

# SUPPORTING JUSTICE IN KANSAS: A Report on the Pro Bono Work of Kansas's Lawyers

---

July 2017

---

AMERICAN BAR ASSOCIATION  
STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE  
321 N. CLARK STREET  
CHICAGO, ILLINOIS 60654

Author and Contact:

April Faith-Slaker

Director, [Resource Center for Access to Justice Initiatives](#)

Senior Staff Attorney, [Standing Committee for Pro Bono & Public Service](#)

American Bar Association

P: 312.988.5748

E: [april.faitth-slaker@americanbar.org](mailto:april.faitth-slaker@americanbar.org)

The views expressed in this report have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the ABA unless expressly noted therein.

The materials herein may be reproduced, in whole or in part, provided that such use is for informational, non-commercial purposes only and any copy of the materials or portion thereof acknowledges original publication by the American Bar Association.

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 Kansas. A national report on the aggregate findings from the 24 participating states is forthcoming.

## **Contents**

<b>Section 1: Amount and Type of Pro Bono in 2016 .....</b>	<b>1</b>
<b>Section 2: Recent Pro Bono Experience.....</b>	<b>5</b>
<b>Section 3: Motivations and Attitudes.....</b>	<b>9</b>
<b>Section 4: Other Public Service Activities .....</b>	<b>18</b>
<b>Appendix: Methodology and Sample Overview .....</b>	<b>22</b>

## Section 1: Amount and Type of Pro Bono in 2016

### *When did attorneys most recently provide pro bono?*

Respondents were asked to indicate when they most recently provided pro bono service. Under half (42.6%) indicated that they most recently provided pro bono in 2016, while 30.5% indicated they had never provided pro bono service.

In what year did you provide your most recent pro bono service?	Number	Percent
2016	586	42.6
2015	68	4.9
2014	46	3.3
2013	26	1.9
2012	24	1.7
2011	11	.8
2010	16	1.2
2009	13	.9
2008	10	.7
2007	9	.7
2006	11	.8
2005 or earlier	137	10.0
I have not yet provided pro bono service	419	30.5
Total	1376	100.0

### Notable trends:

- **GENDER:** Female attorneys were slightly more likely than male attorneys to indicate they had never provided pro bono: 39.6% compared to 25.5% of the male attorneys. And more male attorneys reported having done pro bono most recently in 2016 (45% compared to 38% of the female attorneys).
- **AGE:** There were notable age trends, with younger attorneys (especially those under age 35) being more likely to indicate that they had *never* provided pro bono. Among the 29 and younger age group, 68.1% had never provided pro bono. Meanwhile, 15.9% in the 65-69 age group had never done pro bono and 16.5% of the 70-74 age group. Older attorneys were more likely to report that their most recent pro bono experience was in 2016: 51.8% in the 70-74 age group, for example, compared to 23.6% in the 29 and younger age group.

- URBAN RURAL: Attorneys in rural areas and towns were more likely to report that their most recent pro bono experience was in 2016: 69.8% and 53.6% respectively, compared to 40.9% of urban attorneys and 36.6% of suburban attorneys.
- PRACTICE SETTING: Attorneys in private practice were significantly more likely to indicate having done their most recent pro bono in 2016 (61.2%) compared to attorneys in other practice settings (17.7% in the corporate setting, 11.6% in the government setting, 26.3% in the non-profit setting). Likewise, in the private practice setting, attorneys were less likely to indicate that they had never done pro bono: 16.7% compared to 35.5% in the corporate setting, 61.2% in the government setting, and 36.8% 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 60.9% had provided 0 hours of pro bono in 2016. Almost 13.3% provided 1-19 hours; 14.1% provided 20-49 hours, 5.5% provided 50-79 hours and 6.3% provided 80 or more hours. Overall, the surveyed attorneys provided an average of 18.1 (median of 0) hours of pro bono service in 2016. And, the average number of matters were 4.1.

Among the attorneys who had provided pro bono in 2016 (as opposed to including the “zeroes” for those who had not provided pro bono in 2016), the average was 42.5 (median of 25) hours. And, the average number of matters was 9.5.

