DC BAR Pro Bono Center

# 2021 D.C. Bar Pro Bono Initiative Report

An Overview of Pro Bono in D.C.

# Our Mission

**The Pro Bono Initiative's mission is to improve and expand the delivery of pro bono legal services in the District of Columbia. Signatory Firms agree to:**

1. Set a minimum pro bono goal for the firm's D.C. office (3% or 5% of total client billable hours, or alternatively, an average of 60 or 100 hours per lawyer each year).
2. Achieve the pro bono goal.
3. Sign up for, and/or develop, specific pro bono opportunities that help D.C.'s low-income population.
4. Report the firm's D.C. office results to the D.C. Bar Pro Bono Center.

# Our Background

**The D.C. Bar Pro Bono Initiative is a unique, aspirational pro bono standard for D.C. firms.**

In 2001, 41 of the District's largest law firms joined the D.C. Bar Pro Bono Initiative ("Initiative") and pledged to provide pro bono legal services at specified levels.*

The percentage of Signatory Fiims responding to the survey has varied over the years. The peak participation rate occurred in 2009 when all 64 Signatory Firms responded to the survey.The number of Signatory Firms has varied over the years, due in part to mergers. Peak participation occurred in 2009 when all 64 Signatory Firms responded to the survey.

In April 2022, the D.C. Bar Pro Bono Center circulated a survey to the (now) 69 Signatory Firms, gathered survey responses, and aggregated the statistics in this report. This reporting year, 67 Signatory Firms responded to the survey, at least in part.** This response rate is three percent higher than last year, although it is not as high as pre-pandemic levels.

*The Initiative's standards were created by, and are used with permission from, the Pro Bono Institute and modeled on the Institute's Law Firm Pro Bono Challenge: http://www.probonoinst.org/resources/what-counts/. The D.C. Bar Pro Bono Center thanks the Pro Bono Institute for permission to use and affiliate with the Law Firm Pro Bono Challenge. The Law Firm Pro Bono Challenge name is the property of the Pro Bono Institute and may not be further used or cited, in whole or in part, without prior written permission from the Pro Bono Institute.

**Some firms have policies against providing information on their number of billable hours. As was the case in previous years, not all firms responded to all questions.

# Table Of Contents


03 Signatory Firms

04 Executive Summary

05 2021 Highlights

06 Initiative Data

13 Pro Bono Activities

18 Reflections

19 Key Takeaways

20 2021 Survey Questions

# 2021 Reporting Signatory Firms

**The D.C. Bar Pro Bono Center thanks the 67 Signatory Firms whose commitment to pro bono service is reflected in this Pro Bono Initiative Report.**

Akin Gump Strauss Hauer & Feld LLP

ArentFox Schiff PLLC

Arnold & Porter

Baker Botts LLP

Ballard Spahr LLP

Beveridge & Diamond

Blank Rome LLP

Bryan Cave Leighton Paisner LLP

Buckley LLP

Cleary Gottlieb Steen & Hamilton LLP

Cooley LLP

Covington & Burling LLP

Cozen O'Connor P.C.

Crowell & Moring LLP

Davis Wright Tremaine

Debevoise & Plimpton

Dechert LLP

Dentons US LLP

DLA Piper US LLP

Duane Morris LLP

Epstein Becker & Green, P.C.

Eversheds Sutherland US

Faegre Drinker Biddle & Reath, LLP

Finnegan, Henderson, Farabox, Garrett & Dunner, LLP

Foley & Lardner LLP

Fried, Frank, Harris, Shriver & Jacobson LLP

Gibson, Dunn & Crutcher LLP

Goodwin Procter LLP

Hogan Lovells US LLP

Holland & Knight LLP

Hughes Hubbard & Reed LLP

Hunton Andrews Kurth

Jenner & Block LLP

Jones Day

K&L Gates LLP

Kelley Drye & Warren LLP

Kilpatrick Townsend & Stockton LLP

King & Spalding LLP

Kirkland & Ellis LLP

Latham & Watkins LLP

Mayer Brown LLP

McDermott, Will & Emery LLP

Miller & Chevalier, Chartered

Mintz Levin Cohn Ferris Glovsky & Poopeo PC

Morgan Lewis & Bockius LLP

Morrison & Foerster LLP

Nixon Peaboody LLP

O'Melveny & Myers LLP

Orrick, Herrington & Sutcliffe LLP

Paul Hastings LLP

Perkins Coie LLP

Pillsbury Winthrop Shaw Pittman LLP

Reed Smith LLP

Ropes & Gray LLP

Shearman & Sterling LLP

Sidley Austin LLP

Skadden, Arps, Slate, Meagher & Flom LLP

Squire Patton Boggs LLP

Steptoe & Johnson LLP

Venable LLP

Vinson & Elkins, LLP

White & Case LLP

Wiley Rein LLP

Williams & Connolly LLP

Wilmer Cutler Pickering Hale & Dorr LLP

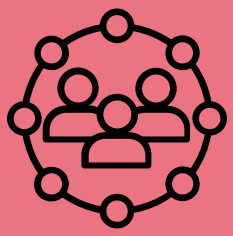
Winston & Strawn LLP

Zuckerman Spaeder LLP

# 2021 Executive Summary

The 2021 Pro Bono Initiative Report examines the 2021 calendar year pro bono performance of reporting firms signing on to the D.C. Bar Pro Bono Initiative. Signatory Firms have committed to contribute 3% or 5% (or alternatively, 60 or 100 hours per attorney) of their annual total paying client billable hours to pro bono activities and to report their performance to the D.C. Bar Pro Bono Center each year.

