recipients. Between 40-53% of legal executives surveyed who provide pro bono work reported that they provide services to these groups. Just over a third (38%) said they provided pro bono services to charitable organisations.
- Personal and organisational altruism were key factors in the personal and social value that legal executives attributed to pro bono work.

1. Introduction

In August 2007, ECOTEC was commissioned by the Ministry of Justice and Institute of Legal Executives (ILEX) to undertake research on the extent and value of pro bono work provided by members of ILEX.

1.1 Background

ILEX is a professional body representing over 24,000 members and is a leading provider of legal education. The membership of ILEX includes different professional levels. A Member of ILEX has been successful in completing both parts of the ILEX Professional Qualification in Law and is in the process of completing the qualifying employment. A Fellow of ILEX has been successful in completing both parts of the ILEX Professional Qualification in Law and has 5 years qualifying employment under the supervision of a solicitor, including a minimum of 2 years after passing all the examinations. At this stage a legal executive will have reached the same level as that required of solicitors, as such ILEX is recognised as the third branch of the legal profession alongside solicitors and barristers. ILEX also represents student members who are studying towards the Professional Qualification in Law – however, these members were not included for the purposes of this survey.

Pro bono legal work is legal advice or representation provided to individuals or community groups who cannot afford to pay for that advice or representation and where public funding is not available. It is work that is provided free to the client and provided voluntarily. Until this survey, there was little information about the extent and nature of pro bono work provided by Members and Fellows of ILEX. This research provides information to complement similar work concerning the pro bono activities of barristers and solicitors being undertaken by the Bar and the Law Society.

In addition, the research was commissioned by the Ministry of Justice to contribute to an impact assessment for clause 194 of the Legal Services Bill (2006). Clause 194 seeks to overturn the indemnity principle, which currently prevents the court from ordering costs to be paid where the successful party was represented on a pro bono basis. The clause will enable an order for costs to be made in such cases to an independent charitable body, which will administer the funds received and distribute them to further pro bono assistance. The Legal Services Bill received Royal Assent on the 30 October 2007.

1.2 Aims and objectives

Specifically, the key aims of this research were to provide an estimate of:

- the proportion of ILEX Fellows and Members involved in pro bono work; and
- the fiscal value of pro bono work undertaken by these practitioners.

In addition, the research sought to address a number of additional research questions, including:

- Where does pro bono work take place?
- Who does pro bono work?
- In what areas of law is pro bono work provided?
- To whom are pro bono services provided?
- What sort of legal work is provided pro bono?
- How are pro bono services funded?
- What value do practitioners attribute to carrying out pro bono work?

1.3 Methodology

A telephone survey was conducted with 1,000 respondents to establish the proportion of the qualified ILEX membership who had provided pro bono work and gather feedback on the nature and financial value of these services. Interviews were conducted between Thursday 6 September and Monday 17 September 2007.

The survey was conducted among a sample of Members and Fellows of ILEX selected from the database of individual members supplied by ILEX.¹ Purposive sampling was undertaken to ensure a spread across the different type of ILEX member but beyond this potential respondents were randomly selected.

From the overall sample a response rate of 20% was achieved, which means that caution should be taken when generalising results from the sample surveyed to the population. Results should be read as indicative rather than definitive. Nevertheless, they are still

¹ The sample supplied by ILEX included all current Members and Fellows of ILEX, excluding those who live abroad.

valuable indicators of the value and nature of pro bono work, adding to the previously very limited evidence base in this area.

The majority of the respondents (86%) were Fellows of ILEX, with the remaining 14% Members. This reflects the wider ILEX population, where there are 7,280 Fellows (81%) and 1,630 Members (19%).² For the purpose of this research ILEX student members were excluded. Throughout the remainder of the report Members and Fellows of ILEX are referred to jointly as 'legal executives'.

In addition, a total of 12 in-depth qualitative interviews with legal executives who had undertaken pro bono work were conducted alongside the main telephone survey. The initial interviews provided important background information for survey design while the later interviews explored some of the issues emerging from the survey to support and contextualise the reporting of the main survey findings in the report.

1.4 Presentation of the data

Findings from the results of both the survey and the in-depth interviews are presented alongside each other throughout this report, and sources are identified where appropriate. Figures relating to survey data in some tables and charts may not sum to 100% due to multiple or non-response or rounding (figures are rounded to the nearest whole %). The full results from the survey are available on request.

Some sub-group analysis according to gender and organisational type has also been carried out on key survey questions. However, there are only limited findings relating to this analysis presented throughout the report because the small sample size in some sub-groups means that differences would have to be very large for findings to be robust. Tests for statistical significance were carried out for some of this sub-group analysis. Results that were found to be statistically significant are identified in the report. In other cases, however, where results were not tested some are presented as they are still of interest.

² Data supplied by ILEX, October 2007.

1.5 Report structure

The remainder of the report is structured as follows.

- **Chapter two looks at the provision of pro bono work.** This includes issues such as the extent of pro bono work amongst the sample, the profile of those who provide pro bono work and the nature of the services provided.
- **Chapter three looks at the value of pro bono work.** This identifies the financial value of pro bono work, as well as perceptions of the personal and social value of pro bono work.
- **Chapter four presents our conclusions.**

A marked up survey with all survey responses and the in-depth interview topic guides are available on request.

2. Providing pro bono work

This chapter presents findings on the extent of pro bono work amongst the sample of legal executives, the profile of those who provide pro bono work and the nature of the services delivered.

2.1 Understanding of pro bono work

Legal executives were asked to give their own definition of pro bono work. The majority of legal executives in the survey (70%) placed an emphasis on pro bono being free work or work without profit (17%), although there were a small proportion of legal executives (3%) who reported that pro bono work was where services were provided at a reduced rate or for a small nominal fee. Amongst other responses, there was a recurrence of defining pro bono to be related to charitable work (5%) or work to help the community (5%).