		Number	Percent	
18.1 Average Hours	Pro Bono	None	838	60.9
	Hours in 2016	1-19	183	13.3
		20-49	194	14.1
		50-79	75	5.5
		80+	86	6.3
		Total	1376	100.0
		42.5 Average Hours		

**Notable trends:**

- PRACTICE SETTING: Private practice attorneys reported doing significantly more pro bono in 2016 than did attorneys in other practice settings. On average, private practice attorneys provided 25.2 hours of pro bono service in 2016, compared to corporate attorneys who provided 7.4 hours and government attorneys who provided 3.1 hours.
- PRACTICE AREA: Attorneys who focused on the following areas of law reported doing more pro bono in 2016: immigration (103.4 average hours), housing (87), public benefits (69.4), civil rights (41.2), alternative dispute resolution (37.7), and domestic violence (32.3).

***To whom were these pro bono services provided?***

Among the attorneys who provided pro bono in 2016, 91.1% provided services to individuals, 4.4% had provided services to classes of individuals, and 30.5% had provided services to organizations. Of the pro bono services provided to individuals in 2016, the average hours were 37.3, compared to an average of 25.9 hours of services to organizations.

Client Type	Percent of Attorneys Providing to the Client Type in 2016	Average Pro Bono Hours Provided	Average Number of Matters
Individuals	91.1%	37.3	8.8
Class of Individuals	4.4%	5.7	2.6
Organizations	30.5%	25.9	4.4

***What type of pro bono services were provided?***

Among those who provided pro bono in 2016, 39.6% provided *only* limited scope representation 26.2% provided both full and limited scope representation in 2016. And, 39.6% provided *only* full representation.

Service Type	Percent of Attorneys Providing this Type in 2016	Average Pro Bono Hours
Full and Limited Scope Representation	26.2%	70.1
Full Representation Only	33.6%	50.8
Limited Scope Representation Only	39.6%	26.9
Mediation Only	0.6%	26.7

**Who were the pro bono clients in 2016?**

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

<b>Type of Client</b>	<b>Percent Indicating Having Represented This Client Type</b>	<b>The below types of attorneys were more likely to represent the corresponding type of client</b>
Single Parent	37%	Female
Elderly Person	29%	Over age 40
Disabled person	25.6%	
An Ethnic Minority	21%	Black or Hispanic
Victim of Domestic Violence	18.9%	Female
Student	17.4%	in the 30-60 age group
Child/Juvenile	16.6%	Female, in the non-profit setting
Rural Resident	16.6%	In a rural area or town
Non or Limited English Speaker	16.6%	Hispanic
Veteran	12.6%	
Homeless	10.6%	
Incarcerated Person	9.0%	
Victim of Consumer Fraud	8.2%	
Undocumented Immigrant	6.1%	Hispanic
Documented Immigrant	5.8%	
LGBT	3.8%	Female, in the non-profit setting
Migrant Worker	0.3%	

## Section II: Most Recent Pro Bono Case/Experience

### *Which type of pro bono service is most typical?*

The vast majority of the most recent pro bono services were undertaken on behalf of persons of limited means (84%) as opposed to a class of persons (1.6%) or an organization (14.4%). Additionally, about half of these services were limited scope representation (50.6%) and the other half were full representation (49.2%) or mediation (0.2%).

### *How do attorneys find their clients?*

Of the attorneys who provided pro bono, 39.7% indicated that their most recent client came directly to them. The remaining 60.3% were referred from some specific source. The most common referral sources were present or former clients, followed by family members or friends. See the chart below.

<b>How did this client come to you?</b>	<b>Number</b>	<b>Percent</b>
The client came directly to me	219	39.7
A referral from a family member or friend	53	9.6
A referral from your employer	7	1.3
A referral from a co-worker within your organization	4	.7
A referral from an attorney outside of your organization	22	4.0
A referral from a present or former client	61	11.1
A referral from legal aid pro bono program	46	8.3
A referral from an independent pro bono program	2	.4
A referral from a self-help desk	1	.2
A referral from a law school clinic	2	.4
A referral from a mediation center	1	.2
A referral from a religious organization	21	3.8
A referral from a non-profit organization	34	6.2
A referral from a judge or court administrator	22	4.0
Other	32	5.8
A referral from a bar association pro bono program	10	1.8
A referral from a lawyer referral service	1	.2
A referral from a guardian ad litem program	2	.4
A referral from a professional acquaintance	11	2.0
From a posting on a pro bono listserv to which I subscribe	1	.2
<b>Total</b>	<b>552</b>	<b>100.0</b>

Notable trends:

- GENDER: Female attorneys were more likely to report that their most recent client came to them through a legal aid pro bono program (13.5% compared to 5.7% of male attorneys).
- RACE/ETHNICITY: Asian attorneys were more likely to report that their most recent client came to them through a non-profit organization (28.6%) or a law school clinic (14.3%).

