

# Survey of Large Law Firms Highlights Areas of Unmet Legal Need

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**E**mployment law and applications for Deductible Gift Recipient (DGR) tax status are areas of law and practice where pro bono assistance is widely provided, but are also areas where requests for pro bono assistance are often refused, according to the Final Report on the National Law Firm Pro Bono Survey 2010, released today by the National Pro Bono Resource Centre.

The report also highlights family law and criminal law as practice areas where a high number of firms rejected requests for pro bono assistance in the past year for reasons other than the means of the applicant or the merits of the case.

Twenty-nine of the total 39 firms in



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Australia that have more than 50 lawyers responded to the survey (approximately 18% of the total Australian legal profession), including all of the large national firms.

It is no surprise that refusal of requests for pro bono legal assistance is high in family and criminal law matters given the limited expertise of large firms in these areas. However the fact that most of the firms who participated in the survey actually provided pro bono legal assistance in employment law and DGR tax status matters, but also frequently refused requests for assistance in these areas, seems to indicate that

unmet legal need in these areas remains high.

## Charitable Institution Status

“Obtaining DGR status from the Australian Tax Office is a complex process that can be vital for a not-for-profit organisation and to be able to receive tax deductible gifts and donations to be recognised as a charitable institution with its other tax benefits. Many do not have the resources or the expertise to prepare an application without expert legal assistance and the tax groups of large firms are small specialist groups within the firm.

Law reform is required to make the DGR application process much simpler so that limited pro bono resources can be better deployed in other areas of unmet need.

Legal Aid funding for employment law matters is in many states limited, if not non-existent, so much of this work is done by community legal centres. Even though firms do some of this work pro bono they often act for employers and thus have conflicts.

The interim survey report published by the Centre in August 2010 revealed that the amount of pro bono legal work being done by these firms had increased over the 09/10 year despite cuts in lawyer numbers

due to the economic downturn. Twenty-four firms provided data on the numbers of pro bono hours, showing that 10,410.3 full-time equivalent lawyers undertook more than 322,000 hours of pro bono legal work in the 2009-2010 financial year, an average of 29 hours per lawyer or 2% of a firm's gross billables. Nearly half of the firms (48%) reported an increased pro bono budget or target when compared to two years ago, and no firms reported a decrease in their pro bono budget or target.

The continued and growing commitment to pro bono work and improving access to justice is evident in large and mid-sized law firms in Australia, but the final report

provides a picture of pro bono practices and policy

issues that goes beyond the hours and dollars.

Other issues highlighted in the final report include:

- Lawyer participation rates
- Areas of law serviced by pro bono legal services
- Constraints on pro bono work
- International pro bono work
- Regional, rural and remote pro bono work
- Pro bono practise management issues

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