



Report on the Pro Bono Activities of the New York State Bar

I. INTRODUCTION

In recognition of the grave unmet legal needs of New York's poor, in May 1997 the Administrative Board of the Courts adopted a Pro Bono Resolution which urges attorneys to provide at least 20 hours of pro bono legal services to poor persons each year and to financially support the work of organizations that provide such services.¹ The Resolution, which has been incorporated into the attorney registration statement, defines qualifying pro bono services as follows:

- ✦ professional services rendered in civil matters, and in those criminal matters for which the government is not obliged to provide funds for legal representation, to persons who are financially unable to compensate counsel;
- ✦ activities related to improving the administration of justice by simplifying the legal process for, or increasing the availability and quality of legal services to, poor persons; and
- ✦ professional services to charitable, religious, civic and educational organizations in matters designed predominantly to address the needs of poor persons.²

Following the adoption of the Resolution, the Administrative Board sought to assess the efforts of the New York Bar in providing pro bono services. The Administrative Board authorized a survey of the 1997 pro bono activities of members of the New York State Bar to establish a benchmark for measuring the quantity and type of pro bono activities being performed. To determine the impact, if any, of the Resolution, the Administrative Board further called for a follow-up survey in the year 2000.

The purpose of this report is to present the results of the 1997 survey.³ A second survey will be conducted in 2000 to assess the New York Bar's pro bono activity during 1999, and a final report will be issued thereafter with findings and recommendations.

II. SURVEY METHODOLOGY

An anonymous, voluntary mail survey based upon a statistical random sample of members of the New York Bar was determined to be the most cost-effective and reliable method for determining the level of pro bono service voluntarily being provided.

The definition of qualifying pro bono services adopted by the Administrative Board in its Pro Bono Resolution was tracked in the survey, with attorneys asked to provide information about the hours of service in specific areas. Additional information regarding lawyers' free or reduced fee services outside the scope of the adopted definition of qualifying pro bono services was also sought along with the amount of financial contributions made to organizations providing legal services to the poor. Various relevant demographic questions and other queries designed to assess the reasons for non-participation in qualifying pro bono activities also were incorporated into the final survey form. A copy of the survey instrument is included in Appendix B.

The survey was conducted anonymously, by mailing surveys to a random sample of 10% of the members of the New York Bar. The sample was derived from the Office of Court Administration's attorney registration database of active and retired

attorneys (as of January 1996) who either reside or have a principal place of business in New York State. The attorney registration database meeting this definition consisted of 104,410 members (or approximately 65% of the entire population of 160,180 members of the New York State Bar). The random sample of 10% of these attorneys resulted in the selection of 10,441 study participants. Based upon survey sampling statistical theory, the results of this survey are accurate within two to three percentage points, with at least 95% confidence of what would be expected had the full population of New York State registered attorneys residing or having a place of business in New York been surveyed.

The Office of Court Administration mailed the survey with a cover letter from Chief Administrative Judge Jonathan Lippman to each attorney in the study sample. The survey, which asked questions regarding an attorney's participation in pro bono activities during the prior calendar year (i.e., 1997), was sent out in February 1998. The mailing also included a prepaid return envelope for the survey and a postage-paid postcard addressed to the Office of Court Administration and otherwise blank, except for the respondent's name and identification number. Each respondent was requested to mail the postcard separately when sending in the completed form. There was no marking on the survey or the postcard that could connect one to the other after the two were physically separated by the respondent. This method was designed to preserve anonymity while, simultaneously, increasing the survey response rate by permitting cost-effective follow-ups of initial non-respondents.

A follow-up letter was sent approximately three months after the initial mailing to those attorneys in the sample from whom a postcard had not been received. An additional survey form and return envelope were included in the final follow-up mailing. Copies of the letters from the Chief Administrative Judge are included in Appendix C.

III. SURVEY RESULTS

A. Survey Sampling and Response Rate

As of June 1998, a total of 5,068 surveys were returned. Among the 10% sample of 10,441, 561 potential study participants were deemed "ineligible"⁴ and removed from the original sample. This resulted in an overall survey response rate of 51.3%. The survey sampling and response rate information are shown below:

Survey Sampling and Response Rate

A. Members of the New York State Bar with Residence or Place of Business in New York (Attorney Registration File) ⁵	104,410
B. 10% Sample of Members of the New York State Bar	10,441
C. Ineligibles	561
D. Eligible Sample of Members of the New York State Bar	9,880
E. Respondent Sample	5,068
F. Survey Response Rate ⁶	51.3%

B. Demographic Characteristics of Survey Respondents

Table 1 shows the demographic characteristics of the survey respondents. This data is taken from the demographic questions from Part I of the survey. Among the survey respondents, 89.9% were residents of New York State, 73.1% were male, 48.9% were 45 years of age or older, and 64.5% were in private practice. Of those attorneys in private practice, nearly 30% reported being sole practitioners.

C. Pro Bono Service Results

In Part II of the survey, respondents were asked whether they performed one or more of eight categories of free or reduced fee legal work during 1997 in New York State. The first four categories consisted of "qualifying pro bono service" (using the definition adopted by the Administrative Board) and the remaining four categories were "other activities."⁷ Respondents

were also asked to indicate the approximate number of hours devoted to a chosen activity by selecting the interval of time spent on the activity.