Sixty-Seven Signatory Firms reported more than one million hours of pro bono service in 2021. The firms reported performing an aggregated total of **1,209,151** hours of pro bono work in 2021. This is an increase of an average of more than 2,000 pro bono hours per firm compared to the 2020 survey results.



While the total number of attorneys participating in pro bonoo increased in 2021, from 9,328 to 9,354, the percentage of attorneys engaged in pro bono decreased. The participation rate was 76% in 2021, down from 81% in 2020.

In 2021, firms devoted approximately 413,258 pro bono hours (or 34% of total pro bono hours) to serving D.C. residents of limited means or organizations that serve them. This is a significant decrease from 2020, when 52% of total pro bono hours was devoted to D.C. residents of limited means. This is a cause for concern.

25 firms reported engaging in one or more new pro bono activities in D.C., including:

- A partnership with corporate in-house department (10)
- A D.C. office-wide signature project (5)
- A rotation/fellowship/externship program (10)
- Other D.C.-based activity or project (12)
- Other (6)

# 2021 Highlights

**4.34%** Average Reported Pro Bono Hours as a Percentage of Billable Hours*

**1,209,151** Total Pro Bono Hours in 2021

**76%** Attorney Participation in Pro Bono

**129** Average Pro Bono Hours Per Attorney

**34%** Pro Bono Percentage Devoted to D.C. Residents of Limited Means or Organizations That Serve Them**

* Only 59 of the 67 Signatory Firms reported this metric.

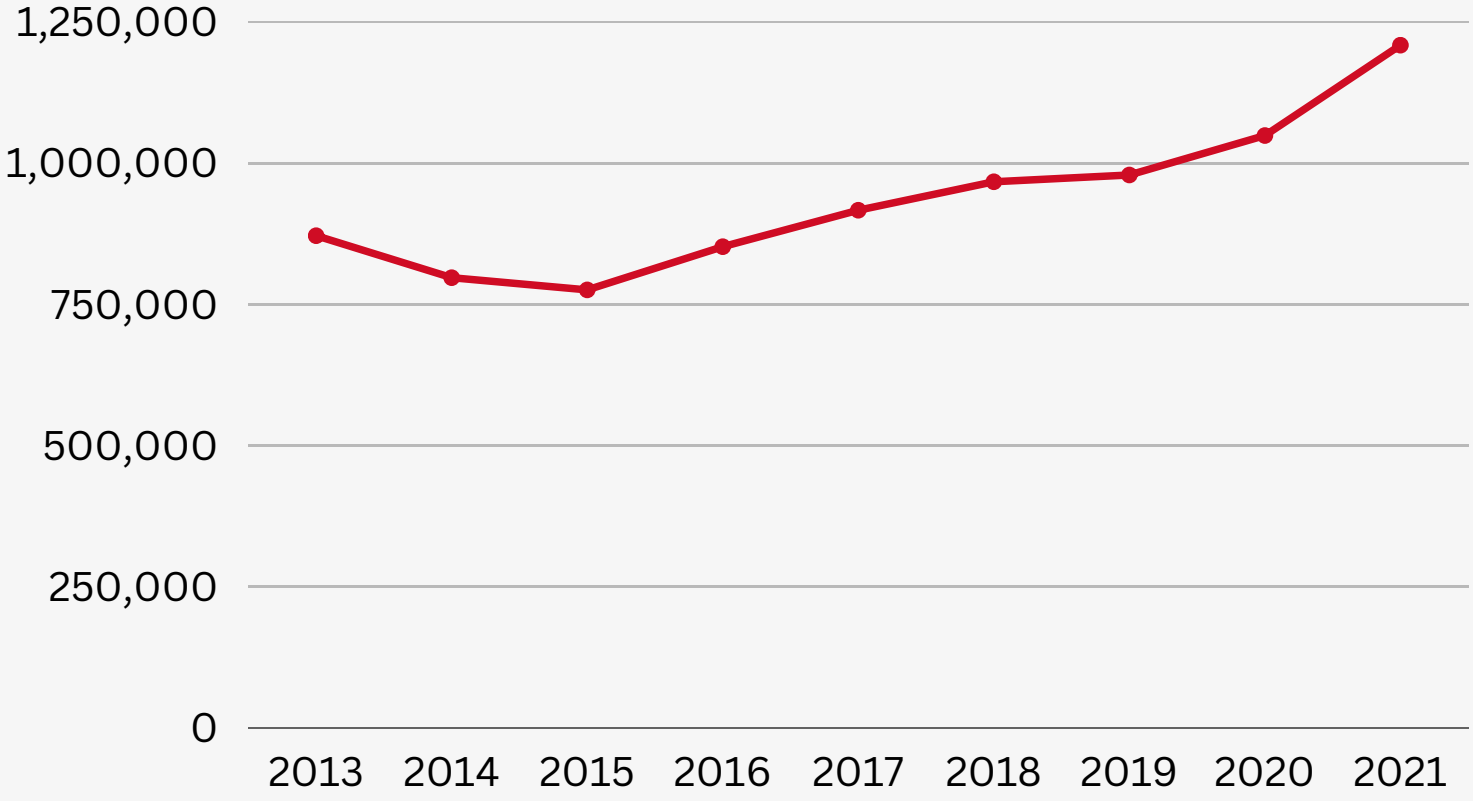
** Only 45 Signatory Firms reported this metric.