Among those respondents whose clients came directly to them, 39.6% reported that they had no personal relationship with the person. Otherwise, 20.8% said the client was an acquaintance, 12.7% said the client was a former client, and 10.2% said the client was an organization with whom the attorney was involved.

<b>How would you describe your relationship with the client before the legal engagement began?</b>	Number	Percent
A personal friend	12	6.1
A relative	7	3.6
A co-worker	1	.5
An acquaintance	41	20.8
A former client	25	12.7
An organization with which I was personally involved	20	10.2
An organization with which a friend or family member was personally involved	4	2.0
Another relationship	9	4.6
None of the above- no prior relationship	78	39.6
Total	197	100.0

***How was the client determined to be low-income?***

Among attorneys who accepted a client because the client was low income or of limited means, many (26.2%) relied on the referral source to vet the client’s financial eligibility. Otherwise, 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, rather than vetting the client’s financial data.



Low Income Determination (Multiple Choice)	Percent of Respondents
An indication from the referral source	13.5%
The referral source qualified the client	12.7%
Financial data, such as a W2 or paycheck information	8.2%
The word of the client	31.8%
Some other factor	6.3%
My knowledge of the client's situation	55.5%

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

The most frequently reported pro bono legal tasks consisted of providing advice (71%), reviewing and/or drafting legal documents (61.6%) and interviewing/meeting with the client (60.2%).

Legal Task (Multiple Choice)	Percent of Respondents
Provided advice	71.0%
Reviewed/drafted documents	61.6%
Interviewed/met with the client	60.2%
Wrote letter	35.7%
Spoke with other attorneys	35.7%
Provided full representation in court (trial or appellate)	34.5%
Negotiated a settlement with other parties	18.2%
Referred to other organization(s)	10.2%
Limited scope representation in court (trial or appellate)	7.1%
Represented the client in administrative proceedings	6.7%
Represented the client before a legislative body	0.0%
Other	6.3%

***Within the scope of the attorneys' expertise?***

The tasks performed were generally within the attorneys' area of expertise. Specifically, 79% 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%, however, indicated that the case took more time than they had expected and 8% 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	23.3%
No – it took less time than I expected	0.8%
No – it was more complex than I expected	8.0%
No – it was less complex than I expected	0.8%
No – it was not what I expected in some other way	0.8%

***Hours of service provided?***

On average, attorneys spent 18 hours on their most recent pro bono case.

## Section III: Motivations and Attitudes

### *The importance of pro bono services?*

The majority of attorneys (77%) believe that pro bono services are either somewhat or very important. Very few attorneys did not believe that pro bono services are important.

<b>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?</b>	Number	Percent
Don't know	73	6.0
Very unimportant	60	4.9
Somewhat unimportant	73	6.0
Neither important nor unimportant	77	6.3
Somewhat important	422	34.7
Very important	511	42.0
<b>Total</b>	<b>1216</b>	<b>100.0</b>

### *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. Duty as a member of the legal profession
3. Ethical obligation

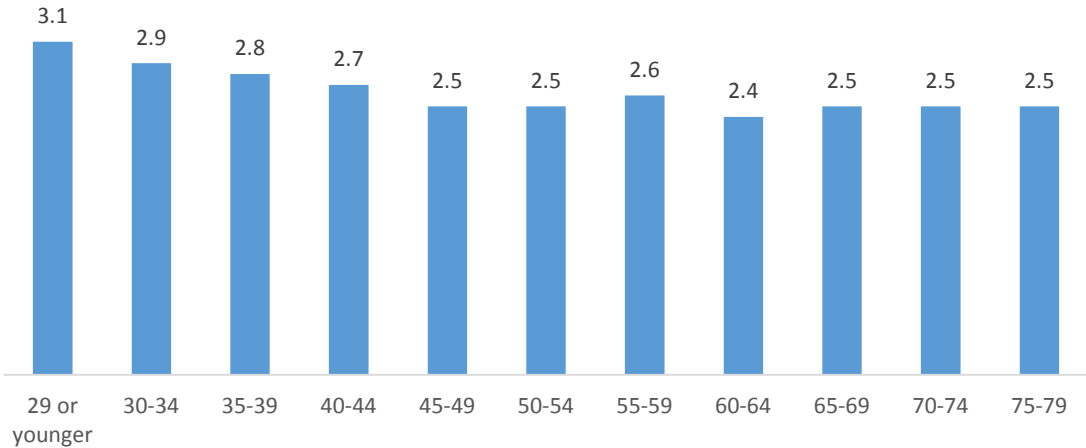
<b>Motivator</b>	<b>Average Rating (on a scale from 1-5, where 1 is the least motivating and 5 is the most motivating)</b>
Helping people in need	4.12
Professional duty	3.45
Ethical obligation	3.41
It would make me feel like a good person	3.34
Participating in reducing social inequalities	3.30
Helping the profession's public image	3.10
A firm culture that encourages pro bono	2.36
Opportunities to interact with low-income populations	2.30
Opportunities to work directly with clients	2.15
Opportunities to work with other attorneys	2.14
Gaining experience in an area outside of my expertise	2.09