Demographic Characteristics of Survey Respondents	
1. Resident of New York State	
Yes	4460 (89.9%)
No	499 (10.1%)
2. Gender	
Male	3603 (73.1%)
Female	1329 (26.9%)
3. Age Group	
a. Under 35	1007 (20.3%)
b. 35-44	1536 (30.9%)
c. 45-54	1319 (26.6%)
d. 55-64	554 (11.2%)
e. 65+	551 (11.1%)
4. Years Since Admitted to Practice	
a. 5 or less	836 (16.9%)
b. 6-10	817 (16.5%)
c. 11-15	851 (17.2%)
d. 16-20	679 (13.7%)
e. Over 20	1767 (35.7%)
5. Current Employment	
a. Private Practice	3104 (64.5%)
b. Corporate Counsel	343 (7.1%)
c. Law School Faculty	23 (0.5%)
d. Government Lawyer	509 (10.6%)
e. Public Interest Lawyer	114 (2.4%)

f. Judge	74 (1.5%)
g. Non-legal Occupation	259 (5.4%)
h. Retired	158 (3.3%)
i. Not Currently Employed	46 (1.0%)
j. Other	185 (3.8%)
6. If in Private Practice, Size of Firm	
a. 1 (self)	998 (29.6%)
b. 2-10	1058 (31.4%)
c. 11-40	468 (13.9%)
d. 41-70	167 (5.0%)
e. Over 70	681 (20.2%)

1. Qualifying Pro Bono Service

Table 2 shows the responses given by respondents concerning qualifying pro bono services for 1997. For each activity, the results are broken into the following categories: the percent of all attorneys responding who engaged in the activity; the percent of all attorneys who spent 20 hours or more in the activity; and the average number of hours spent by attorneys engaged in each activity. For instance, for the activity "free legal services for poor persons in a civil matter", 38.8% of attorneys who responded to the survey said they engaged in the activity and 13.3% said they devoted 20 hours or more to the activity. Among all attorneys who participated in that activity, they devoted on average 25.8 hours.

The activity most frequently cited by respondents was "free legal services for poor persons in a civil matter" (38.8%), while the least frequently cited was "free legal services for poor persons in a criminal matter" (11.6%). The activity "free legal services for a charitable, public interest, or not-for-profit organization primarily addressing the general needs of the poor" was selected by 21.7% of the survey respondents, and the remaining qualifying pro bono service, "activities that increase the availability or quality of legal services for, or access to justice by, poor persons . . .," was chosen by 14.9% of the sample of attorneys. Overall, approximately 47% of all respondents participated in some qualifying pro bono activity during 1997.⁸

Type of Qualifying Pro Bono Service	Percent of Attorneys Engaged in Activity	Percent of Attorneys Who Spent 20 Hours or More in Activity	Average Number of Hours
(a) Free legal services for poor persons in a civil matter.	38.8%	13.3%	25.8
(b) Free legal services for poor persons in a criminal matter.	11.6%	3.1%	23.7
(c) Free legal services for a charitable, public interest, or not-for-profit organization primarily addressing the general needs of the poor.	21.7%	7.7%	28.5
(d) Activities that increase the availability or	14.9%	3.7%	20.0

quality of legal services for, or access to justice by, poor persons (e.g., bar association activities focused on these objectives or fund-raising for a legal aid society).			
Any Qualifying Pro Bono (a) - (d)	47.0%	27.2%	41.9

2.Substantive Areas of Law and the Number of Qualifying Pro Bono Matters

Table 3 shows the top ten substantive areas of legal practice and the number of pro bono matters undertaken by attorneys performing qualifying pro bono service during 1997. The two most frequently cited areas for pro bono legal work were family law (matrimonial) and landlord-tenant matters. Also, attorneys working in the area of debt collection/bankruptcy, real property, or not-for-profit law were more likely to have handled fewer pro bono matters than attorneys working in other areas of practice.

Table 3					
Top Ten Substantive Areas of the Law Where Qualifying Pro Bono Service was Performed by the Number of Pro Bono Matters*					
Legal Area	Number of Respondents	% of Total Respondents	1-3 Matters	4-8 Matters	9 or More Matters
Family Law-Matrimonial	568	26.7%	35.4%	33.4%	31.2%
Landlord-Tenant	543	25.5%	32.0%	39.4%	28.6%
Criminal Law	471	22.1%	30.2%	35.8%	34.0%
Wills, Probate & Estates	459	21.6%	32.2%	39.5%	28.3%
Real Property	411	19.3%	36.8%	39.8%	23.4%
Debt Collection & Bankruptcy	397	18.6%	40.1%	35.0%	24.9%
Family Law-Non-matrimonial	393	18.5%	21.1%	37.7%	41.2%
Not-For-Profit Law	366	17.2%	38.0%	38.2%	23.8%
Elder Law	300	14.1%	28.7%	41.6%	29.7%
Consumer Law	247	11.6%	25.5%	41.3%	33.2%

*Data based upon 2,129 survey respondents performing qualifying pro bono service indicating the legal area of work and the number of pro bono matters during 1997.

3.Other Pro Bono Service

The "other activities" responses are presented in Table 4. The most frequently reported activity was "free or reduced fee legal services or other law-related activities for a charitable, public interest, or not-for-profit organization, or bar

association . . ." (28.2%). The least frequently noted activity (4.8%) was "government-funded legal services." Among the survey respondents, nearly 40% engaged in at least one of these "other activities" and spent on average 53.2 hours.