# 2021
# Initiative Performance Data

## Total Pro Bono Hours

In 2021, 67 firms performed an aggregated total of 1,209,151 hours of pro bono service - the highest total pro bono hours ever and **160,012** hours more than in 2020, when 65 firms reported an aggregated total of 1,049,139 pro bono hours.

Total pro bono hours increased in 2021.

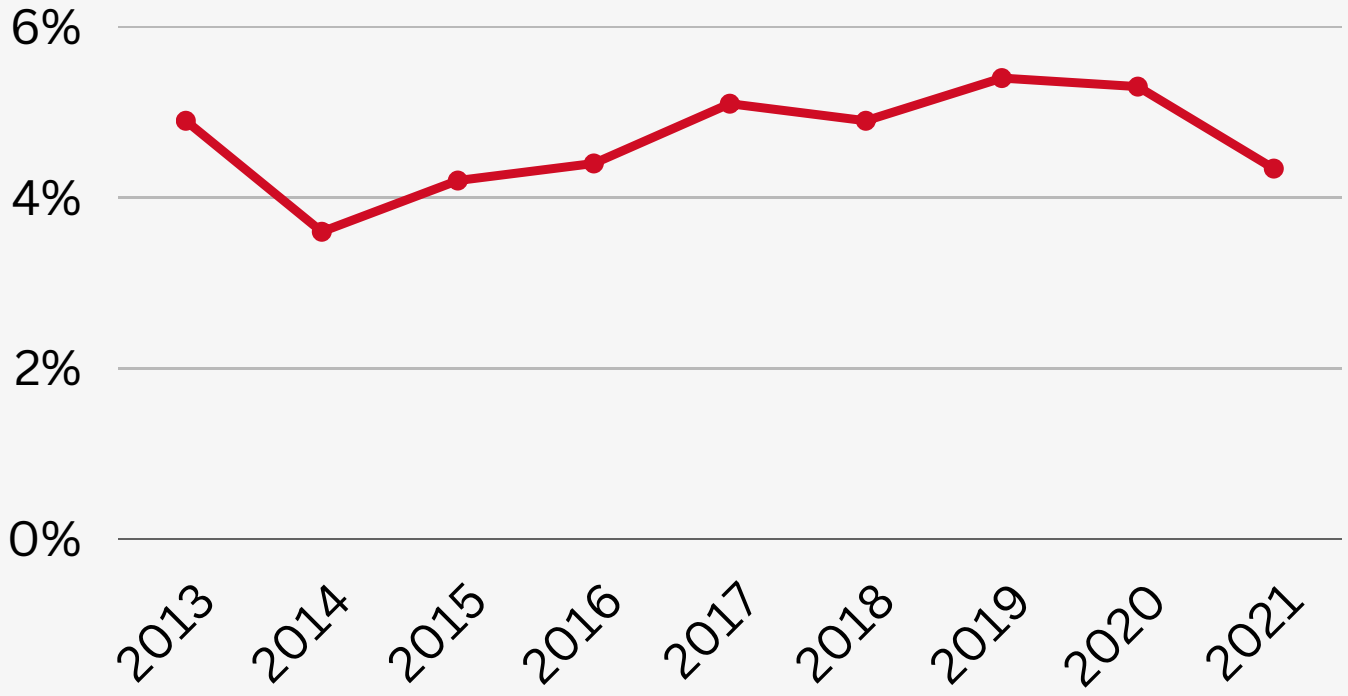



The 67 survey respondents reported a 15% increase in pro bono service compared to the 65 survey respondents' 2020 results.

## Average Pro Bono Percentage

In 2021, 59 of the 67 reporting firms provided enough information to verify whether they achieved the 3% or 5% benchmarks set by the Initiative.

Viewed as a percentage of total paying client billable hours, the 59 Signatory Firms reporting this metric contributed an average of 4.3% of their billable hours to pro bono work.




27 reporting firms contributed between 3% and 4.9% of their billable hours to pro bono work in 2021 - meeting or exceeding the first benchmark set by the Pro Bono Initiative. Twenty-four reporting firms contributed between 3% and 4.9% of their billable hours to pro bono work in 2020.