Strengthening relationships with my private practice clients who value pro bono engagement	1.81
Recognition from colleagues and friends	1.78
Opportunities to go to court	1.77
Recognition from employer	1.75
Average across all factors	2.60

Notable trends:

- GENDER: Overall, female attorneys provided higher ratings for the list of motivating factors than did male attorneys (2.8 average rating, compared to 2.5 among the male attorneys). Specifically:
  - o Females were most motivated by: 1) helping people in need, 2) reducing social inequalities and 3) ethical obligation/feeling like a good person
  - o Males were most motivated by: 1) helping people in need, 2) professional duty and 3) ethical obligation
- RACE/ETHNICITY: Hispanic attorneys provided higher average ratings (3.1) than did non-Hispanic attorneys. And, for both Black and Hispanic attorneys, reducing social inequalities were among their top three motivating factors. Meanwhile, for White and Asian attorneys, their top three were: helping people in need, professional duty, and ethical obligation.
- 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 2.5. See the chart below. Specifically:
  - o For those under 45, the top motivating factors were: 1) helping people in need, 2) feeling like a good person and 3) reducing social inequalities
  - o For the 45-49 age group, the top three were: 1) helping people in need, 2) one’s professional duty, and 3) feeling like a good person
  - o For those 50 and over, the top three were: 1) helping people in need, 2) one’s professional duty, and 3) ethical obligations

Average Rating Across Motivating Factors



- URBAN/RURAL: Urban and suburban attorneys provided higher ratings (2.7 and 2.6 respectively) than did rural attorneys (2.5) and attorneys in towns (2.5). Specifically:
  - o For urban, rural and town attorneys, the top three motivating factors were: 1) helping people in need, 2) one’s professional duty and 3) ethical obligations
  - o For suburban attorneys, the top three were 1) helping people in need, 2) feeling like a good person, and 3) reducing social inequalities.
- PRACTICE SETTING: Private practice attorneys provided slightly lower ratings (2.5) than corporate (2.6), government (2.8), or non-profit (3.0) attorneys. Within private practice, attorneys from larger firms provided higher ratings (the average rating for solos was 2.5 and the average rating for 300+ firms was 3.2). Specifically:

***Are Attorneys Reactive or Proactive Concerning Pro Bono Opportunities?***

To identify pro bono opportunities, about a quarter of the attorneys (26.6%) had reached out to some organization and 54.6% had been contacted by an organization.

Organization	Percent of Respondents Who Contacted...	Percent of Respondents Contacted By...
State bar association	9.5%	27.2%
Local bar association	10.4%	25.5%
A legal aid or pro bono organization	19.8%	39.0%
Some other organization	6.3%	17.7%
One of the above	26.6%	54.6%