This was confirmed in the in-depth interviews where there was emphasis in the definitions given on pro bono work being free work. Other definitions of pro bono were evident, which linked to individual's experience or current arrangements for delivering pro bono work. For example, there were a small number of legal executives who define pro bono work as private work done outside of work hours. Others had a wider definition of pro bono, in so far as it is not just legal work, but any form of charitable or voluntary work.

Pro bono work was defined for the purpose of this research as *'the delivery of free legal services to individuals, organisation and communities in need'* to be comparable with the research taking place with solicitors and barristers.

2.2 The extent of pro bono work

Of the 1,000 legal executives surveyed, almost a quarter (24% or 242) stated that they had personally carried out pro bono work, according to the definition provided. More specifically, 14% of the total sample of respondents reported that they had done work pro bono in the last 3 months and 18% had undertaken pro bono work in the last 12 months.

The survey results suggested that while for a number of legal executives engaged in pro bono work it was something they had done recently, there was evidence to suggest that it was carried out on a small scale in terms of the number of hours of pro bono work undertaken. Legal executives who had undertaken pro bono work were asked to estimate how many hours they had spent on pro bono work in the last 3 and 12 months.

Of the respondents who had conducted pro bono work, 22% had delivered only between 1 and 5 hours of pro bono work in the last 3 months. Smaller proportions of legal executives had, however, conducted 6-10 hours or 11-15 hours of pro bono work (12% and 9% respectively). A similar proportion (9%) reported that they had conducted more than 31 hours of pro bono work in the last 3 months suggesting that for some legal executives pro bono work was a significant activity during this period.

Table 2.1 Hours spent on pro bono in the last 3 and 12 months

Hours of Pro bono work	% of respondents who had conducted pro bono work		% of all respondents ³	
	In the last 3 months	In the last 12 months	In the last 3 months	In the last 12 months
0	42	25	10	6
1-5	22	14	5	3
6-10	12	12	3	3
11-15	9	11	2	3
16-20	3	7	1	2
21-30	3	9	1	2
31+	9	22	2	5

Base: all respondents who have conducted pro bono work (242) and total sample (1,000)

The findings suggest that for some legal executives pro bono work is conducted regularly over a period of time. The proportion of respondents who had delivered a higher number of hours of pro bono work in the last 12 months represents a proportionate increase of those figures for 3 months. This culminates in 22% delivering more than 31 hours of work in the last 12 months. However, there is also evidence to suggest that some legal executives may just do pro bono work on the very odd occasion as 39% of those surveyed had conducted less than 5 hours of pro bono work in the last 12 months.

The qualitative interviews with legal executives also suggested that legal executives undertake different patterns of pro bono work. Several reported conducting small ongoing amounts of

³ The proportion of all legal executives surveyed has been calculated using the base of 1,000, however, only those who answered positively to whether they had personally done pro bono work were specifically asked about the number of hours undertaken in the last 3 and 12 months.

work on a monthly basis. There were exceptions to this, in one case an individual reported up to 10% of their work time being spent on pro bono over a 3 month period or in another case 20 hours of pro bono work was conducted in a month but this was a one-off project. The qualitative interviews revealed, however, that the extent of pro bono work reported in the survey may in fact underestimate the amount of work provided in practice. A small number of legal executives reported that pro bono may involve only a few minutes at a time, for example, giving ad hoc legal advice over the phone. For others it was uncharged work for existing fee paying clients. Given the scale of this work, legal executives recognised that it was often not formally regarded as pro bono and as such may not be included in estimates of the extent of pro bono work that is provided.

2.3 Who does pro bono work?

The survey indicated the following concerning the profile of those who have provided pro bono work:

- A statistically significant higher proportion of male legal executives (34%) had carried out pro bono work, compared to female legal executives (20%).⁴
- 12% of those who conducted pro bono work were aged 18 to 34, 69% were aged 35 to 54 and 16% were aged 55 to 64 years old.⁵ This, however, reflects the overall age patterns of the full sample, where 19% were aged 18-34, the majority (65%) were aged 35-54, 14% were aged 55-64 - which indicates that there is no propensity to do pro bono work in certain age groups rather than others.
- The majority of the total sample (97%) was from a 'white' ethnic group and only 3% from Black Asian and Minority Ethnic (BAME) groups. Given the significant differences in the size of these sub groups, it is not meaningful to examine the profile legal executives who conduct pro bono work by ethnicity.

At the beginning of the survey, respondents were asked how long they had been a legal executive. This data enabled us to see if length of service had any bearing on a legal executive's likelihood to have conducted pro bono work.

⁴ Over two-thirds of survey respondents were female (71%). Of the 713 female respondents, 20% had carried out pro bono work. Of the 287 survey respondents who were male (29%), a slightly higher proportion (34%) had carried out pro bono work.

⁵ Information on age was provided by 240 of the 242 survey respondents who had conducted pro bono work.

Table 2.2 Respondents who had conducted pro bono work by length of membership of ILEX and proportions of whole sample surveyed by length of service

No. of years registered with ILEX	% of respondents who had conducted pro bono work in the last 12 months	% of all respondents
0-4 years	15	20
5-9 years	25	25
10-14 years	21	22
15-24 years	24	19
25-34 years	9	11
35+ years	5	3