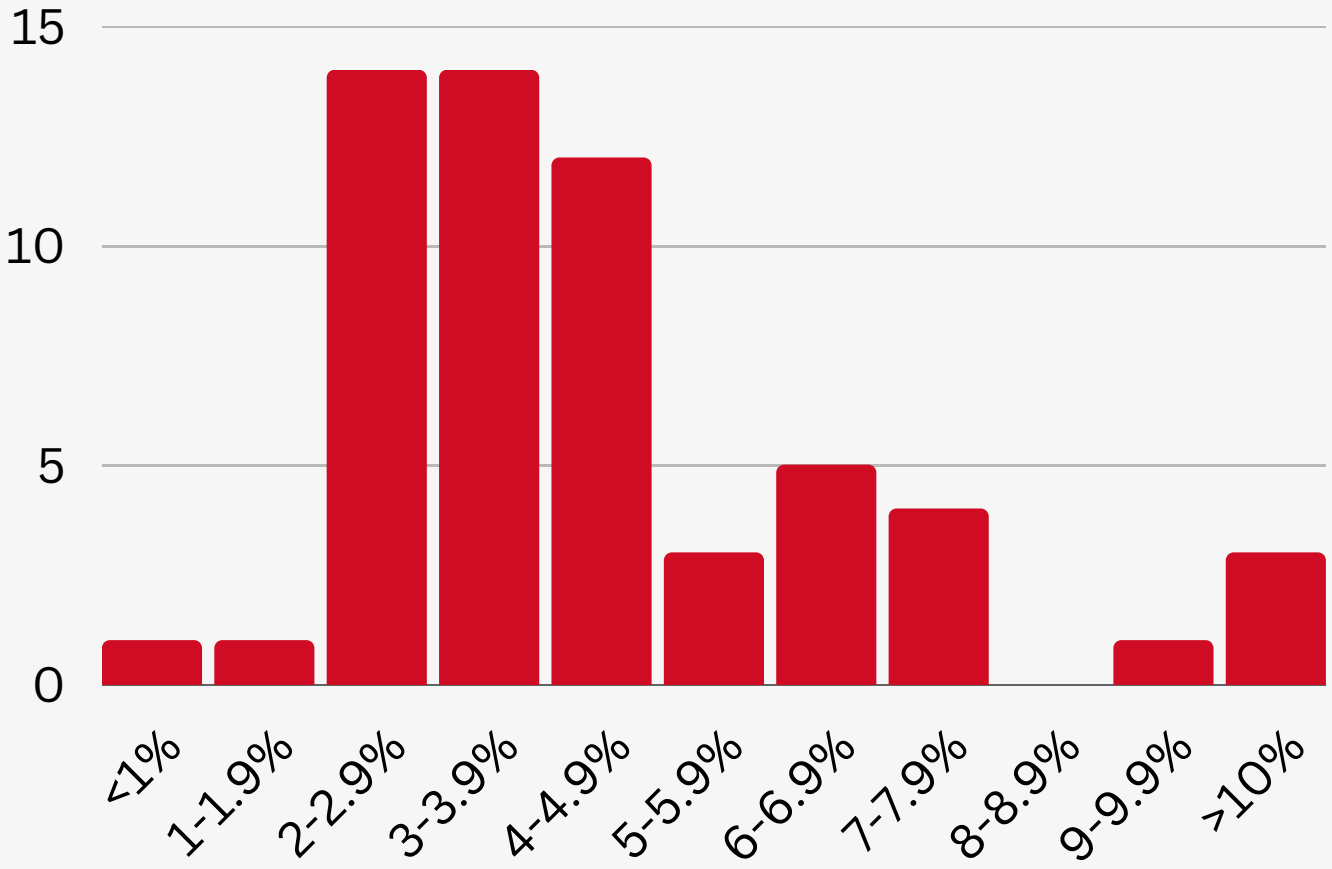
16 reporting firms contributed 5% or more of their billable hours to pro bono work in 2021 - meeting or exceeding the highest benchmark set by the Pro Bono Initiative. By comparison, in 2020 a greater number - 22 reporting firms - contributed 5% or more of their billable hours to pro bono work. In 2021, three of the firms contributed more than 10% of their billable time too pro bono work. In 2020, six of the firms contributed more than 10% of their billable time to pro bono work.

16 reporting firms did not meet either benchmark in 2021, compared to 9 reporting firms in 2020.

## Distribution of Pro Bono Percentage

Forty-three of the 59 reporting firms providing this metric devoted at least 3% of their client billable hours to pro bono service. Three of those firms reported dedicating more than 10% of paying client billable hours to pro bono work, demonstrating outstanding commitment to pro bono service.

