

2011 Montana Pro Bono Reporting Executive Summary April 2012

Data has been collected for **2,302** attorneys. There is a small percentage included in the attorney total that could be determined as something other than “active”. This amount is not large enough to be statistically relevant. There are **254 out-of-state** active status attorneys in this total.

There are **3,004** attorneys on “**active**” status within the state of Montana. The numbers used to calculate hours and percentages were based on the “active” attorney populations excepting the small percentage who indicated something other than active.

Based on the above, about **68% active status in-state Montana attorneys** submitted the 2011 pro bono report (an increase of 10% from 2010). About **43% out-of-state status attorneys** submitted a 2011 pro bono report (matching 2010 reporting). Of the 2,048 in-state status **Montana attorneys** reporting, **1,770** or **85%** reported **110,207** pro bono hours providing services **to persons of limited means or programs designed to assist people of limited means.**¹

In addition and not included in the hours summarized above, **788** incidents or **39,077 hours** of free or reduced services to charitable, religious, civic, community, governmental or education organizations in furtherance of their organizational purposes, where payment of fees would greatly depleted their economic resources.

The **total number of pro bono hours** reported in 2011 represents more than a **25% increase** in total pro bono hours since 2009.

Of those reporting, about **27%** provided services to **MLSA** (its clients or one of its programs) representing a 6% increase from 2010; **29%** provided services to a **local or state pro bono program** representing a 8% increase from 2010 ; **31%** provided services to a **court-based program** representing an 11% increase since 2010; and **75%** provided services to a self-referred client representing a 7% increase from 2010. The “organized” programs collectively for the first time exceed self-referred percentages by incidents. Because attorneys may have provided services in more than a single category, the percentages are not mutually exclusive. The remainder of reported hours reflects a greater number of direct services to persons of limited means as opposed to organizations designed to assist people of limited means. Direct services continue to increase.

Family law continues to lead the categories of direct service (43.1%). Non-profit (which also includes services to the organization versus directly to individuals served by those organizations) is holding at approximately 25% in the second place. Overall, there is a substantial increase in direct service hours.

Approximately 94% of attorneys reported their pro bono experience was positive or very positive.

¹ Statistics for in-state status are extracted because a relative percentage of out-of-state attorneys do not report and/or do not provide pro bono hours benefiting Montana citizens.

2011 Pro Bono Publico Activity Report

General Reporting Statistics:

- **2,223** attorneys completed pro bono reporting forms (reporting for **2,310** attorneys)

Montana Attorney Population

- 3,004 Active attorneys
- 257 Inactive Attorneys
- 95 Judicial
- 516 Inactive/disability, Emeritus, Active Military, Suspended, Resigned/Retired, Senior
- 580 Out-of-State attorneys- Active

Firm Size and Pro Bono Reporting (includes out-of-state category)

Category	Number	Percentage
Solo Firm	616 ¹	27.4%
Two- Attorney Firm	183 ²	8.1%
3-5-Attorney Firm	232 ³	10.3%
6-10 Attorney Firm	182 ⁴	8.3%
11-15 Attorney Firm	58 ⁵	2.6%
16-20 Attorney Firm	26	1.1%
More than 20 Attorney Firm	107 ⁶	4.75%
Government/Public Service	437 ⁷	19.4%
In-House Counsel (including non-profit)	109 ⁸	4.8%
Retired	57 ⁹	2.5%
Educator	35 ¹⁰	1.5%
Out-of-State	251	11.1%
Other	209 ¹¹	9.2%

Relevant Anecdotal Data

- **94% of attorneys reported their pro bono experience was very positive or positive**