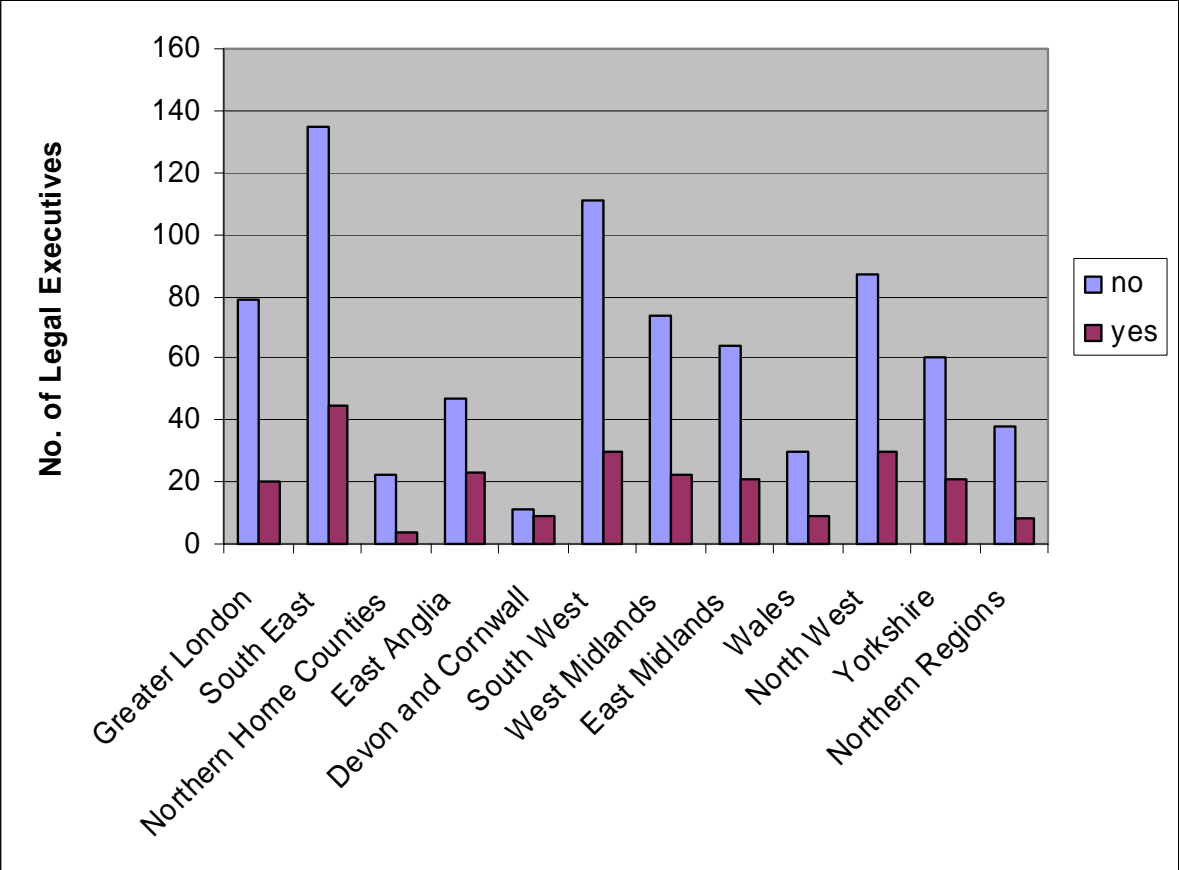
Base: all legal executives who have conducted pro bono work in last 12 months (182) and total sample (1,000)

The largest proportion (25%) of respondents who have conducted pro bono work were those with between 5-9 years experience. Looking at the whole sample this pattern is broadly the same, suggesting that length of service had no particular bearing on propensity to conduct pro bono work.

2.4 Where does pro bono work take place?

The survey covered legal executives working throughout England and Wales to assess the geographical pattern of pro bono work. The graph below gives a regional breakdown of where the pro bono work of those surveyed takes place across the 12 ILEX constituencies. The graph shows that the majority of pro bono work is carried out in the South East (19%), South West (13%) and North West (13%).

Figure 2.1 Pro bono work in regions



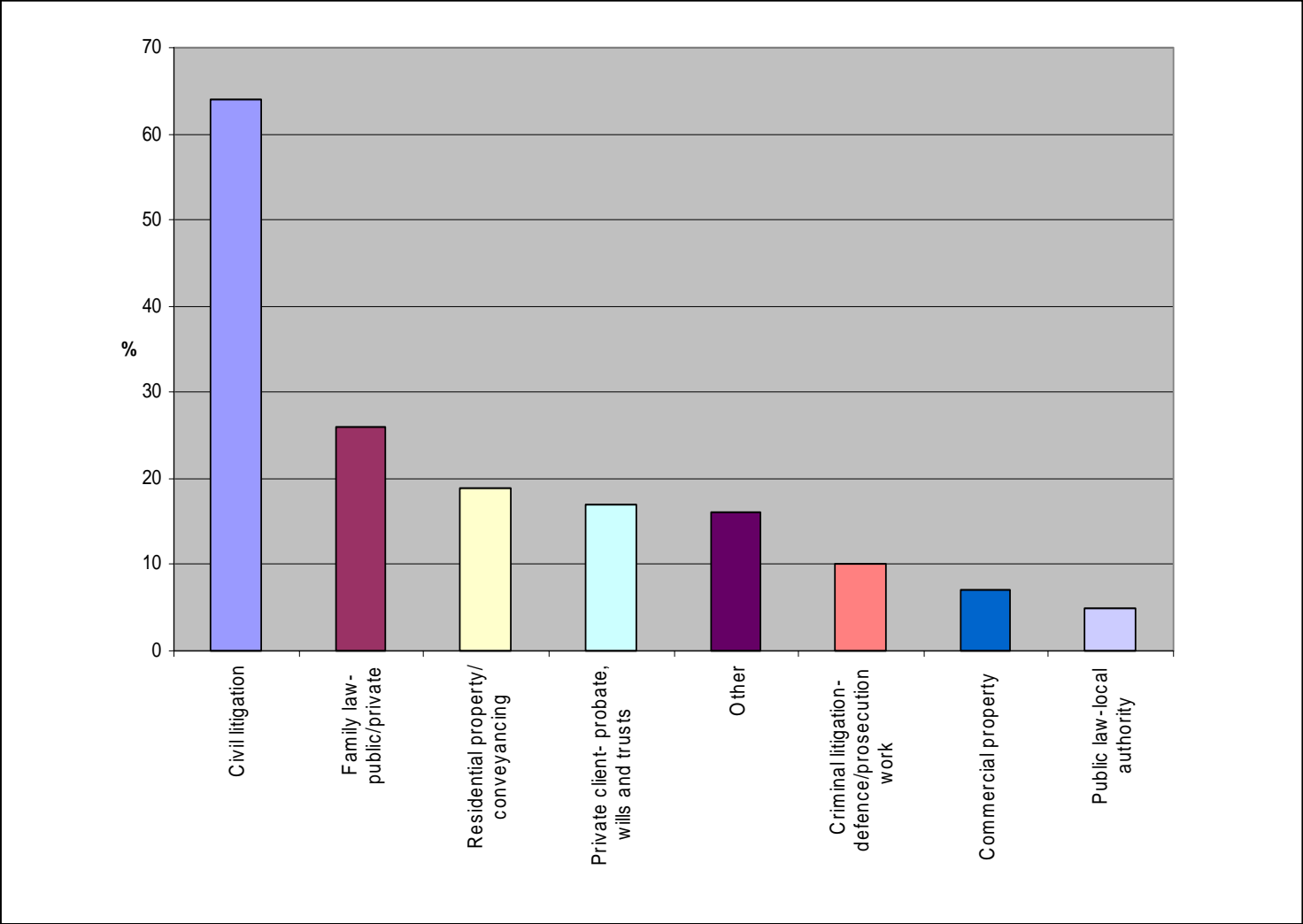
Base: all legal executives surveyed (1,000)