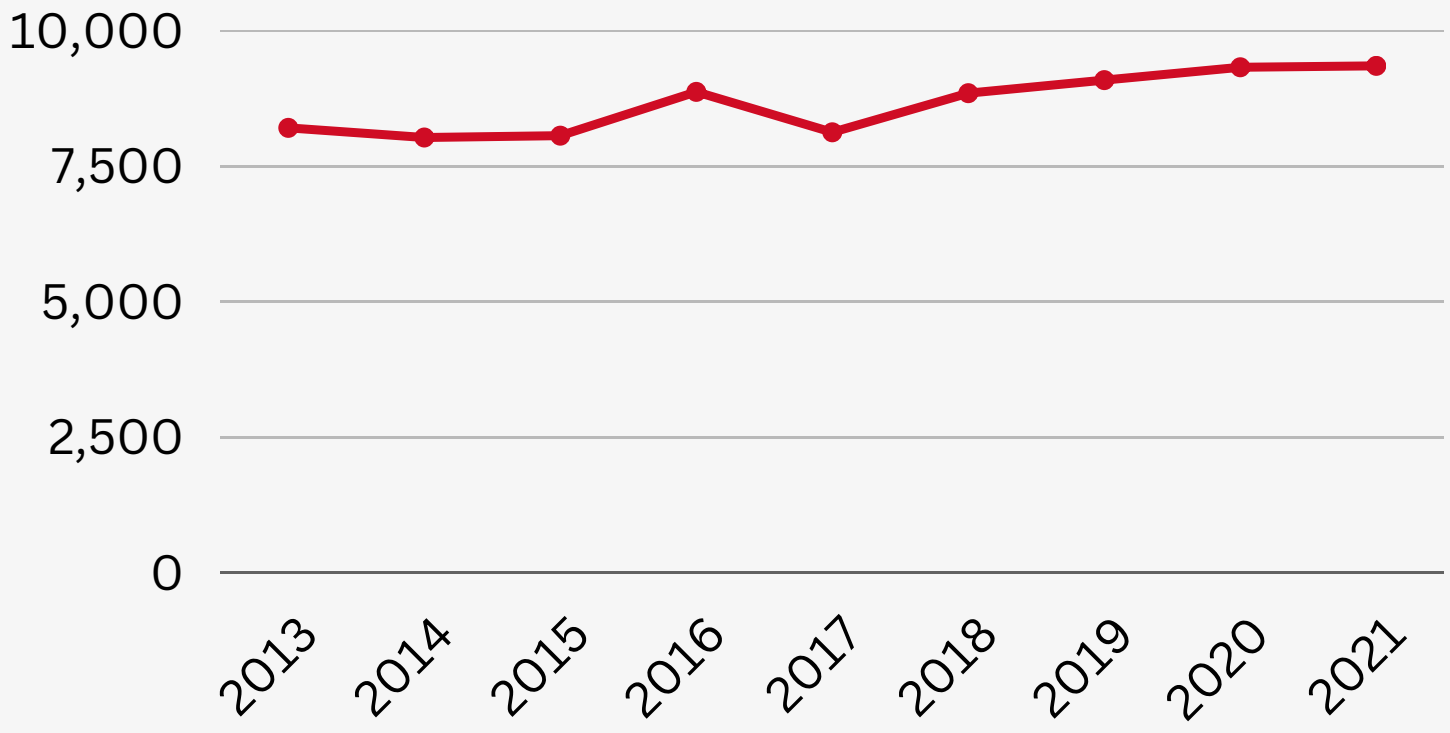
The chart, however, also shows that 16 firms did not meet the Initiative's minimum benchmark of 3%.  Two Signatory Firms did not respond to the 2021 survey and eight reporting Signatory Firms did not respond to this question. Because of this, we can only document that only 42 firms, or 60% of the 69 Signatory Firms, met their Initiative goals.



## Attorney Participation in Pro Bono Service

In 2021, Signatory Firms reported an increased number of attorneys in their D.C. office, **12,363**, which is an increase from 11,481 attorneys reported in the previous year. While the number of attorneys participating in pro bono legal work has increased between 2020 and 2021, the percentage of attorney participation declined.

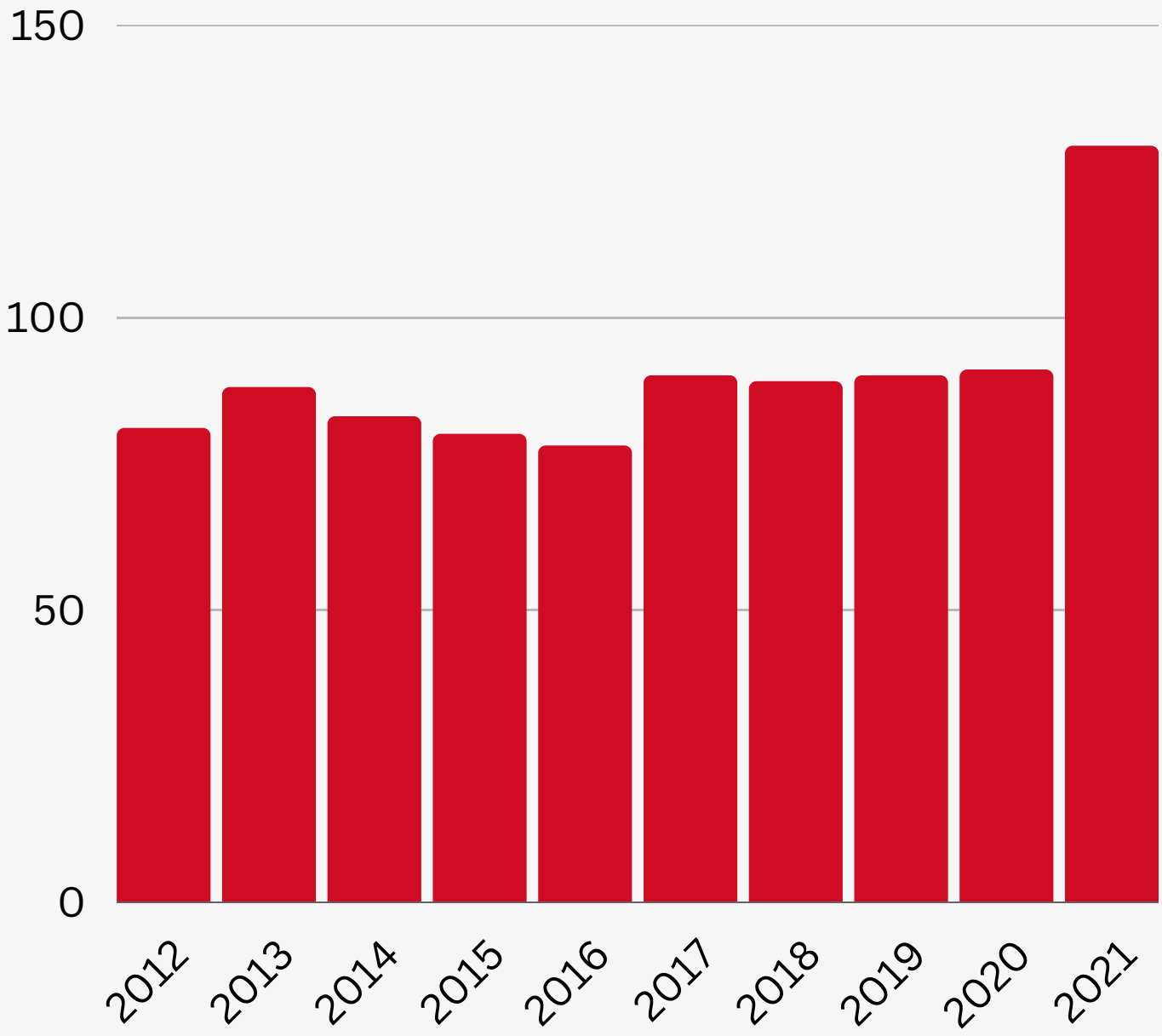
In 2021, a total of 9,354 attorneys participated in pro bono at reporting Signatory Firms, including 3,085 partners, 4,757 associates, 1,103 counsel, and 409 staff and other attorneys. By comparison, a total of 9,328 attorneys at reporting Signatory Firms participated in pro bono in 2020.




