

STATE BAR OF TEXAS



2017 Texas Attorney Survey: Pro Bono Report

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EXECUTIVE SUMMARY

The 2017 Pro Bono Survey was administered as part of the Texas Attorney Survey that was emailed on April 3, 2018 to all active State Bar of Texas attorneys who had not opted out of taking surveys (N = 85,401). A total of 8,564 attorneys completed the Attorney Survey, with 7,712 attorneys providing information about their pro bono activities in 2017. The main findings from the 2017 Pro Bono Survey, based on the analytical sample of 7,712 active in-state attorneys, are as follows:

❖ Hours: Overall 45.2% of respondents provided some form of pro bono services in 2017, either legal services without expectation of payment or at a substantially reduced fee. 39.4% of respondents provided free pro bono legal services; these attorneys provided an average of 79.2 hours of free legal services that benefited the poor in 2017. Extrapolating these results to the 90,485 active in-state membership results in an estimate that 2.82 million hours of free legal services to the poor were performed in 2017. In addition, 26.6% of attorney respondents provided reduced fee legal services to the poor, and the average was 88.6 hours. Extrapolating to the active in-state membership suggests that members provided 2.13 million hours of substantially reduced fee legal services to the poor in 2017.

❖ Finance: The Pro Bono Survey also indicates that State Bar members made significant financial contributions to support pro bono services. 17.4 % of survey respondents paid an average of \$797.60 out-of-pocket related to pro bono or legal services to the poor in 2017. Across the 90,485 active in-state attorneys, this equates to approximately \$12.6 million in out-of-pocket expenditures in 2017. In addition, 10% of survey respondents made direct contributions related to legal services to the poor, with the average amount \$1459.80. Therefore, it is estimated that State Bar members contributed \$13.2 million to support pro bono or legal services to the poor in 2017.

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I. INTRODUCTION

The 2017 Pro Bono Survey was conducted to obtain information on the extent and types of pro bono services provided by attorneys in Texas. The survey assessed attorneys' pro bono services in 2017 in several areas of interest:

- ❖ Hours of pro bono or reduced fee services;
- ❖ Expenses (e.g. expenses used on cases) and financial contributions (e.g. 501 (c)(3) donations) related to legal services for the poor.

The 2017 Pro Bono Survey, along with the Texas Attorney Survey, was conducted by the State Bar of Texas Department of Research and Analysis, from April 3, 2018 to May 7, 2018. Analysis for the Pro Bono Survey was completed by Professors Milan Markovic (Texas A&M University School of Law) and Gabriele Plickert (California Polytechnic University – Pomona).

II. METHOD

Data Collection

Pro bono information for the 2017 Pro Bono Survey was collected in conjunction with the 2017 Texas Attorney Survey. The Texas Attorney Survey is conducted biyearly to provide up-to-date and accurate economic information on the practice of law in Texas.

The survey was conducted electronically and emailed on April 3, 2018 to all active Texas attorneys with a valid email address on record with the State Bar of Texas and who had not opted out of receiving survey mailings (N = 85,401). Attorneys had from April 3, 2018 to May 7, 2018 to complete the survey.

For the purposes of this report, responses were analyzed from 7,712 active in-state Texas attorneys who responded to the Pro Bono Survey and met certain criteria. There were a total of 8,564 in-state attorneys who responded, but the analysis criteria had to exclude 852 respondents who left the pro bono question blank. Consequently, a total of 7,712 responses became the basis for the analyses. In addition, if a respondent failed to provide an answer to a particular question (e.g. the county of his or her practice), he or she would be excluded from the analysis relevant to that question but not from other analyses.

Pro Bono Survey Instrument

The Pro Bono Survey instrument used in this study was based on the pro bono questions used by the State Bar of Texas in previous years' surveys. The instrument asks several yes/no questions to see if respondents provided pro bono hours or reduced-cost hours. For respondents who did provide pro bono or reduced-cost hours, several follow-up questions were asked regarding specific types of work such as hours on criminal or civil cases. The complete survey instrument is available in Appendix A.

III. SAMPLE CHARACTERISTICS

Table 1 Demographics of Survey Respondents

Demographic Characteristics	Percent of Respondents
Type of Practice	
Rural, all occupations	4.4
Urban, non-private practitioners	37.6
<i>Urban, Private Practitioners by Firm Size</i>	
Small firms (1-5 attorneys)	34.8
Medium firms (6-40 attorneys)	15.6
Large firms (> 40 attorneys)	7.8
Metropolitan Statistical Areas (MSAs)	
Houston-The Woodlands-Sugar Land	26.3
Dallas-Fort Worth-Arlington	29.7
Austin-Round Rock	16.0
San Antonio-New Braunfels	8.4
El Paso	2.0
Corpus Christi	1.5
Beaumont-Port Arthur	0.9
Central Texas	1.7
East and Northeast Texas	3.2
South Texas	2.1
West Texas	4.1
Non-Metropolitan Counties	4.2
Primary Occupation in 2017	
Private law practice	61.3
Government attorney	14.5
Full-time judge	1.7
Other Judicial branch	0.5
Law Faculty	0.6
For-profit Corporate/In-House Counsel	8.7
Other law related	2.5
Non-law related	2.0
Unemployed/Looking for work	0.9
Unemployed/Not looking for work	0.3
Other	2.2