The number of those who do pro bono work in these regions are presented next to the number of those who don't, in order to allow for an analysis of whether pro bono work is more or less common in any regions, when the overall number of respondents working in that said region is considered. The graph, therefore, shows that the proportion conducting pro bono work in each region is fairly equal, with between 20-26% in each region having conducted pro bono work. The only significant exception to this was in Devon and Cornwall, where almost half of the respondents (45%) surveyed in this region carry out work pro bono. No further evidence was gathered to explain this pattern. Slightly more respondents in East Anglia (33%) had conducted pro bono work when compared to other regions and slightly fewer respondents (17%) in the Northern Regions carried out pro bono work when compared to the overall picture.

2.5 In what practice areas is pro bono provided?

The legal executives surveyed reported carrying out pro bono in a range of practice areas. Civil litigation cases made up the majority of cases with 64% reporting that they provided work on a pro bono basis in this practice area.⁶ Other common case types, where respondents have provided pro bono work include family law (26%) and residential property/conveyancing (19%) and private client work such as probate, wills and trusts (17%).

Figure 2.2 Practice areas where pro bono work is conducted⁷



Base: legal executives surveyed who have conducted pro bono work (242)

⁶ The separate categories in the survey covering different types of civil litigation (defence/prosecution work, general, debt recovery, employment law and personal injury/clinical negligence) were merged for the purpose of analysis

⁷ Respondents were given the opportunity to select more than one practice area.

The qualitative interviews with legal executives revealed that they provided pro bono work across a range of practice areas, not necessarily restricted to their usual or regular practice area. This was particularly typical if they are providing pro bono work through the Citizens Advice Bureaux (CAB) network, which given the nature of this agency, often requires them to provide legal support across a range of issues. In another case, a legal executive reported providing pro bono work outside of their usual practice area to specifically gain experience or exposure to a different practice area to support career development.

2.6 Pro bono recipients

The legal executives surveyed provided pro bono work to a range of different recipients, including individuals, organisations and communities. The table below outlines the profile of recipients for whom legal executives have provided pro bono work.

Table 2.3 Type of pro bono recipient⁸

Type of recipient	Proportion of respondents providing pro bono to recipient %
Private individuals whose cases fall outside the scope of legal aid for reasons other than their financial resources	53%
Private individuals who have a cluster of legal problems some of which are not covered by legal aid	42%
Help to individuals who can no longer afford to pay for case costs	43%
Private individuals whose cases fall within the scope of legal aid but either not eligible for legal aid or who cannot afford the contributions	40%
Charities or voluntary organisations	38%
Existing/potential clients	2%
Other	9%

Base: all legal executives who have conducted pro bono work (242)

⁸ Respondents were given the opportunity to select more than one type of recipient.