Table 4			
Amount of Time Devoted to Performing Other Pro Bono Activities			
(Categories e-h) in New York State During 1997			
Type of Service	Percent of	Percent of Attorneys	Average Number of

	Attorneys Engaged in Activity	Who Spent 20 Hours or More in Activity	Hours
(e) Free or reduced fee legal services or other law-related activities for a charitable, public interest, or not-for-profit organization, or bar association.	28.2%	12.6%	36.6
(f) Service on County Law, Article 18-B or C.J.A. Panel or as a Law Guardian.	10.1%	6.1%	60.5
(g) Other government-funded legal services (work where the only fee is pursuant to statute or court award).	4.8%	1.9%	37.2
(h) Other law-related activities, whether or not performed in or related to New York State, which you consider <i>pro bono publico</i> .	20.9%	8.0%	32.8
Any Activity (e) - (h)	39.9%	24.2%	53.2

4. Amount of Time Devoted to Pro Bono

The amount of time devoted to performing qualifying pro bono service and other activities in New York State is also summarized in Tables 2 and 4. During 1997, 27.2% of the 5,058 attorneys responding reported performing 20 hours or more of qualifying pro bono service. The category in which the largest proportion of respondents spent 20 hours or more was "free legal services for poor persons in a civil matter" (13.3%).

The average number of hours spent by attorneys performing qualifying activities overall was 41.9 hours during 1997.⁹ For individual qualifying activities, the average number of hours ranged from 20.0 to 28.5 hours. For "other activities" involving free or reduced fee activities (Table 4), the average number of hours spent by attorneys during 1997 was 53.2 hours.

Applying these sample statistics to the full population of attorneys registered in New York whose residence or principal place of business is within the state, it is estimated that New York attorneys devoted approximately 2,056,000 hours to qualifying pro bono service during 1997.

D. Financial Support

Table 5 reports the amount of financial support attorneys gave to organizations providing legal services to the poor (Survey, Part II, Question 2). For 1997, 56.9% of the respondents indicated that they did not provide any financial support to organizations that provide legal services to the poor. Attorneys who did provide support contributed on average \$191.00. When combined with those attorney respondents who did not provide financial support, the average drops to about \$82.00 per year.¹⁰

Financial Support to Organizations That Provide Legal Services to the Poor	
During the last year, I provided financial support to organizations that provided legal services to the poor in the amount of:	Percent
(a) none	56.9%
(b) \$1 - 49	8.4%
(c) \$50 - 149	16.5%
(d) \$150 - 299	8.9%
(e) \$300 - 499	2.5%
(f) \$500 and over	6.8%
Average Financial Contribution per Attorney	\$82

E.Source(s) for Undertaking Pro Bono Work During 1997

The survey asked respondents who undertook pro bono work during 1997 to indicate the source or sources of any such work. As shown in Table 6, 76.5% of survey respondents who engaged in qualifying pro bono work during 1997 indicated that they assisted a close friend or family member. Nearly 64% indicated that the client contacted the lawyer directly and it was clear there would be no compensation. Contrastingly, only 13.6% of those who engaged in pro bono work received a referral through an organized pro bono program affiliated with a bar association.

Table 6		
Source(s) for Undertaking Qualifying Pro Bono Work During 1997		
Source	N	% of Those Doing Any Pro Bono (N=2383)
I assisted a close friend or family member.	1823	76.5%
The client contacted me directly and it was clear I would not be paid.	1521	63.8%
The client contacted me directly, but was unable to pay after I undertook the work.	769	32.3%
The client was referred to me by a social service agency or charitable organization.	538	22.6%
A court appointed me or referred the client to me.	419	17.6%
The client was referred to me through an organized pro bono program not affiliated with a bar association.	407	17.1%
The client was referred to me through an organized pro bono program affiliated with a bar association.	324	13.6%

F.Factors Affecting Pro Bono Work

One of the purposes of the survey was to identify the factors that might influence or relate to pro bono service. Accordingly, the survey incorporated questions about various demographic characteristics, the employment setting, size of firm, and the geographic location to ascertain the extent to which these variables might relate to performance of qualifying pro bono service. Tables 7-11 compare the percent of attorneys doing pro bono work and the amount of time they spent in pro bono activities based upon these variables.

1.Demographic Characteristics of Those Engaged in Qualifying Pro Bono Service and Those Not Engaged

Demographic comparisons of respondents who reported having engaged in qualifying pro bono service during 1997 with those who did not are shown in Table 7. The two respondent groups are very similar by age group and years admitted to practice, but differ on the remaining variables. For example, women attorneys were proportionally less likely to have performed qualifying pro bono service during 1997 than their male counterparts. The vast majority of attorneys performing pro bono activities are in private practice (82.0%) with nearly 70% of these attorneys working in firms of 10 or fewer attorneys.

Table 7			
Demographic Characteristics of Survey Respondents Who Did and Did Not Engage in			
Qualifying Pro Bono Services (Categories a-d) During 1997 in New York State			
	All Respondents (N=5068)	Attorneys Engaged in Qualifying Pro Bono (N=2383)	Attorneys Not Engaged in Qualifying Pro Bono (N=2685)
1. Resident of New York State			
Yes	4460 (89.9%)	2183 (92.8%)	2277 (87.3%)
No	499 (10.1%)	169 (7.2%)	330 (12.7%)
Total	4959	2352	2607
2. Gender			