***What can pro bono programs do to engage more attorneys?***

According to the 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

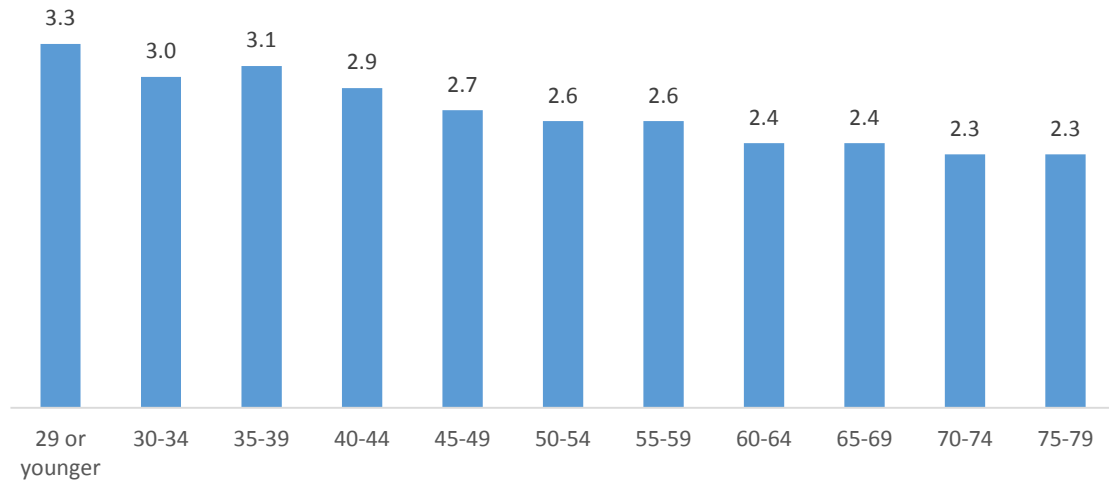
Action	Average (on a scale from 1-5, where 1 is the least encouraging and 5 is the most encouraging)
If a judge solicited my participation	3.32
Limited scope representation opportunities	3.23
CLE credit for doing pro bono	3.18
Malpractice insurance provided by referral org	3.07
If a colleague asked me to take a case	3.00

Free or reduced cost CLE	2.91
The option of selecting a client based on demographics/descriptors	2.90
Online description of case opportunities from which to select	2.88
Administrative or research support	2.76
Opportunities to act as a mentor to young attorneys or law students	2.69
Mentorship/supervision by an attorney specializing in the legal matter	2.68
If I were matched with another attorney to share the work	2.65
Opportunities to do pro bono remotely	2.62
Alternative dispute resolution opportunities	2.55
Periodic contact by a referral organization (I'll take a case when I can)	2.41
Reduced fee opportunities as opposed to free service opportunities	2.32
Availability of networking opportunities with other attorneys providing pro bono in my community	2.31
More support from my firm	2.10
Self-reporting and state bar tracking of voluntary pro bono contributions	2.01
Formal recognition of my past volunteer efforts	1.72
Average of All Factors	2.70

Notable trends:

- GENDER: Female attorneys provided higher ratings for the list of actions (2.9 compared to 2.5 for male attorneys). Specifically,
  - o For female attorneys, the top three influential actions were: 1) limited scope representation opportunities, 2) CLE credit and 3) malpractice insurance
  - o For male attorneys, the top three influential actions were: 1) if a judge solicited participation, 2) if a colleague asked, and 3) CLE credit/limited scope representation opportunities
- RACE/ETHNICITY: Hispanic attorneys provided higher ratings for the list of actions (3.1) compared to other attorneys. Specifically:
  - o Among White attorneys, the top three actions were: 1) if a judge solicited participation, 2) limited scope representation opportunities and 3) CLE credit
  - o Meanwhile, among non-White attorneys, the top three actions were: 1) CLE credit, 2) free or reduced cost CLE and 3) limited scope representation opportunities. Among Hispanics, the #3 was administrative or research support, however the same was small (N=20) for this group.
- AGE: Younger attorneys provided higher ratings than did older attorneys for the list of actions. For example, attorneys in the 29 and younger age group provided an average rating of 3.3, compared to the 70-74 age group which provided an average rating of 2.3. See chart below.

## Average Rating for List of Actions



- URBAN/RURAL: Attorneys urban and suburban areas provided higher ratings for the list of actions, with averages of 2.7 and 2.8 respectively. In rural areas and towns, the average ratings were 2.5. For suburban attorneys, their top three were slightly different from the rest of the attorneys: 1) CLE credit, 2) limited scope representation opportunities and 3) malpractice insurance.
- PRACTICE SETTING: Private practice attorneys provided lower ratings for the list of actions, with an average of 2.6 compared to corporate (2.7), government (2.8) and non-profit (3.0) attorneys. Within the private practice, attorneys in larger firms provided higher ratings for the list of actions.

And specifically:

- o The top three actions for private practice attorneys were: 1) if a judge solicited participation, 2) CLE credit and 3) limited scope representation opportunities
- o For corporate attorneys, the top three were: 1) malpractice insurance, 2) limited scope representation opportunities, and 3) CLE credit
- o For government attorneys, the top three were: 1) malpractice insurance, 2) limited scope representation opportunities and 3) mentorship by an attorney specializing in the matter.
- o For non-profit attorneys, the top three were: 1) if a judge solicited participation, 2) mentorship by an attorney specializing in the matter, and 3) limited scope representation opportunities

