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THE RICHEST LAW FIRMS DO MORE PRO BONO

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IF YOU WANT SOMETHING DONE, ask a busy person. The top-grossing firms on the Am Law 200 did the most pro bono work this year, according to the results of our Pro Bono Survey. Not only are those firms making the most money, but they are doing the most volunteer work. We looked into how and why.

Our pro bono data shows that, when it comes to pro bono, the top quartile of Am Law 200 firms are outperforming the three quartiles that follow them in our gross revenue rankings. Attorneys at the top 50 firms averaged 71 hours of pro bono work each in 2016 while attorneys at the 150 lesser-ranked firms averaged between 39.1 and 45.9 pro bono hours. In the highest quartile, 58.7 percent of attorneys at those firms did more than 20 hours of pro bono work in 2016. Meanwhile 40.8 percent of attorneys in the second quartile, 36.4 percent in the third and 36.8 percent in the fourth worked more than 20 hours pro bono.

The highest quartile of the Am Law 200 was also more willing to report pro bono hours. Only four (8 percent) firms out of the top 50 did not provide data for our survey. Forty-eight firms (32 percent) of the remaining 150 declined to participate. So it's always possible that many firms in the lower ranks of the Am Law 200 actually have very high pro bono totals that for modesty's sake they do not wish to report.

Leaving aside that possibility, why the disparity? Tammy Taylor, director of the law firm pro bono project and operations at the Pro Bono Institute, cautions that the differences in pro bono commitment among firms have many causes, including firm culture, changes in management, the business cycle, head count and community culture, among other things.

That said, Taylor adds, "we have found that the busiest lawyers have the most pro bono hours."

Her colleague Reena Glazer, assistant director of the Pro Bono Institute's law firm projects, notes that higher ranked Am Law 200 firms tend to take on bigger pro bono matters, which leads to more pro bono hours for those firms.

This separation between the top 50 and the rest of the Am Law 200 in pro bono may also reflect financial stresses on firms with lower gross revenues. Firms that can charge premium rates may have more time for pro bono matters.

Indeed, our data showed that firms with higher revenue per lawyer (RPL) and profits per equity partner (PPP) did more pro bono. Firms in the top quartile of the Am Law 200 by RPL reported that their lawyers did 58.4 hours of pro bono work, on average, and that half of their lawyers did more than 20 hours, but those results declined in each subsequent RPL quartile. In the lowest quartile of firms ranked



pro bono

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by RPL, each attorney worked just over 20 hours of pro bono, on average, and only 15.5 percent did more than 20 hours. Comparing pro bono results among firms ranked by PPP yielded a similar spread, from 57.2 pro bono hours per lawyer in the top quartile to 14 hours in the lowest, while the percentage of lawyers doing more than 20 hours dropped from almost 50 percent to less than 15 percent.

Richer firms may also be more willing to invest in pro bono as a way to attract and retain talent, Taylor and Glazer say. "Happiness, more attorney engagement, feeling like you're making a difference and all those sticky things that now there's science behind help," Glazer says, "because firms want to retain those people they see as the future of the firm. And pro bono is [a] way to do that."

It's worth pointing out that the top five firms in our pro bono survey rank in the lower three quartiles of the Am Law 200, suggesting that, at some firms at least, cultural factors outweigh financial considerations when it comes to pro bono. The No. 1 pro bono firm, Jenner & Block, is 70th in the Am Law 100, for instance. "Pro bono is a part of our DNA, one of our core values," says pro bono committee co-chair Andrew Vail.

He says that the reason Jenner attorneys do so much pro bono work—141 hours each in 2016, on average—is that they like it. "Our attorneys are diverse and have a diverse range of passions and take on matters that they are passionate about," he says.

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