Male	3603 (73.1%)	1808 (77.0%)	1795 (69.5%)
Female	1329 (26.9%)	540 (23.0%)	789 (30.5%)
Total	4932	2348	2584
3. Age Group			
a. under 35	1007 (20.3%)	463 (19.6%)	544 (20.9%)
b. 35-44	1536 (30.9%)	718 (30.4%)	818 (31.4%)
c. 45-54	1319 (26.6%)	671 (28.4%)	648 (24.9%)
d. 55-64	554 (11.2%)	287 (12.1%)	267 (10.3%)
e. 65+	551 (11.1%)	224 (9.5%)	327 (12.6%)
Total	4967	2363	2604
4. Years Since Admitted to Practice			
a. 5 or less	836 (16.9%)	393 (16.7%)	443 (17.1%)
b. 6-10	817 (16.5%)	374 (15.8%)	443 (17.1%)
c. 11-15	851 (17.2%)	403 (17.1%)	448 (17.3%)
d. 16-20	679 (13.7%)	333 (14.1%)	346 (13.4%)
e. Over 20	1767 (35.7%)	857 (36.3%)	910 (35.1%)
Total	4950	2360	2590
5. Current Employment			
a. Private practice	3104 (64.5%)	1874 (82.0%)	1230 (48.6%)
b. Corporate Counsel	343 (7.1%)	89 (3.9%)	254 (10.0%)
c. Law School Faculty	23 (0.5%)	12 (0.5%)	11 (0.4%)
d. Government Lawyer	509 (10.6%)	102 (4.5%)	407 (16.1%)
e. Public Interest Lawyer	114 (2.4%)	53 (2.3%)	61 (2.4%)
f. Judge	74 (1.5%)	9 (0.4%)	65 (2.6%)
g. Non-legal Occupation	259 (5.4%)	52 (2.3%)	207 (8.2%)
h. Retired	158 (3.3%)	26 (1.1%)	132 (5.2%)
i. Not Currently Employed	46 (1.0%)	13 (0.6%)	33 (1.3%)
j. Other	185 (3.8%)	54 (2.4%)	131 (5.2%)
Total	4815	2284	2531
6. If in Private Practice, Size of Firm			
a. 1 (self)	998 (29.6%)	665 (33.2%)	333 (24.4%)
b. 2-10	1058 (31.4%)	695 (34.6%)	363 (26.6%)
c. 11-40	468 (13.9%)	214 (10.7%)	254 (18.6%)
d. 41-70	167 (5.0%)	85 (4.2%)	82 (6.0%)
e. Over 70	681 (20.2%)	347 (17.3%)	334 (24.5%)
Total	3372	2006	1366

2. Qualifying Pro Bono Service by Employment Setting

Table 8 shows the type of pro bono activity and the time spent on that activity, broken down by type of current employment. Private practice attorneys (60.4%) were more likely to engage in pro bono activities than any other attorneys. The small number of law school faculty respondents also were very likely to do pro bono work (52.2%). Moreover, those who engaged in pro bono, regardless of their employment setting, were more likely to devote their time to civil matters. An exception were public interest lawyers who were most likely to engage in activities that increased the availability or quality of legal services.

3. Qualifying Pro Bono Service by Size of Firm

Table 9 indicates the level of qualifying pro bono service by attorneys in private practice, broken down by firm size. Proportionally, more attorneys in smaller firms report qualifying pro bono service than do those in larger firms. Approximately 66% of lawyers in firms of 10 or fewer attorneys engaged in qualifying pro bono work during 1997,

compared with 49% of attorneys in larger firms. These differences are more apparent when comparing the provision of legal services for poor people in civil and criminal matters to the provision of free legal services for charitable, public interest or not-for-profit organizations or for activities that increase the availability or quality of legal services.

The amount of time spent on pro bono work also seems to be a function of the size of the firm. Approximately 38% of respondents from firms of 1 to 10 attorneys reported spending 20 hours or more on pro bono work, compared to about 29% of lawyers in firms with 11 or more attorneys.

Table 8

Attorneys Providing Qualifying Pro Bono Service (Categories a-d) by Current Employment

Current Employment	(a) In Civil Matters		(b) In Criminal Matters		(c) Charitable, Public Interest, or Not-for-Profit Organization		(d) Activities That Increased Availability or Quality of Legal Services		(a-d) Any Pro Bono Activity		20 Hours or More		Average # of Hours	
	N	N	%	N	%	N	%	N	%	N	%			
(a) Private Practice	3104	1462	(49.4%)	426	(15.1%)	756	(26.6%)	481	(17.2%)	1874	(60.4%)	1102	(35.5%)	41.9
(b) Corporate Counsel	343	55	(17.0%)	5	(1.6%)	44	(13.9%)	24	(7.6%)	89	(25.9%)	49	(14.3%)	35.0
(c) Law School Faculty	23	7	(36.8%)	4	(21.1%)	6	(33.3%)	7	(36.8%)	12	(52.2%)	10	(43.5%)	93.1
(d) Government Lawyer	509	67	(13.8%)	15	(3.2%)	37	(7.8%)	40	(8.5%)	102	(20.0%)	49	(9.6%)	30.0
(e) Public Interest Lawyer	114	29	(28.4%)	17	(17.3%)	22	(22.0%)	29	(29.9%)	53	(46.5%)	34	(29.8%)	63.6
(f) Judge	74	2	(4.8%)	0	(0.0%)	4	(9.3%)	7	(16.3%)	9	(12.2%)	3	(4.1%)	41.7
(g) Non-legal Occupation	259	33	(14.0%)	12	(5.2%)	24	(10.3%)	10	(4.3%)	52	(20.1%)	28	(10.8%)	38.9
(h) Retired	158	16	(16.5%)	5	(5.6%)	13	(14.6%)	5	(5.8%)	26	(16.5%)	11	(7.0%)	35.0
(i) Not Currently	46	9	(25.7%)	1	(3.1%)	2	(6.1%)	5	(15.2%)	13	(28.3%)	4	(8.7%)	26.5

Employed														
(j) Other	185	34	(20.5%)	7	(4.4%)	22	(13.2%)	24	(14.5%)	54	(29.2%)	34	(18.4%)	51.3
Total	5068	1798	(38.8%)	516	(11.6%)	968	(21.7%)	656	(14.9%)	2383	(47.0%)	1376	(27.2%)	41.9