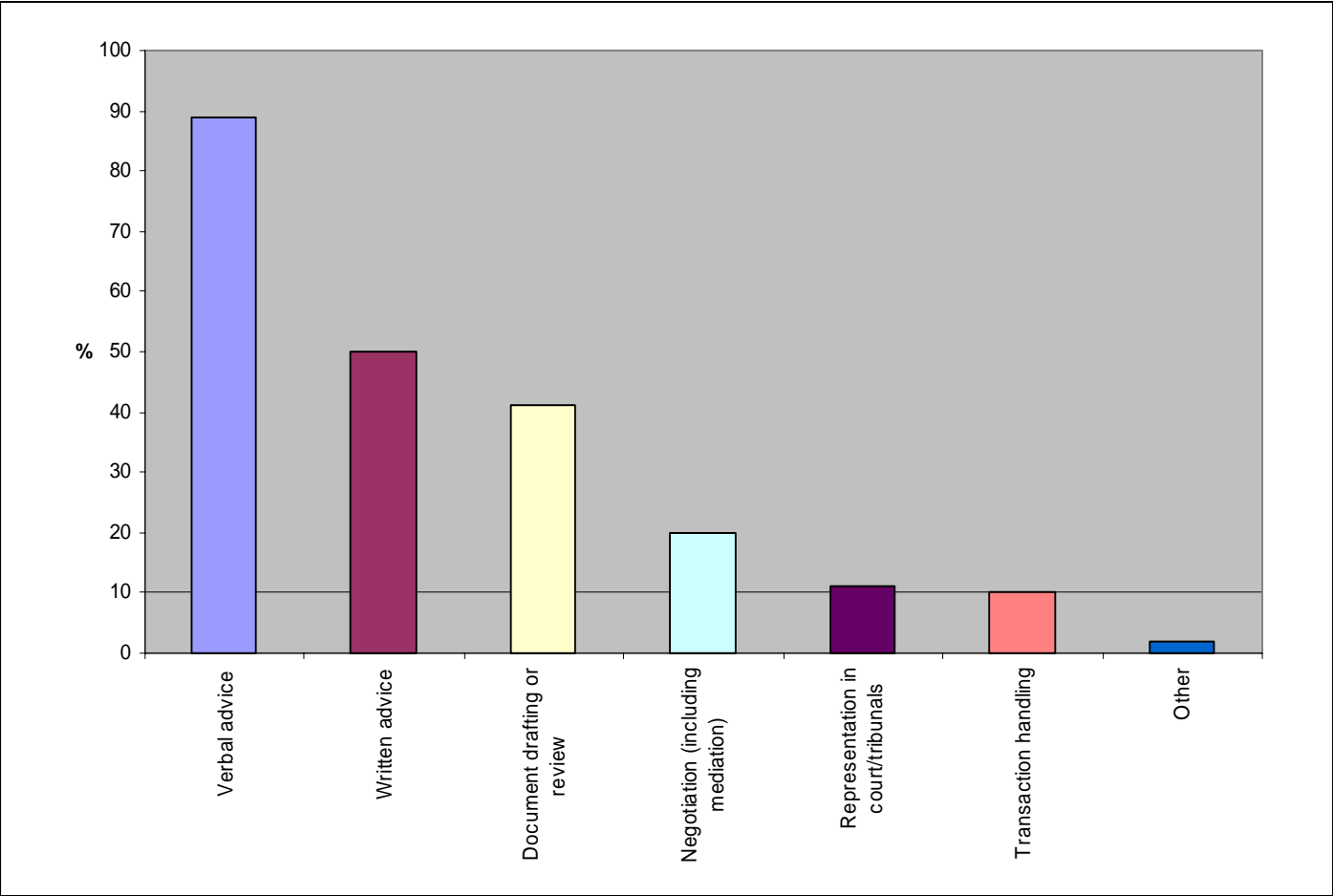
Just over a third (38%) of respondents who provide pro bono have done so for a charity or voluntary organisation. The qualitative interviews revealed that for several legal executives where an organisation was represented, this was because the legal executive had a personal connection to the group. For example, one legal executive assisted a theatre company as he was a member, while another represented a sports club that her children participated in. In another example, a legal executive provided pro bono work to a domestic violence organisation and a women's refuge because this was a subject area that she felt strongly about. In other cases, however, pro bono work came through and was allocated through the legal firm so there was less autonomy to focus on recipients from a particular organisation or circumstance.

The majority of pro bono work (85%) was done by the legal executives surveyed in their work places. A smaller proportion of pro bono work was provided through a CAB (13%) and in clients' premises but less so at community law centres (6%) or LawWorks clinics (2%). The qualitative interviews with legal executives confirmed that given the provision of pro bono through CAB or similar community advice centres, these pro bono recipients were typically those with financial issues and low incomes. It was noted that individuals with debt problems often were not eligible for legal aid but given their debts they were also not able to afford to pay legal fees.

2.7 What sort of pro bono services are provided?

The sample of legal executives reported having done a range of legal work on a pro bono basis. As shown in the chart below, the most common type of service provided is verbal advice provided by 89% of respondents who had done pro bono work, followed by written advice (50%) and documenting drafting or review (41%). Only a small proportion of the respondents had provided representation in court/tribunals (11%) and/or handled transactions (10%).

Figure 2.3 Types of pro bono work done



Base: all legal executives surveyed who have conducted pro bono work (242)

Legal executives were asked to estimate the proportion of their pro bono time spent providing specific types of services. More than half (54%) reported that they spent between 76-100% of their time providing verbal advice, confirming this as the most typical service provided on a pro bono basis. The data also suggests that this was typically combined with provision of other types of services on a pro bono basis, for example, verbal advice followed up with written advice. For example, over half reported that they spent between 1-25% of their pro bono work doing document drafting (63%) or written advice (53%).

The qualitative interviews with legal executives confirmed this pattern of the type of work done on a pro bono basis. For example, legal executives doing pro bono work, largely just gave verbal advice, for example, about debt matters or advice on how to fill in documents or file witness statements. In other cases, however, legal executives were providing written assistance, for example, drafting a letter of complaint or drafting contracts of employment or organisational constitutions, dealing with correspondence with the Inland Revenue or Land Registry.

The qualitative interviews also revealed a wider type of work outside of strictly legal work which was perceived as pro bono. There were examples of legal executives who reported doing other more practical work, such as painting and gardening or helping on organised projects in local schools or an old people's home. This focus of this research was, however, on the legal services provided on a pro bono basis so this was not explored further.

2.8 Organisational support for pro bono work

The majority (89%) of those surveyed who had who carried out pro bono worked for private organisations, with only 8% working in the public sector.

Table 2.4 Proportion of legal executives who have undertaken pro bono work at some point in their career by sector

	Proportion of respondents providing pro bono across sectors*	Proportion of respondents within each sector providing pro bono**
Private organisation	89%	27%
Public sector organisation	8%	12%
Charitable organisation	3%	39%

*Base: all legal executives surveyed who have conducted pro bono work (245)⁹

**Base: all legal executives surveyed within a given sector, private (810), public (172), charitable (18)¹⁰

Looking at the proportion of respondents in each sector who provide pro bono work, suggests that those in the private sector are more likely to provide pro bono work, with 27% from that sector reporting that they do pro bono compared to just 12% in the public sector. The figures suggest that just over a third of those working for charitable organisations conduct pro bono work, however, the number of legal executives working in this sector is very small, so this finding should be viewed with caution.

As reported above, the majority of respondents conduct pro bono work from their offices. Furthermore, 84% of those surveyed who do pro bono work stated that they conduct pro bono work during their normal office hours. However, two in five (38%) reported that this

⁹ A small number of survey respondents selected more than one option for organisation type. This accounts for the 245.