Approximately 76% of attorneys in the reporting firms participated in pro bono work in 2021, a decrease of 5% from attorney participation in 2020.

## Average Pro Bono Hours Per Attorney

In 2021, the average number of pro bono hours was **129 hours** per attorney, which is an increase from last year's average of 91 pro bono hours per attorney.



## Service to D.C. Residents of Limited Means or Organizations that Serve Them

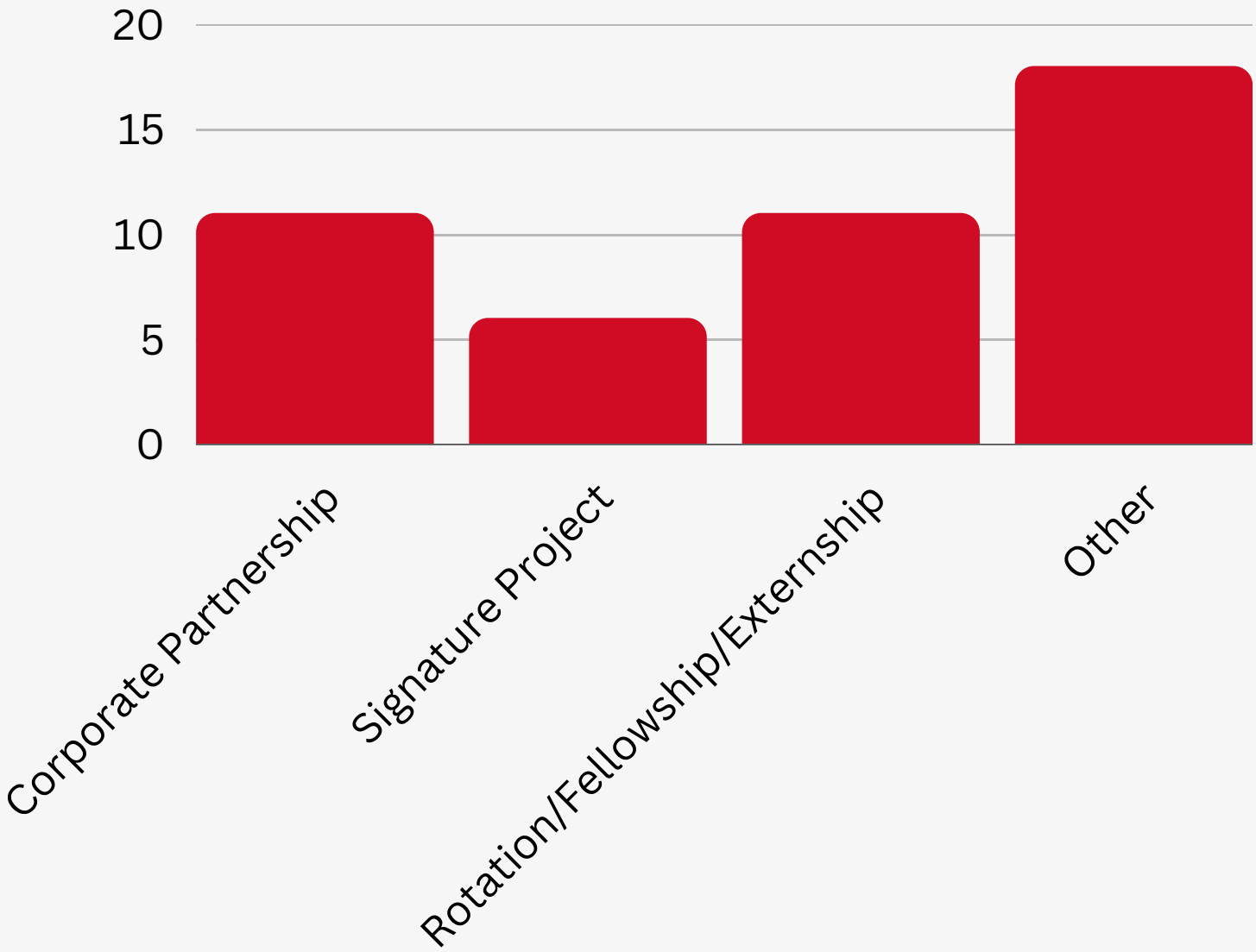
In 2021, 45 firms reported 413,258 actual or estimated hours of pro bono service to D.C. residents of limited means or the organizations that serve them. This is 34% of all reported pro bono time. That compares to 546,762 actual or estimated hours from 56 firms in 2020.