¹ [43] also indicated out-of-state status

² [10] also indicated out-of-state status

³ [15] also indicated out-of-state status

⁴ [18] also indicated out-of-state status

⁵ [2] also indicated out-of-state status

⁶ [35] also indicated out-of-state status

⁷ [37] also indicated out-of-state status

⁸ [21] also indicated out-of-state status

⁹ [4] also indicated out-of-state status

¹⁰ [4] also indicated out-of-state status

¹¹ Most indicate employed, employed out of the profession

Allocation of Pro Bono Work – Without Expectation of Fee

Category	Number of responses	Hours
MLSA or one of its programs	351	4,649
Local or state pro bono program	387	5,553
Court Based Program	368	7,679
Self-Referred	1,092 ¹²	41,095
Charitable Organizations designed to assist people of limited means	417	6,609
Religious organizations designed to assist people of limited means	293	1,638
Community organizations designed to assist people of limited means	339	3,466
Civic organizations designed to assist people of limited means	250	1,475
Governmental organizations designed to assist people of limited means	272	5,411
Educational organizations designed to assist people of limited means	246	1,454
Organizations seeking to secure or protecting civil or public rights and/or liberties	293	5,361
TOTALS		84,390

Allocation of Pro Bono Work – Substantially Reduced Fee

Category	# Responses	Hours
MLSA or one of its programs	197	377
Local or state pro bono program	201	3,589
Court Based Program	264	3,345
Self-Referred	455	12,111
Charitable Organizations designed to assist people of limited means	204	519
Religious organizations designed to assist people of limited means	190	184
Community organizations designed to assist people of limited means	194	633
Civic organizations designed to assist people of limited means	186	1,662
Governmental organizations designed to assist people of limited means	217	5,189
Educational organizations designed to assist people of limited means	186	271
Organizations seeking to secure or protecting civil or public rights and/or liberties	201	2,077
TOTAL		29,957

¹² Includes single responses for up to 40 additional lawyers

Legal services to charitable, religious, civic, community, governmental or educational organizations in furtherance of their organizational purposes, where payment of fees would greatly deplete their economic resources.

Category	# Responses	Hours
Free hours	788	25,553
Substantially reduced hours	323	10,788
TOTALS		36,341

Pro Bono Hours - Recapitulation

Category	Hours	Category Totals-Hours
Without expectation of fees to/for persons of limited means	58,976	
Free Charitable, religious, etc. to/for persons of limited means	25,553	
Free to Charitable, religious in furtherance of their purposes	25,678	110,207
Total Free		
Reduced people/organizations of limited means	30,017	
Reduced charitable, religious, etc.	10,788	
Total Reduced		40,805
Total Pro Bono Hours		150,873

Note: Those in "other" category generally fit into one of the other categories.

Volunteer Activities for improving the law, legal system or legal profession

Category	# Responses	Hours
CLE Preparation/Presentation	356	4,534
Committee/Task Force/Commission/Board	313	7,483
Presentations to organizations or institutions	259	1,494
Law School activities	228	1,807
Publications or articles	167	1,890
Educational materials	140	516
Access/Equal Justice Program development	136	319
Other	146	1,680
TOTAL		19,723

Analysis of Reported Pro Bono Publico Service Value

(Does not include Volunteer Activities for improving the law, legal system, legal profession)

Free fee services	110,207 hours x \$100/hr	\$11,020,700
Reduced fee services	40,805 hours x \$50/hr	<u>\$ 2,040,250</u>

Value of 2011 Pro Bono Publico Services (\$100/\$50hr)	\$13,060,950.00
Value of 2010 Pro Bono Publico Services (\$125/\$65hr)	\$16,428,200.00
Value of 2010 Pro Bono Publico Services (\$150.00/\$75hr)	\$19,591,425.00

Montana Pro Bono Reporting Three Year Pro Bono Reporting Comparison 2009-2011

Pro Bono Hours Totals

	2011	2010	2009
Free direct to people of limited means/programs for people of limited means	84,390	68,571	56,200
Free to charitable, religious, civic, community, governmental or educational organizations	25,678	26,330	34,010
Substantially reduced people of limited means/programs for people of limited means	30,017	36,115	14,005
Substantially reduced to charitable, religious, civic, community, governmental or educational organizations	10,788	10,876	8,034
Totals all Pro Bono	150,873	141,892	112,340