¹⁰ In total 1,006 responses were collected as survey respondents selected more than one option for organisation type. There were also 6 'other' responses which are excluded here.

time was formally recorded, either centrally or by the individual. Similarly, 84% reported that pro bono work didn't count to any specific targets. Only 10% reported that it contributed to personal job targets and 6% reported that it contributed to organisational targets. In one sense this suggests that pro bono work is not formalised as an activity and as such may not be supported by the organisation. However, given the high proportion of respondents who conduct pro bono work during work time, organisations are in another sense informally supporting the work by not restricting the activity during paid work time, although it may be in some cases they do not know that pro bono is taking place.

The qualitative interviews allowed further exploration of the extent to which organisations facilitated or supported legal executives to do pro bono work. It was a common view that pro bono work had just evolved within an organisation and was not formally facilitated or supported. There were exceptions to this however; one respondent reported that doing pro bono work has become easier since the recent introduction of the firm's Corporate Social Responsibility policy. Similarly another organisation has a 'sports and social committee' which organised pro bono work.

In the main there was a consensus throughout the qualitative interviews that doing pro bono work is a personal choice, it was not a requirement for the business and as such it was up to the individual whether or not they took part in pro bono work. However, for one organisation mentioned by a legal executive in an in-depth interview, pro bono was effectively viewed as part of their mainstream business as a way of generating fee paying work or additional referrals. This was a high street legal firm who offered free half hour advice session to individuals. Additional pro bono work sometimes stemmed from this if issues were not resolved in the initial consultation. Given it is usually a small amount of work the firm is happy to support this additional pro bono work as they believed that fee paying work may also subsequently be secured either from the same clients or their friends and family.

In the main, the qualitative interviews indicated that pro bono work was not discouraged. There were, however, exceptions. In one example, an organisation required an individual to make up pro bono hours outside of the working day which the individual viewed as a disincentive. Similarly, however, one individual reported that pro bono has become more difficult since their organisation's decision to become more financially focussed, which has created a culture where pro bono is discouraged, although not explicitly.

2.9 Barriers to providing pro bono work

The 758 legal executives who answered that they do not do pro bono work were asked to provide reasons as to why this was the case. The most common reason given by these respondents was that there had never been an opportunity to do pro bono work and that pro bono recipients had never been referred to them (52% gave this reason). Other reasons included:

- not enough time/too busy (24%);
- a perception that they have no experience in a relevant area of law (17%);
- a perception that it is not relevant to the area of legal work that the executive practises (5%)¹¹; and
- not interested (5%).

Other factors also emerged during the in-depth interviews which allowed their exploration in more depth. A small number of individuals working in private sector organisations had observed that over course of their career, the profession had become more cost conscious and thought that less pro bono work was taking place because people were working to tighter deadlines and had to be more accountable for their time. Similarly the size of the organisation an individual worked for determined whether this financial barrier came into play. For those legal executives working for relatively small firms, their organisation simply couldn't afford for their staff to spend time doing pro bono work.

The factors underlying individuals' propensity to undertake pro bono work was also related to the practice area they typically worked in. For example, one respondent specialised in personal injury law and reported that there was little demand for pro bono work in this practice area because frequently initial assessments are free and then legal support was provided on a 'no win no fee' basis.

A further key barrier to providing pro bono work that emerged during the qualitative interviews was concern about legal executive's liability for pro bono work if things went wrong. This was particularly a concern if pro bono work was conducted outside of an organisational context

¹¹ Several corresponding categories of reasons why an individual does not do pro bono work were merged here concerning perceived relevance, namely, 'it is not relevant to me', 'I do conveyancing work'.

where there may not be the safeguards of a company's indemnity insurance and as such this serves a disincentive to undertaking pro bono work.

3. The value of pro bono work

This chapter presents findings in terms of the value of pro bono work. Specifically, it looks at the financial value of pro bono work, as well perceptions of the personal and wider social advantages of pro bono work.

3.1 Financial value

Calculations of financial value

The survey gathered estimates of the average number of hours of pro bono work provided in the last 12 months alongside estimates of an hourly rate legal executives would charge. This was used to generate overall estimates of the monetary value of pro bono work undertaken by legal executives.

It was found that of those surveyed who had provided pro bono work each had done on average 21 hours in the last 12 months. The average hourly rate reported by legal executives was calculated as £130. Using these figures, it can be estimated that on average an individual legal executive who has delivered pro bono work in the last 12 months provided **£2,730** worth of work. Based on the finding that 182 legal executives had conducted pro bono work in the last 12 months, it can, in turn, be estimated that on average **£496,860** worth of pro bono work was provided by the sample of legal executives in the last 12 months.

Using the findings of the survey, estimates for the total monetary value of pro bono work provided by the total legal executive population¹² can also be calculated. Assuming that 18% of the total population of legal executives conducts pro bono work over a 12 month period at an average value of £2,730, pro bono work to an average value of **£4.4 million** is undertaken in total by legal executives over a 12 month period. Due to relatively low response rates to this survey, this total should be regarded as an indicative figure.

¹² The population of legal executives used here is 8,910 Members and Fellows of ILEX.

Perceptions of financial value

The qualitative interviews with legal executives revealed a consensus that pro bono work did have a financial value, however, this was interpreted in different ways.

There was a clear perception from the majority of legal executives who participated in qualitative interviews, most strongly from those working in the private sector, that the financial value of pro bono work was related to the additional fee paying work that could be brought into the organisation as a result of pro bono work rather than the value of the pro bono work itself.

This could be through additional work provided for an individual who had initially been supported on a pro bono basis. For example, one individual was represented on a pro bono basis during an appeal hearing for a criminal conviction. This led to a retrial where the individual paid to be represented again by the same organisation, the case was subsequently won and the organisation benefited from the court costs. More commonly, however, the financial value of pro bono was perceived as the referrals to the organisation as result of the good publicity associated with doing pro bono work. In this sense, pro bono work was seen as an investment to ensure clients made recommendations to friends and family about using the same organisation.