**29 of the 45 Signatory Firms reporting this number dedicated at least 50% of their pro bono hours to D.C. residents of limited means or organizations that serve them.** Twenty-one of the 67 reporting firms did not report this number, so we cannot discern whether Signatory Firms on the whole devoted a majority of their pro bono time to D.C. residents of limited means.

## Innovative Pro Bono Activities

In 2021, 25 Signatory Firms reported meeting the Initiative goal of undertaking or increasing their involvement in one or more pro bono activities or projects in D.C. to increase their pro bono legal service to our community. The following reflects the number of innovative pro bono activities undertaken in 2021:

- Corporate Partnership (11)
- Signature Project (6)
- Rotation/Fellowship/Externship Program (11)
- Other (18)



## Innovative Pro Bono Activities

The following are examples (reprinted with permission from each firm) of innovative pro bono activities addressing the needs of our community that the Signatory Firms undertook in 2021:

During 2021, our Washington, D.C. office supported a project led by the firm's external Equal Justice Works fellow. This past year's first-year fellow is working with the National Center for Youth Law pursuing a project to help local students overcome barriers to their education. This includes making sure that D.C. schools follow applicable law to ensure homeless students and school applicants have full opportunity to education and are not discriminated against. In spring and early summer of 2021, almost 20 volunteers in Pillsbury's Washington, D.C. office supported this project. Each volunteer (including partners, associates, project assistants, and legal secretaries) was responsible for reviewing the websites of and speaking with the administrators of four or five Washington public or charter schools to track how those schools advertise to and work with homeless students. Our fellow provided a list of factors and data that our volunteers were to examine, and we accumulated our data points in a summary spreadsheet to help determine which D.C. schools are complying with laws applicable to homeless students. Pillsbury was thrilled that such a large group at our firm support this project, and that we were able to support a substantial project focused on improving the lives of a significant community of need.
-Pillsbury Winthrop Shaw Pittman

## Innovative Pro Bono Activities

The following are examples (reprinted with permission from each firm) of innovative pro bono activities addressing the needs of our community that the Signatory Firms undertook in 2021:

Through Ballard Spahr's Diverse Voice Initiative, a pro bono project of the firm's media and entertainment law practice group to provide counsel to media outlets that serve communities of color, D.C.-based lawyers began representing the AFRO. Reporting from Baltimore to Washington, D.C., as well as nationally and internationally, the AFRO is a family-owned print- and web-based publication that has crusaded for racial equality and economic advancements for Black Americans for 130 years. Beginning our relationship with the AFRO by offering pre-publication advice, we have since drawn on a breadth of practice areas that only a large law firm can offer to a pro bono client, expanding our work for this important pro bono client to include loan documentation, tax credit representation, employment advice, and zoning and land use help.
-Ballard Spahr

## Innovative Pro Bono Activities

The following are examples (reprinted with permission from each firm) of innovative pro bono activities addressing the needs of our community that the Signatory Firms undertook in 2021:

In response to the eviction crisis resulting from the Covid-19 pandemic, Cleary attorneys participated in the Eviction Writs Program, an eviction defense litigation that arises in the last stage of the eviction process. Cleary's community partner, the D.C. Bar Pro Bono Center, referred to the firm tenants with limited income for whom writs of restitution (i.e., eviction orders) were issued by D.C. Superior Court's Landlord and Tenant Branch. With cases referred only days before the scheduled eviction, Cleary attorneys litigated challenges to the eviction orders, conducted negotiations with landlords, and liaised with emergency rental assistance programs to help keep our clients in their homes. Since the program's inception in November 2021, Cleary has successfully halted evictions in every case that has been referred by the D.C. Bar Pro Bono Center.
-Cleary Gottlieb Steen & Hamilton

## Innovative Pro Bono Activities

The following are examples (reprinted with permission from each firm) of innovative pro bono activities addressing the needs of our community that the Signatory Firms undertook in 2021:

We co-counseled with about 120 in-house counsel at Amazon in reviewing dozens of backlogged cases awaiting investigation for the Mid-Atlantic Innocence Project. Teams of lawyers reviewed each backlogged case, creating chronologies, casts of characters, and investigation plans to allow the cases to more quickly advance through the investigation process. For this work, the Mid-Atlantic Innocence Project gave this year's Defender of Innocence Award to the Amazon Legal Department.
-Baker Botts

## Innovative Pro Bono Activities

The following are examples (reprinted with permission from each firm) of innovative pro bono activities addressing the needs of our community that the Signatory Firms undertook in 2021:

A Kirkland team achieved a landmark victory for students and alumni of Maryland's four public Historically Black Colleges and Universities (HBCUs). After 12 years of hard-fought litigation, the Kirkland team obtained a settlement of $577 million in funding that was improperly denied, one of the largest pro bono settlements in history. Kirkland donated the legal fees it was awarded as part of the settlement to seven HBCUs and civil rights organizations. Among the recipients was Kirkland's co-counsel in the case, the Lawyers' Committee for Civil Rights Under Law. The Lawyers' Committee donation will establish a Kirkland Fellowships fund to provide opportunities in civil rights litigation and policy work for HBCU law school students, undergraduates, and alumni to strengthen HBCUs as an institution.
-Kirkland & Ellis

# Reflections

Pro bono trends were generally positive for D.C. law firms amid the pandemic. D.C.'s legal community rose to the occasion in the face of an unprecedented health crisis.