Size of Firm (# of Attorneys)	All Respondents	(a)		(b)		(c)		(d)		(a-d)		20 Hours or More	
		In Civil Matters		In Criminal Matters		Charitable, Public Interest, or Not-for-Profit Organization		Activities That Increased Availability or Quality of Legal Service		Any Pro Bono Activity			
	N	N	%	N	%	N	%	N	%	N	%	N	%
(a) 1 (self)	998	554	60.0%	215	25.0%	240	27.5%	144	16.8%	665	66.6%	382	38.3%
(b) 2-10	1058	580	57.1%	158	16.5%	266	27.6%	184	19.4%	695	65.7%	408	38.6%
(c) 11-40	468	157	35.1%	22	5.0%	98	22.4%	77	17.7%	214	45.7%	124	26.5%
(d) 41-70	167	62	38.3%	14	9.1%	36	23.2%	28	18.5%	85	50.9%	39	23.4%
(e) Over 70	681	219	33.6%	45	7.2%	164	25.8%	86	13.7%	347	51.0%	222	32.6%

4. Qualifying Pro Bono Service by Geographic Location

Table 10 provides a breakdown of qualifying pro bono service by the 11 New York State counties with the largest populations, and for the remaining areas of the state by various geographic groupings. Among the 11 counties, the percentage of attorneys reporting qualifying pro bono service ranged from about 41% in Kings and New York Counties to 71% in Onondaga County. Generally, higher proportions of pro bono service was performed in the larger upstate counties (61.5%), followed by the suburban counties of Nassau, Suffolk and Westchester (51.7%) and the smaller upstate counties (48.3%). In New York City, only 42.5% of respondents reported qualifying pro bono service. The type of activity performed varied across location, without a discernable pattern.

The percentage of attorneys performing at least 20 hours of pro bono service conforms to the findings above. About 37% of all attorneys from large upstate counties spent 20 hours or more, compared to only 20% of all lawyers from New York City. However, although New York City lawyers proportionally were less likely to engage in pro bono, those who did participate devoted more time on average.

5. Qualifying Pro Bono Service by Total Gross Income

A question concerning gross income earned in the legal profession during 1997 also was included in the survey, with the findings presented in Table 11. Attorneys earning from \$55,001 to \$85,000 were less likely to engage in pro bono work than those making either less or more money (See Figure 1). Only 42.1% of these attorneys did pro bono work compared to more than 50% in most of the remaining categories. Those least likely to do pro bono were, understandably, those attorneys with no income derived from the legal profession, only 18% of whom performed such activities.

Place of Business	Total	(a) Free legal services for	(b) Free legal services for	(c) Free legal services for a charitable,	(d) Activities that increase	Any Qualifying Pro Bono (Categories a-d)

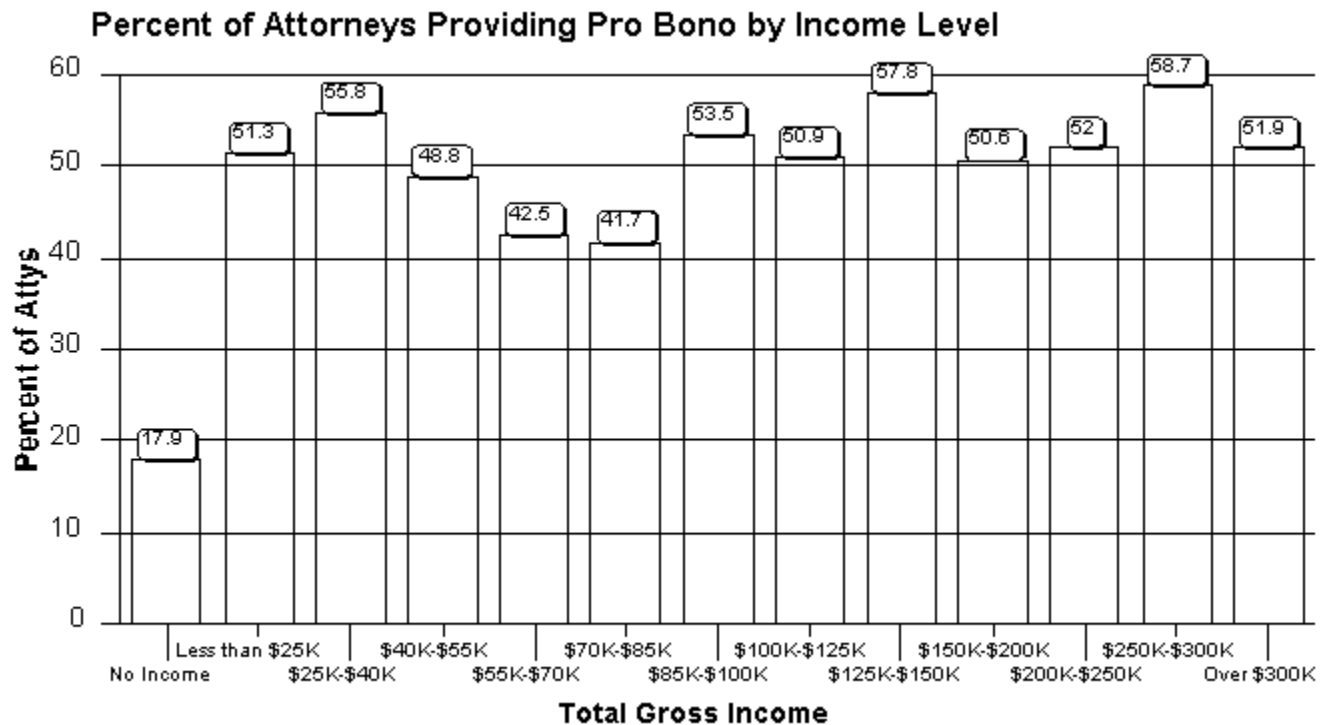
	Survey Respondents	poor persons in a civil matter		poor persons in a criminal matter		public interest, or not-for-profit organization primarily addressing the general needs of the poor		availability or quality of legal services for, or access to justice by, poor persons		Overall		20 Hours or More		Average # of Hours
		N	%	N	%	N	%	N	%	N	%	N	%	(Hrs)
New York City	N	N	%	N	%	N	%	N	%	N	%	N	%	(Hrs)
Bronx	70	23	35.9%	4	6.8%	12	20.0%	9	14.8%	34	(48.6%)	21	(30.0%)	41.1
Kings	193	56	31.5%	22	13.0%	28	16.5%	28	16.8%	79	(40.9%)	43	(22.3%)	43.6
New York	2310	654	29.9%	141	6.6%	390	18.3%	262	12.4%	954	(41.3%)	556	(24.1%)	44.3
Queens	153	58	40.6%	11	8.2%	24	17.9%	19	14.2%	74	(48.4%)	43	(28.1%)	41.4
Total New York City	2765	442	28.4%	90	5.8%	295	19.0%	201	12.9%	661	(42.5%)	312	(20.0%)	43.6
Suburban Counties	N	N	%	N	%	N	%	N	%	N	%	N	%	(Hrs)
Nassau	407	169	43.9%	50	13.7%	85	22.9%	48	13.3%	217	(53.3%)	104	(25.6%)	36.2
Suffolk	180	89	53.9%	34	21.9%	35	22.9%	25	16.5%	104	(57.8%)	64	(35.6%)	46.4
Westchester	266	101	41.2%	32	13.7%	50	21.2%	23	9.9%	120	(45.1%)	68	(25.6%)	38.1
Upstate	N	N	%	N	%	N	%	N	%	N	%	N	%	(Hrs)
Albany	194	73	39.7%	20	11.3%	39	22.3%	28	16.0%	97	(50.0%)	53	(27.3%)	42.3
Erie	197	98	54.1%	27	15.8%	62	34.8%	43	24.6%	127	(64.5%)	83	(42.1%)	44.8
Monroe	138	77	59.2%	19	16.1%	38	32.2%	35	29.4%	92	(66.7%)	54	(39.1%)	33.2
Onondaga	100	51	57.3%	28	32.6%	29	31.9%	27	31.8%	71	(71.0%)	45	(45.0%)	41.6
Remaining 50 New York Counties	821	339	51.8%	123	19.8%	172	27.4%	105	17.4%	401	(48.3%)	236	(28.4%)	41.1
All Survey Respondents	5068	1798	38.8%	516	11.6%	968	21.7%	656	14.9%	2383	(47.0%)	1376	(27.2%)	41.3