For other legal executives, the financial value of pro bono work was perceived in terms of the time spent on the case. One of the key aims of the research was to provide an estimate of the fiscal value of pro bono work provided by legal executives and it is this interpretation that has formed the basis of calculations of the financial value of pro bono work provided by legal executives in the past 12 months.

3.2 Personal value of pro bono work

In addition to the financial value of pro bono work, the survey and interviews with legal executives sought to assess whether they attributed any personal value to pro bono work.

The majority of respondents considered that there were personal advantages to providing pro bono work. The most common responses were related to a feel good factor as a result of helping individuals or the community. Specifically, 43% of legal executives surveyed reported that the sense of achievement having done pro bono work was a key personal advantage. The second most commonly reported personal advantage (35%) was that legal

executives wanted to help people. Other responses were more focussed around issues of career development, including to:

- gain experience in new areas of law (12%);
- show commitment to the firm (7%); and
- show dedication to role of legal executive in society (6%).

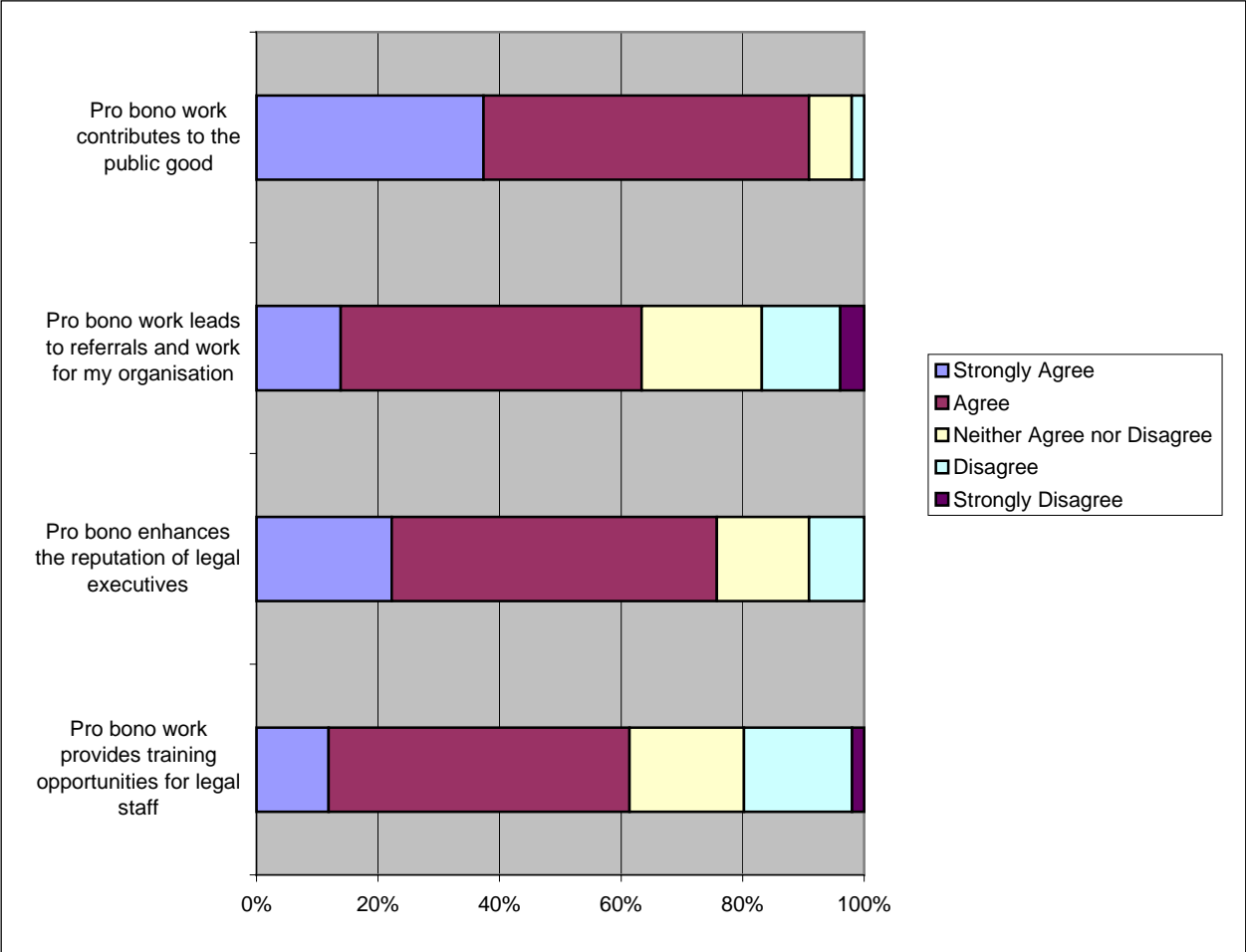
The qualitative interviews with legal executives likewise revealed that pro bono work was seen as a useful mechanism for career development by gaining a range of experiences and learning how to handle and meet with different types of people. Similarly, having done pro bono work for a charitable organisation in particular was considered to look good on their CV and may be looked upon favourably by future employers. In another case a legal executive considered doing pro bono work would make it look like an individual was enthusiastic about the law, which in turn was viewed as a potential positive for career development.

While the qualitative interviews did highlight the advantages for career development, there was a perception that this was more important in the earlier stages of an individual's career, where a variety of experience mattered more. Where an individual had settled in a practice area and was well established in an organisation, there was less need to do pro bono for the purposes on enhancing their CV. For these individuals and others the personal advantages of pro bono work was more focussed on the sense of achievement that went together with doing pro bono work.

3.3 Social/organisational advantages of pro bono work

Legal executives were asked in the survey to comment on the extent to which they either agreed or disagreed with a set of statements about the wider social or organisational benefits of pro bono work. Overall there was a high level of positive responses which suggests that pro bono work does have significant social and organisational advantages.

Figure 3.1 Whether respondents agreed with statements relating to the value of pro bono



Base: All legal executives surveyed (1000)

The strongest positive reaction given by respondents was in response to the statement that pro bono work contributes to the public good. An overwhelming 90% either strongly agreed (37%) or agreed (53%) with this statement.