- ❖ The three largest practice groups among pro bono survey respondents were urban, non-private practitioners (37.6 %), urban private practitioners in small firms (34.8 %) and urban private practitioners in medium-sized law firms (15.6 %). These categories account for 88% of attorneys in the survey.
- ❖ 80.4% of all attorney respondents were located in one of Texas’s four largest metropolitan statistical areas (MSAs).
- ❖ 84.5% of respondents classified themselves as either private practitioners, government attorneys, or for-profit Corporate/In-House Counsel.

Table 2 Demographics of Survey Respondents Continued

Demographic Characteristics	Percent of Respondents
Years of Experience	
2 or less years	10.9
3 to 6 years	15.7
7 to 10 years	12.5
11 to 15 years	11.8
16 to 20 years	9.4
21 to 25 years	9.2
More than 25 years	30.6
Age	
21 to 25 years	0.7
26 to 30 years	11.7
31 to 35 years	14.9
36 to 40 years	12.5
41 to 45 years	10.0
46 to 50 years	10.8
51 to 55 years	8.8
56 to 60 years	10.7
61 to 65 years	8.9
More than 65 years	11.0
Race	
White	87.9
Black/African-American	4.4
American Indian or Alaskan Native	0.6
Asian	2.8
Native Hawaiian or other Pacific Islander	0.2
Two or More Races	2.3
Other	1.8
Ethnicity	
Hispanic or Latino	12.0
Not Hispanic or Latino	88.0
Sex	
Female	42.2
Male	57.8

- ❖ The largest racial group among respondents is White, making up 87.9% of the sample. Black/African Americans make up the second largest group, with 4.4% percent of the sample. The remaining racial groups and “other” compose 7.7% of the sample.
- ❖ In terms of ethnicity, Hispanic or Latinos are 12% of the sample.
- ❖ The sample is 57.8 % male and 42.2 % female.

IV. SERVICES PROVIDED

Table 3 Provided Any Pro Bono Legal Services to the Poor in 2017

	Number of Attorneys Providing Free Legal Services and/or Reduced Fee Legal Services	Percent of Attorneys Providing Free Legal Services and/or Reduced Fee Legal Services
	[N=7,712]	
All Responding	3,488	45.2

45.2% of attorneys in the sample provided free or reduced fee legal services in 2017. Extrapolation to the total active in-state attorney population of 90,485 results in an estimate that 40,899 attorneys provided free or reduced fee legal services to the poor in 2017.

Table 4 Provided Free Legal Services to the Poor in 2017

	Percent Providing Free Legal Services	Average Hours
	(n=7,712)	(n=3,041)
All Responding	39.4	79.2

39.4% of attorneys in the sample provided free legal services directly to the poor in 2017. Extrapolation to the total active in-state attorney population of 90,485 results in an estimate that 35,651 Texas attorneys provided 2.82 million hours of free legal services to the poor in 2017.

Table 5 Providing Reduced Fee Legal Services to the Poor in 2017

	Percent Providing Reduced Fee Legal Services	Average Hours
	(n=7,712)	(n=2,049)
All Responding	26.6	88.6

26.6% of attorneys in the sample provided reduced fee legal services to the poor in 2017. Extrapolation to the total active in-state attorney population of 90,485 results in an estimate that 24,069 Texas attorneys provided over 2.13 million hours of reduced fee legal services to the poor in 2017.

V. FINANCIAL CONTRIBUTIONS

Out-Of-Pocket Expenses

Table 6 Paid Actual Out-of-Pocket Expenses Related to Pro Bono or Legal Services to the Poor in 2017

	Percent Who Paid Actual Out-of-Pocket Expenses	Average Out-of-Pocket Expenses
	(n=7,712)	(n=1,341)
All Responding	17.4	\$797.6

17.4% of attorneys in the sample paid actual out-of-pocket expenses related to pro bono or legal services to the poor in 2017. Extrapolation from survey respondents to the total active in-state attorney population of 90,485 results in an estimate that 15,744 active Texas attorneys paid approximately \$12.6 million in out-of-pocket expenses related to pro bono or legal services to the poor in 2017.

Direct financial Contribution

Table 7 Paid Direct Financial Contributions Related to Pro Bono or Legal Services to the Poor in 2017

	Percent Who Paid Direct Financial Contribution	Average Direct Financial Contribution
	(n=7,712)	(n=772)
All Responding	10.0	\$1,459.8

10% of attorneys in the sample made direct financial contributions related to pro bono or legal services to the poor in 2017. Extrapolation from survey respondents to the total active in-state attorney population of 90,485 results in an estimate that 9,049 active Texas attorneys provided approximately \$13.2 million in direct financial contributions related to pro bono or legal services to the poor in 2017.