Table 11

Attorneys Providing Qualifying Pro Bono Service by Gross Income

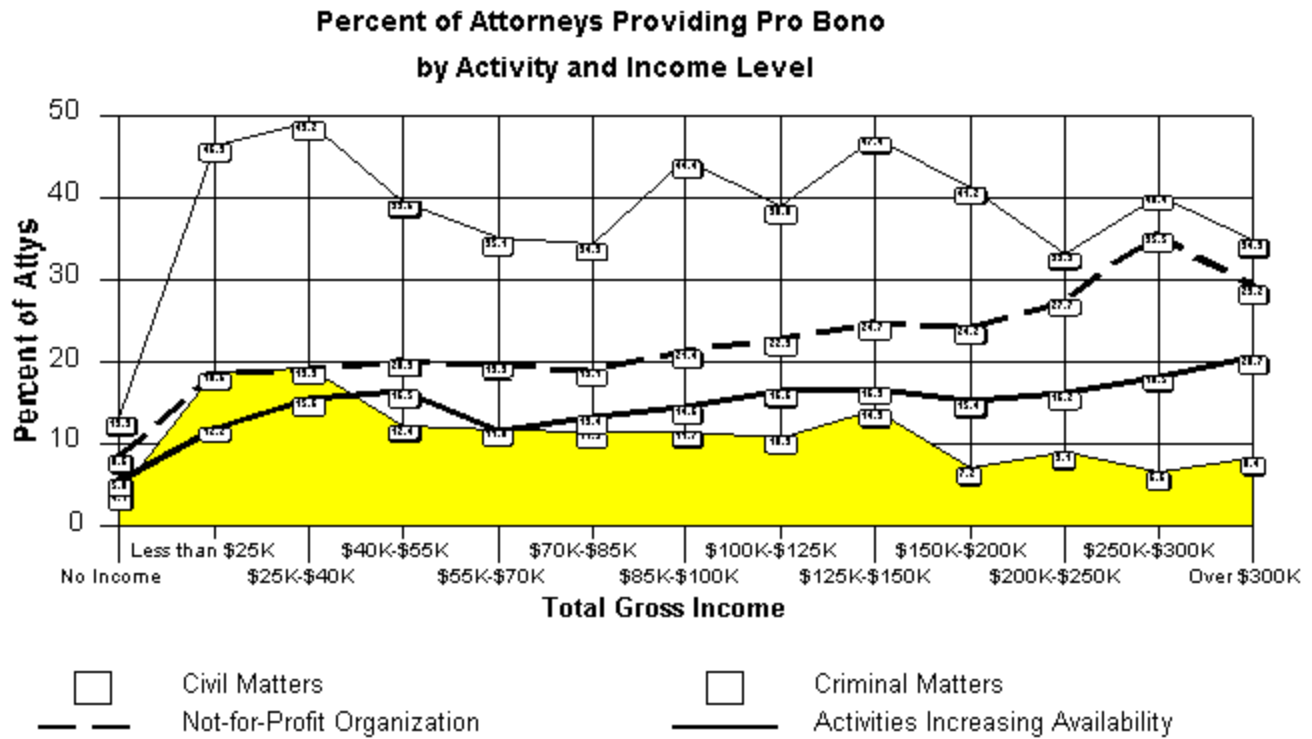
	(a)			(b)		(c)		(d)		(a-d)		20 Hours or More		Average # of Hours
	In Civil Matters	In Criminal Matters	Charitable, Public Interest, or Not-for-Profit Organization	Activities That Increased Availability or Quality of Legal Services	Any Pro Bono Activity	20 Hours or More	Average # of Hours							
Total Gross Income Earned in the Legal Profession During 1997	N	N	%	N	%	N	%	N	%	N	%	N	%	
No income earned	414	47	13.3%	14	4.1%	30	8.6%	20	5.8%	74	17.9%	38	9.2%	36.8
Less than \$25,000	345	143	46.3%	54	19.0%	53	18.6%	35	12.2%	177	51.3%	84	24.4%	33.4
\$25,001 to \$40,000	382	173	49.2%	64	18.9%	67	19.7%	52	15.6%	213	55.8%	124	32.5%	41.6
\$40,001 to	467	179	39.6%	53	12.4%	88	20.3%	71	16.5%	228	48.8%	135	28.9%	40.9