D.C. law firms continue to contribute over **one million hours** of pro bono service. Survey participation also increased, with 67 firms reporting compared to 2020's 65 reporting firms. These firms reported 160,012 hours more than in 2020.

While there was an increase in the total number of pro bono hours, there was a decrease in the average percentage of pro bono hours as a percentage of firm's total billable hours. Forty-two firms provided this metric in 2021, while 55 provided this metric in 2020.

This reporting year saw a dramatic increase in average pro bono hours per attorney compared to recent years, reaching 129 hours per attorney. Average pro bono hours per attorney have been between 78 and 91 over the past 10 years.

Between 2020 and 2021, firms reported an increase in the total number of attorneys participating in pro bono work 9,354 (up from 9,328) and a six-percentage point decrease in the percentage of attorneys devoting time to pro bono service (75% - down from 81%).

# Key Takeaways

This report found that the pro bono efforts of the 67 Signatory Firms that reported their 2021 results improved on many of their 2020 efforts. The total number of pro bono hours increased to an all-time high of 1,209,151 in 2021. However, the significant decrease in the number of hours firms devoted to serving D.C. residents of limited means is a concern. It is not clear from the data if firms have reduced these activities or changed their data tracking measures. As the community continues to recover from the pandemic and we face an uncertain economy, even more D.C. residents will need help. Firms should consider increasing their efforts to help D.C. residents of limited means and tracking their pro bono activities for individuals in our community.

**In 2021, the average pro bono hours per attorney (129) broke the 2020 record of 91 pro bono hours.**

# Pro Bono Initiative Survey Questions

## Pro Bono Initiative Survey: Calendar Year 2021

This survey is intended to measure the level of pro bono activity of law firms with offices in the District of Columbia. For purposes of this survey, we use the definition of "pro bono work" in the Pro Bono Institute's Law Firm Pro Bono Challenge, Statement of Principles No. 7: http://www.probonoinst.org/wpps/wp-content/uploads/law_firm_challenge_commentary.pdf.

1. Firm Name *

Enter your answer

2. D.C. Street Address *

Enter your answer

3. Address 2

Enter your answer

4. Zip Code *

Enter your answer

5. Phone Number *

Enter your answer

6. Primary Pro Bono Initiative Contact *

Enter your answer

7. Primary Contact Email *

Enter your answer

8. Secondary Pro Bono Initiative Contact

Enter your answer

9. Secondary Contact Email

Enter your answer

## Pro Bono Hours

10. Please state the total hours the attorneys in your firm's D.C. office devoted to pro bono work in 2021. Please do not use commas, percentage signs, or decimals when entering your values. *

Enter your answer

## Pro Bono Metrics

In addition to the number of pro bono hours, please provide one of the following metrics. Enter "N/A" in the question you do not answer.

11. % of total paying client billable hours your firm's D.C. office dedicated to pro bono work (from 0 to 100) in 2021. *

Enter your answer

12. Total client billable hours for your firm's D.C. office, including hours dedicated to pro bono clients, in 2021. *

Enter your answer

13. Of the total number of attorney pro bono hours performed during the reporting period, how many hours were devoted to D.C. residents of limited means or organizations that serve them? *

Enter your answer

14. Does your firm's D.C. office track the number of pro bono hours dedicated to D.C. residents of limited means or organizations that serve them, or is this an estimate? *

- ◯ Tracked
- ◯ Estimated

## Pro Bono Participation

Enter 0 if there are no attorneys in a particular category.

For purposes of Questions 18 and 22, "staff/other attorneys" refers to practicing attorneys who are firm employees but who are not on a partnership track.

15. Number of partners in your firm's D.C. office as of December 31, 2021. *

Enter your answer

16. Number of associates in your firm's D.C. office as of December 31, 2021. *

Enter your answer

17. Number of counsel in your firm's D.C. office as of December 31, 2021. *

Enter your answer

18. Number of staff/other attorneys in your firm's D.C. office as of December 31, 2021. *

Enter your answer

19. Number of partners in your firm's D.C. office who participated in pro bono legal work in 2021. *

Enter your answer

20. Number of associates in your firm's D.C. office who participated in pro bono legal work in 2021. *

Enter your answer

21. Number of counsel in your firm's D.C. office who participated in pro bono legal work in 2021. *

Enter your answer

22. Number of staff/other attorneys in your firm's D.C. office who participated in pro bono legal work in 2021. *

Enter your answer

## Pro Bono Innovation

23. Did your firm develop any innovative pro bono activity or project in D.C. during the 2021 calendar year? (Please check all that apply.)

- [ ] A partnership with corporate in-house department
- [ ] A D.C. office-wide signature project
- [ ] A rotation/fellowship/externship program
- [ ] Other D.C.-based activity or project
- [ ] Other

24. Describe your office's D.C.-based innovative pro bono activity or project.

Enter your answer

D.C. Bar Pro Bono Center
901 4th Street NW
Washington, DC 20001

www.dcbar.org/pro-bono

202-780-2735

dcbarprobonocenter

@DCBarProBono

@dcbarprobonocenter

@DCBarProBono