***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

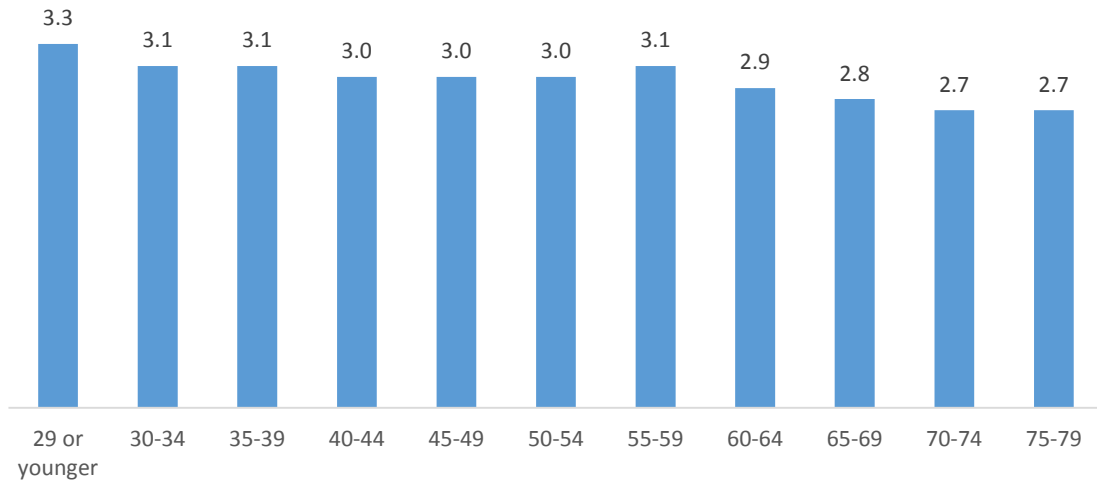
<b>Factor</b>	<b>Average (on a scale from 1-5, where 1 is the least discouraging and 5 is the most discouraging)</b>
Lack of time	4.26
Commitment to family or other personal obligations	3.98
Lack of skills or experience in the practice areas needed by pro bono clients	3.77
The unrealistic expectations of clients	3.46
Lack of clarity on how much time I would end up having to commit	3.36
Scheduling conflicts making it difficult to be available for court appearances	3.28
Lack of malpractice insurance	3.22
Too costly; financially burdensome to my practice	3.09
Lack of interest in the types of cases	3.08
Lack of administrative support or resources	3.04
Competing billable hour expectations and policies	2.95
A preference for spending volunteer time on non-legal matters	2.89
Lack of information about opportunities	2.73
Discouragement from employer/firm	2.55
Concerns that doing pro bono work would compromise the interests of my other clients	2.55
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	1.89
Personal or philosophical objections	1.54
<b>Total for all factors</b>	<b>3.0</b>

Notable trends:

- GENDER: Female attorneys were generally more discouraged than were male attorneys, with an average rating of 3.1 for the list of discouraging factors, compared to 2.9 for the male attorneys.
- AGE: Younger attorneys were more discouraged than were older attorneys. The 29 and younger age group, for example, provided an average rating of 3.3, while the 70-74 age group provided an average rating of 2.7.



### 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 (2.8 compared to 3.0). Attorneys who had never provided pro bono provided an average rating of 3.1.

#### ***Firm/Employer attitude toward pro bono?***

Private practice attorneys were asked about their employers' attitudes. Most (66.7%) indicated that their employer neither encourages nor discourages pro bono, while 26.8% indicated that their employer encourages pro bono.

<b>Which of the following best describes your firm's or employer's attitude toward pro bono?</b>	Number	Percent
Employer encourages pro bono activities	99	26.8
Employer neither encourages nor discourages pro bono activities	246	66.7
Employer discourages pro bono activities	24	6.5
Total	369	100.0

According to the surveyed attorneys, the most common ways their employers encouraged pro bono were: allowing the use of internal resources for pro bono activities (18.1%) and allowing pro bono during regular business hours (17.9% reported this). Only a small percentage reported that their employers did things that discouraged pro bono.