\$55,000														
\$55,001 to \$70,000	449	146	35.1%	51	12.7%	80	19.9%	44	11.1%	191	42.5%	113	25.2%	39.0
\$70,001 to \$85,000	396	130	34.3%	42	11.5%	70	19.1%	49	13.4%	165	41.7%	97	24.5%	44.4
\$85,001 to \$100,000	460	200	44.4%	50	11.7%	93	21.4%	62	14.6%	246	53.5%	143	31.1%	42.9
\$100,001 to \$125,000	501	184	38.8%	50	10.9%	106	22.9%	76	16.6%	255	50.9%	154	30.7%	43.5
\$125,001 to \$150,000	289	129	47.4%	37	14.3%	64	24.7%	43	16.9%	167	57.8%	103	35.6%	45.2
\$150,001 to \$200,000	338	129	41.2%	22	7.2%	74	24.2%	47	15.4%	171	50.6%	106	31.4%	44.4
\$200,001 to \$250,000	204	66	33.3%	18	9.1%	54	27.7%	31	16.2%	106	52.0%	62	30.4%	41.2
\$250,001 to \$300,000	121	46	40.4%	7	6.6%	38	35.5%	19	18.5%	71	58.7%	33	27.3%	33.1
Over \$300,000	314	104	34.9%	24	8.4%	83	29.2%	58	20.7%	163	51.9%	102	32.5%	50.8



1

Another relevant finding is the effect of income on type of activity. As shown in Figure 2, the proportion of attorneys performing qualifying pro bono service in civil matters parallels the overall group findings from Figure 1 (not unexpected since the most frequently cited area for qualifying pro bono service involved civil matters). However, as earnings increased so did the proportion of attorneys who chose to engage in pro bono activities such as working for not-for-profit organizations or activities which increase the availability or quality of legal services for poor persons.



2

G.Reasons for Non-Participation in Qualifying Pro Bono Services

Part III of the survey asked respondents to indicate the reasons why they did not perform qualifying pro bono service during 1997. Table 12 lists the reasons in rank order, from the most to least frequently cited responses. The three most frequently chosen reasons for non-participation were: "I did not have the time to volunteer;" "I did not have the expertise in the legal areas required by poor persons;" and "I did not have the office support staff to perform this type of pro bono legal work." These were chosen by 48.4%, 45.9%, and 40.6% of the respondents not performing qualifying pro bono service respectively.

Reason for Non-Participation	Rank	%
I did not have the time to volunteer.	1	48.4%
I did not have the expertise in the legal areas required by poor persons.	2	45.9%
I did not have the office support staff to perform this type of pro bono legal work.	3	40.6%
I am not interested in doing that type of pro bono work.	4	24.2%
My financial circumstances limited my availability for pro bono work.	5	21.8%
I was concerned about the availability of malpractice insurance for pro bono work.	6	20.4%
I participated in activities identified in (e) through (h) in Part II ("other activities").	7	20.1%
My employer prohibits or discourages me from doing this type of pro bono work.	8	18.7%
I have participated in activities in (a) through (d) in prior years at a level in excess of 20 hours per year, but not during 1997.	9	10.7%
I was interested in doing this type of pro bono work but have found it difficult to find appropriate projects.	10	10.1%
I was not able to arrange for sufficient childcare or other family care accommodations that would make it possible to perform pro bono work.	11	10.1%
I worked for or am a member of a firm which, in the aggregate, devotes at least 20 hours per lawyer per year to activities identified in (a) through (d) in Part II.	12	8.1%
My personal health limited my availability for pro bono work.	13	7.0%

I am retired from the practice of law in New York State.	14	6.2%
A very small portion of my legal practice is in New York State.	15	3.4%

* Data based upon 2,685 survey respondents not engaged in qualifying pro bono activities during 1997.

Table 13 shows the type of employment setting of the respondents who selected a reason for non-participation in qualifying pro bono service. Comparing attorneys in private practice with corporate counsel attorneys, the rank order of the reasons selected was the same, but the magnitude of their choices differed. Attorneys in corporate counsel positions were more likely to report that they did not have time to volunteer (63.4% versus 59.3%), did not have the expertise required (66.1% versus 50.9%), did not have the office support (60.2% versus 38.9%), or were not interested in that type of work (35.4% versus 28.9%). Private practice attorneys, however, were more likely to say that financial circumstances limited their availability (26.7% versus 11.4%). Also, among attorneys in private practice, the smaller the firm, the more likely it was that the attorney indicated a lack of office support and that financial circumstances played a more significant role in the reasons for not performing pro bono activities.