The majority of respondents (53%) agreed with the statement, that pro bono enhances the reputation of legal executives, with a further 22% strongly agreeing. Less than 10% of respondents disagreed or strongly disagreed with this statement. The qualitative interviews revealed more detail regarding this view. Specifically, legal executives perceived that the legal profession in general had a reputation for making money, and as such one legal executive felt that it was a good thing to offer skills and services free of charge as a mechanism for changing public perceptions. This could potentially also explain why legal executives working in the private sector had a greater propensity than those in the public

sector to provide pro bono work. Similarly, in another case a legal executive felt it was important for the legal profession to lose or challenge its stuffy image and get back to the grass roots of legal work.

The majority of participants (50%) agreed that pro bono work provides training opportunities for legal staff, with a further 12% (137) strongly agreeing that this was the case.

The perceived organisational value of pro bono work was explored by asking respondents their views on the statement that pro bono work leads to referrals and work for their organisation. Agreement with this statement was again strong with half of the respondents agreeing (50%) and 14% strongly agreeing that pro bono work can lead to referrals. The survey indicated that this was significantly more important for those in private sector organisations, where 66% of respondents either agreed or strongly agreed compared to 50% of those in public sector organisations.

There was consensus in the qualitative interviews that pro bono work was useful in terms of good PR, particularly for income generating organisations in establishing the reputation of the firm and client base. However, the interviews also indicated that this was more potentially important depending on the location and focus of the organisation. For example, where the organisation was a local general practice firm, word of mouth referrals were seen as more important, therefore, pro bono work had a more important role to play.

3.4 Future pro bono work

The survey sought to assess how satisfied legal executives were with the amount of pro bono work they currently undertook. Almost half of those surveyed (43%) were satisfied or very satisfied with the amount of pro bono work undertaken, with only 12% not satisfied to any degree. For almost a half of those who were dissatisfied, this was because they would like to do more pro bono work (48%) and across the whole sample around a third (33%) of legal executives would like to carry out more pro bono work.

All the legal executives who were interviewed in depth also reported a desire to do more pro bono work in the future, although there were examples where this was somewhat out of their hands where their organisation had an influence over the amount of work they would do.

The organisational context was a recurrent theme that emerged from the interviews in respect of facilitating future pro bono work. Legal executives reported concerns about the

increasing cost consciousness of organisations, the existence of targets and tighter deadlines which may undermine the extent of pro bono done in the future. Overall there was consensus in the qualitative interviews, particularly amongst those in private sector firms, that there was an increasing emphasis on limiting the amount of time spent on non-income generating work which posed a risk to future pro bono work.

4. Conclusions

Pro bono work was defined for the purpose of this research as *'the delivery of free legal services to individuals, organisation and communities in need'*. The majority of legal executives in the survey (87%) placed an emphasis on pro bono being free legal work or work without profit in line with this definition. There is some wider understanding in respect of pro bono work being practical charitable or voluntary work rather than specific legal work.

Of the 1,000 legal executives surveyed, almost a quarter (24% or 242) stated that they had personally carried out pro bono work at some time over the course of their career. The findings of this research should be treated as indicative rather than definitive because of relatively low response rates to the survey, but suggest that the majority of legal executives, who do pro bono work, do so regularly but on a relatively small scale in terms of the number of hours devoted to pro bono work. There are, however, exceptional examples of significant pro bono activity for a specific project over shorter periods. There may though be some underestimation of the extent of pro bono work provided in practice. The scale of ad hoc pro bono work, often a few minutes at a time, may undermine it being formally recognised as pro bono work.

A statistically significantly higher proportion of male legal executives surveyed (34%) had carried out pro bono work, compared to females (20%). Those respondents working in the private sector are also more likely to provide pro bono work, compared to those in the public sector.

Respondents reported carrying out pro bono work in a range of practice areas, not necessarily restricted to their usual or regular practice area. Most typically they provided verbal advice but the data suggests that this was typically combined with provision of other types of services on a pro bono basis, for example, verbal advice followed up with written advice. Individuals who are not eligible for legal aid or cannot afford to make contributions were highly represented as pro bono recipients and just over a third of legal executives (38%) said they provided pro bono services to charitable organisations.

On average respondents who have delivered pro bono work in the last 12 months provided **£2,730** worth of work and in total an estimated **£496,860** worth of pro bono work was provided by the sample of legal executives over a 12 month period. It can be estimated that for the total population of legal executives¹³ pro bono work worth **£4.4 million** is

¹³ The population of legal executives used here is 8,910 Members and Fellows of ILEX.

undertaken by legal executives over a 12 month period.

The value of pro bono work is recognised by those interviewed in financial terms but principally in relation to the additional fee paying work that could be brought into the organisation as a result of pro bono work rather than the value of the pro bono work itself.

Altruism was a significant factor underlying the provision of pro bono work. Respondents felt the sense of achievement and feel good factor as a result of helping individuals or the community was a key advantage of providing pro bono work. There was also evidence of organisational altruism but it was clear that pro bono work was also seen as important for some organisations to enhance the reputation of the firm and as a mechanism for gaining referrals as well as providing a service for those in need.

It was a common view among those interviewed in-depth that pro bono work had simply evolved within organisations and isn't formally facilitated or supported, although there were exceptions, such as a Corporate Social Responsibility policy which supported the principle of pro bono work. In the main, providing pro bono work was not explicitly discouraged. However, there is evidence from the qualitative interviews that the organisational context, in terms of having to account for time and the need to meet targets is proving a disincentive for some legal executives to provide pro bono work, particularly for those in the private sector.

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The extent and value of Pro Bono work provided by Legal Executives

This report presents findings from research with Members and Fellows of the Institute of Legal Executives about the pro bono work they provide. Using a large scale telephone survey and in-depth qualitative interviews, the research examined the proportion of ILEX members involved in pro bono work and the fiscal value of pro bono work undertaken by these practitioners.

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