<b>Employer Activity (Multiple Choice)</b>	<b>Percent</b>
Employer allows use of internal resources for pro bono activities	18.1%
Employer allows pro bono during regular business hours	17.9%
Employer has a pro bono policy that supports employee pro bono activities	6.1%
Employer has procedures in place for identifying and referring pro bono cases internally	3.2%
Employer allows billable hour credit for pro bono work	3.0%
Employer provides mentoring for pro bono activities/matters	2.8%
Employer has a pro bono manager	1.6%
Employer requires a specific number of pro bono hours or matters per year	0.2%
Employer places restriction on number of pro bono clients or matters in a fiscal year	0.8%
Employer does NOT allow pro bono during regular business hours	0.7%
Employer disallows use of internal resources for pro bono activities	1%

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

Of the 55.9% of respondents that indicated they had provided pro bono legal services as a law student, the majority (52%) said that doing so made them “more” or “far more” likely to provide pro bono after graduating from law school. Around 43.3% said it had no impact on their likelihood of providing pro bono after law school. Only 4.8% said it made them less likely to provide pro bono after law school.

<b>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?</b>	<b>Number</b>	<b>Percent</b>	<b>Percent of attorneys who had provided pro bono in law school</b>
Far more likely to provide pro bono services	136	12.1	21.7
More likely to provide pro bono services	190	16.9	30.3
It had no impact on my provision of pro bono services	272	24.2	43.3
Less likely to provide pro bono services	30	2.7	4.8
I did not provide pro bono legal services while I was a law student	496	44.1	N/A
Total	1124	100.0	100

***Likelihood of providing pro bono in 2017?***

Overall, 27.4% of the respondents indicated that they were either likely or very likely to offer pro bono services in 2017, while 37.4% indicated they were unlikely or very unlikely to offer such services.

<b>How likely are you to offer pro bono services in 2017?</b>	<b>Number</b>	<b>Percent</b>
Very Unlikely	262	22.5
Unlikely	174	14.9
Somewhat Unlikely	89	7.6
Undecided	185	15.9
Somewhat likely	136	11.7
Likely	147	12.6
Very Likely	172	14.8
Total	1165	100.0

## Section IV: Other Public Service Activities

### *What public service activities did attorneys provide in 2016?*

The surveyed attorneys provided a range of public service activities in 2016. Just over 20% reported that they had provided legal services for a reduced fee in 2016, and the average hours provided were 55.7. Approximately 17% of the attorneys reported that they had acted as a teacher or trainer on legal issues in 2016 and that the average hours they had committed to this activity were 8. See the below chart for additional activities and hours.

<b>Activity</b>	<b>Percent of Attorneys</b>	<b>Average Hours in 2016</b>
Legal services for a reduced fee	20.4%	55.7
Speaker at legal education event for non-lawyers	17.1%	8.0
Trainer or teacher on legal issues	16.5%	40.2
Grassroots community advocacy	9.6%	38.5
Policy advocacy	9.0%	36.5
Supervising or mentorship to another attorney providing pro bono representation	3.0%	23.2
Member of board of legal services or pro bono organization	4.2%	32.2
Member of bar committee related to pro bono or access to justice	3.3%	20.3
Lobbying on behalf of a pro bono organization	1.6%	24.5
Member of firm committee related to pro bono or access to justice	0.8%	16.8
Other	6.6%	
None of the above	36.7%	

#### Notable trends:

- GENDER: Male attorneys were more likely to have provided reduced fee services in 2016 (18%) than female attorneys (14%). Female attorneys were more likely to have engaged in grassroots community advocacy (12% compared to 8.2% of male attorneys) and to serve as a member on a board of a legal services or pro bono organization (6.5% compared to 3% of male attorneys)
- URBAN/RURAL: Urban attorneys were less likely to have provided reduced fee services in 2016 (17.4%) compared to suburban attorneys (21.6%), rural attorneys (30.9%) and attorneys in towns (30.3%).
- PRACTICE SETTING: Private practice attorneys were significantly more likely to have provided reduced fee services in 2016 (32.4%) compared to attorneys in the corporate or government settings. Attorneys in the government or non-profit sector were much more likely to have acted as a trainer or teacher on legal issues in 2016 (21.5% and 30.8% respectively) compared to other practice settings.

See the below chart for the various reductions provided by the attorneys who had reduced their fees. About half reduced their fees by between 46 and 75%.

<b>Reduced Fee - Average Reduction Percent</b>	<b>Number</b>	<b>Percent</b>
5% or less	3	1.1
6-10%	3	1.1
11-15%	2	.7
16-20%	8	2.9
21-25%	21	7.6
26-30%	9	3.3
31-35%	12	4.4
36-40%	15	5.5
41-45%	7	2.5
46-50%	79	28.7
51-55%	22	8.0
56-60%	14	5.1
61-65%	9	3.3
66-70%	10	3.6
71-75%	26	9.5
76-80%	11	4.0
81-85%	6	2.2
86-90%	2	.7
91-95%	6	2.2
96-99%	10	3.6
Total	275	100.0

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

<b>And, based on this reduction, approximately what was your average reduced hourly fee?</b>	<b>Number</b>	<b>Percent</b>
\$1-50	52	19.8
\$51-100	111	42.4
\$101-150	61	23.3
\$151-200	27	10.3
\$200-300	8	3.1
More than \$300	3	1.1
Total	262	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 (67.7%) of attorneys indicated that none of their cases involve unbundled legal services for a fee. However 25.9% indicated that 1-20% of their caseload involves unbundling.