Table 13						
Five Most Frequently Cited Reasons for Non-Participation in Qualifying Pro Bono Service						
(Categories a-d) by Employment Setting						
Employment Setting	N	Do Not Have Time to Volunteer (Q. # 7)	Do Not Have Expertise in the Legal Areas Required by Poor Persons (Q. # 10)	Do Not Have the Office Support Staff (Q. # 9)	Not Interested in that Type of Pro Bono Work (Q. # 5)	Financial Circumstances Limited Availability for Pro Bono Work (Q. # 15)
(Percent [%] of Respondents Selecting Reason by Category)						
a. Private Practice	1230	59.3%	50.9%	38.9%	28.9%	26.7%
Size of Firm (# of Attorneys)						
1 (self)	272	47.1%	40.8%	60.7%	28.7%	46.7%
2-10	331	57.1%	48.9%	52.9%	29.9%	36.3%
11-40	232	65.1%	56.5%	38.4%	31.5%	23.7%
41-70	74	63.5%	50.0%	21.6%	27.0%	13.5%
Over 70	308	68.8%	58.4%	9.7%	26.3%	4.5%
b. Corporate Counsel	254	63.4%	66.1%	60.2%	35.4%	11.4%
c. Law School Faculty	11	45.5%	63.6%	27.3%	0.0%	0.0%
d. Government Lawyer	407	48.9%	38.6%	51.1%	18.7%	24.8%
e. Public Interest Lawyer	61	41.0%	14.8%	31.1%	14.8%	23.0%
f. Judge	65	4.6%	4.6%	6.2%	4.6%	3.1%
g. Non-legal Occupation	207	31.9%	52.2%	40.1%	18.8%	18.4%
h. Retired	132	9.1%	22.0%	22.0%	12.1%	4.5%
i. Not Currently Employed	33	18.2%	45.5%	33.3%	6.1%	21.2%
All	2685	48.4%	45.9%	40.6%	24.2%	21.8%

IV. SUMMARY

The pro bono survey has produced a wealth of information about the pro bono activities being performed statewide. In addition to data on the levels of pro bono participation by attorneys in New York State, the survey also produced important information on demographic and other key factors that affect an attorney's involvement in pro bono.

The survey's findings include:

- ⚡ 47% of attorneys in New York State participated in some qualifying pro bono activity, performing an average of 41.9 hours during 1997;
- ⚡ these attorneys were most likely to perform "free legal services for poor persons in a civil matter";
- ⚡ in 1997, attorneys in New York State contributed on average \$82.00 of financial support to organizations which provide legal services to the poor;

- ⚡ attorneys in New York State who performed pro bono services in 1997 tended to be in private practice and working in firms of 10 or fewer attorneys;
- ⚡ attorneys located in New York City were less likely to engage in pro bono activities compared to attorneys in other areas of the state but those who did participate devoted the most time on average to pro bono activities;

- ⚡ attorneys in New York State who earned from \$55,001 and \$85,000 were less likely to engage in pro bono work in 1997 than those earning either less or more from the legal profession;
- ⚡ attorneys in New York State were more likely not to participate in pro bono activities because they did not have the time to volunteer, did not have the expertise in legal areas required by poor persons or did not have the office support staff necessary to perform the type of pro bono legal work.

These findings will serve as benchmarks for measuring the quantity and type of pro bono activities being performed in New York and enable the Administrative Board to assess the impact of its Pro Bono Resolution on the activities of the Bar.

1 The full text of the Resolution has been included in [Appendix A](#). [BACK](#)

2 This definition tracks the definition of qualifying pro bono devised by the Chief Judge's Committee to Improve the Availability of Legal Services (commonly known as the Marrero Committee) in its Final Report issued in April 1990. [BACK](#)

3 Although denoted as the 1997 survey, the survey was conducted in 1998 but sought information about pro bono activities during the prior full year period. [BACK](#)

4 Ineligible" surveys include surveys that were undeliverable or unuseable, or where the sampled participant had retired or is deceased. [BACK](#)

5 Includes both active and retired members admitted to practice in New York and either residing or having a place of business in New York. [BACK](#)

6 A comparative analysis of the survey respondents to the full sample of 104,410 members of the New York State Bar based upon the Principal Place of Business by Judicial Department indicated that the random sample was highly representative of the full population. For example, 55.4% of the sample respondents and 54.0% of all members of the New York State Bar with residence or place of business in New York have their place of business in the First Judicial Department. [BACK](#)

7 "Other activities" refers to the following activities which fall outside the Administrative Board's definition of "qualifying pro bono service": (1) free or reduced fee legal services or other law-related activities for a charitable, public interest or not-for-profit organization or bar association; (2) service on County Law, Article 18-B or C.J.A. Panel or as a Law Guardian; (3) other government-funded legal services (work where the only fee is pursuant to statute or court award); or (4) other law-related activities, whether or not performed in or related to New York State, which would be considered pro bono publico. [BACK](#)

8 The results are comparable to those of a prior survey conducted in 1992 assessing the same activities. For example, in the prior survey, 47% of the polled attorneys indicated performing some qualifying pro bono activity, although the amount of time devoted on average was 43.5 hours compared to 41.9 hours indicated in the current survey. See Pro Bono Review Committee, Final Report (1994). [BACK](#)

9 The average number of hours was computed by multiplying the number of respondents who selected a given time interval by the midpoint of the time interval (e.g., 1-9 hours = 5 hours). For the over 100 hours category, a conservative 100 hours was selected. [BACK](#)

10 During 1992, attorneys contributed on average \$80.00. See Pro Bono Committee, supra note [BACK](#)