<b>In 2016, approximately what percentage of your overall caseload involved unbundled legal services for a fee?</b>	Number	Percent
0%	449	67.7
1-20%	172	25.9
21-40%	13	2.0
41-60%	12	1.8
61-80%	8	1.2
81-100%	9	1.4
Total	663	100.0

**What encourages or discourages unbundling?**

Attorneys were asked to rank a list of actions that might encourage them to provide unbundled services. The top three actions that attorneys said would encourage them to do more unbundling were:

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

<b>Action and Ranking</b>	<b>Percent Selecting Action as #1</b>	<b>Ave Ranking (1 being the most encouraging)</b>
(1) More guidance/clarity concerning ethical obligations for unbundling	32.3%	2.36
(2) More guidance clarity concerning malpractice exposure for unbundled matters	8.4%	3.19
(3) More guidance/clarity concerning court procedures for unbundled matters	5.1%	3.81
(4) Sample limited-scope agreements	6.8%	4.51
(5) Programs to connect you with prospective clients interested in unbundled legal services	7.6%	4.68
(6) Information to better understand fee structures for unbundled legal services	4.9%	5.94
(7) Opportunities to network with lawyers who unbundle	2.7%	6.01
Nothing. Unbundling is just not in my future	32.1%	5.50

For those who had not provided any unbundling, most (77.6%) indicated that agreed or strongly agreed with the statement “I don’t think unbundling would work for much of my practice” and many (70.6%) indicated that they agreed or strongly agreed with the statement “I worry that unbundling would expose them to more malpractice claims.”

<b>Statement</b>	<b>Average (1= strongly disagree and 4=strongly agree)</b>
I don’t think unbundling would work for much of my practice	3.07
I worry that unbundling would expose me to more malpractice claims	2.90
Prospective clients are not interested in unbundled legal services	2.69
It is difficult to get enough clients to make unbundling worthwhile	2.69
Unbundled cases do not produce enough revenue	2.65
I am concerned that unbundling may be unethical	2.44
My law firm does not permit me to unbundle	1.86

For those who had provided unbundling, the most (79.6%) agreed or strongly agreed with the statement “unbundling lowers the cost of cases so that more people can afford my services.” Meanwhile, 65.7% also agreed or strongly agreed with the statement “unbundling allows me to offer legal services at a more competitive price”. And, 64.7% agreed or strongly agreed with the statement “unbundling lowers receivables and results in fewer uncollected fees.”

<b>Statement</b>	<b>Average (1= strongly disagree and 4=strongly agree)</b>
Unbundling lowers the cost of cases so that more people can afford my services	2.90
Unbundling allows me to offer legal services at a more competitive price	2.70
Unbundling lowers receivables and results in fewer uncollectable fees	2.65
Unbundling clients are likely to become full-service clients	2.52
Unbundling clients are more engaged in the process and invested in the outcome than full service clients	2.23
Unbundling clients are more satisfied with their service than full-service clients	2.19
I am less worried about disciplinary complaints for unbundled cases	1.94

## 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 Kansas were distributed by email on January 13, 2017. The final sample of surveys amounted to 1412, with 1409 of these responses being from attorneys with active licenses.

The sample fairly closely matched the known demographics of the attorney population and it was not necessary to apply any weights to the data. The below chart provides the 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
<b>Race/Ethnicity</b>	
White, Not Hispanic	92.3
Black, Not Hispanic	1.3
Hispanic	1.8
Asian, Pacific American, Not Hispanic	1.6
<b>Gender</b>	
Male	62.2
Female	37
Gender Non-Conforming	0
<b>Age</b>	
29 or younger	6.2
30-34	9.8
35-39	9.8
40-44	9.1
45-49	9.8
50-54	9.6
55-59	12.9
60-64	14.2
65-69	9.7
70-74	6.1
75+	2.7
<b>Practice Setting</b>	
Private Practice	59.2
Corporate Counsel	10.1
Government	21.5
Non-profit	2.8
Other	6.4