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## **PRO BONO IN LAW SCHOOLS: TRACKING THE EFFECT OF PRO BONO SERVICE IN AN AUSTRALIAN UNIVERSITY LAW CLINIC**

*Francina Cantatore, Bond University<sup>1</sup>*

### **ABSTRACT**

It has been widely acknowledged that pro bono service in law clinics and university access to justice initiatives have a positive impact on students, especially in relation to increasing their graduate employability skills. However, little empirical evidence exists in respect of the extended benefits of pro bono service during students' studies in relation to the students themselves once they enter the workforce, as well as data on the perceived benefits by recipients of the pro bono services. This article explores the impact of pro bono service by university students in a university law clinic from two perspectives, namely that of the graduates themselves after they enter legal practice; and that of the community members who are clients of the pro bono clinics. In the context of a pilot project dealing with these two issues, the author investigates: first, the incidence of continuing pro bono service once law graduates enter legal practice, and the motivating factors for their ongoing involvement in pro bono (or lack

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thereof), by surveying a group of clinic alumni of a Commercial Law Clinic held at Bond University; and second, the perceived benefits reported by clients of the same law clinic over a period of approximately five years.

## **I INTRODUCTION**

Despite all the reported benefits which university pro bono<sup>2</sup> law clinics provide for law students, such as experiential learning opportunities and a demonstrated increase in employability skills,<sup>3</sup> there is a lack of empirical data in relation to the extended benefits of pro bono service during students' studies in relation to the students themselves, as well as perceived benefits by the recipients of the pro bono service. Whether early career pro bono work encourages students to undertake pro bono service once they enter into legal practice, and their motivations for doing so, remains an unexplored area of legal practice research in Australia. An article by Bartlett and Taylor examined the personal values and private motivations of legal practitioners who engage in the provision of legal services pro bono publico,<sup>4</sup> by analysing the results of a 2014 empirical study of lawyers in Queensland, Australia, who regularly

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<sup>2</sup> In defining 'pro bono' the study applies the definition of "the provision of legal services on a free or significantly reduced basis" (See 'Information on Pro Bono', *Australian Pro Bono Centre* (Web Page) <<https://www.probonocentre.org.au/information-on-pro-bono/>>), which includes pro bono law clinics held on a university campus, where students volunteer under the supervision of qualified legal practitioners in the provision of free legal services to disadvantaged or vulnerable clients. The Bond Law Clinic held at Bond University fits the description of a pro bono law clinic in this context.

<sup>3</sup> See 2018 study by Cantatore, F. 'The Impact of Pro Bono Law Clinics on Employability and Work-Readiness in Law Students' (2018). 25(1) *International Journal of Clinical Legal Education* 147-72.

<sup>4</sup> Bartlett, F. & Taylor, M. 'Pro Bono Lawyering: Personal Motives and Institutionalised Practice.' (2016). *Legal Ethics*, 19(2): 260-280 <<https://doi.org/10.1080/1460728x.2016.1247632>>.

undertook pro bono work. The findings suggested strong moral and professional motivations for engaging in pro bono legal practice, as well as a distinct 'community of practice' of large law firms in forming and sharing sophisticated structures and approaches to addressing social justice needs.<sup>5</sup> In contrast, a 2015 UK study by McKeown found that most law student respondents undertook pro bono service for their personal benefit, valued skills development and their employability more than altruistic benefits of the work.<sup>6</sup> He subsequently acknowledged that,<sup>7</sup> whilst some studies show that there is little or no impact of clinical and pro bono programs on students' desire to continue to provide pro bono services upon graduation, there are other studies that suggest the experience can have a positive impact on students and their willingness to partake in public service work.<sup>8</sup>

There is equally little data available on the perceived benefits of university pro bono clinics by their clients. In Australia, the Australian Pro Bono Centre (APBC) tracks the pro bono hours spent by signatories to an 'aspirational target' of 35 hours per lawyer per year but does not provide any data on the clients serviced. In FY 2018 there were approximately 12,000 signatory lawyers and law firms to the target, who reported undertaking slightly less than 415,000 hours of 'pro bono legal services', down by

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<sup>5</sup> Ibid, (2016) (n.4), pp.260.

<sup>6</sup> McKeown, P. 'Law Student Attitudes towards Pro Bono and Voluntary Work: The Experience at Northumbria University' (2015). *International Journal of Clinical Legal Education* 22(1): vi.

<sup>7</sup> McKeown, P. 'Pro Bono: What's in it for Law Students?' (2017). 24(2) *International Journal of Clinical Legal Education* 43 ('Pro Bono').

<sup>8</sup> Ibid, (2015)., pp.48-9.

5379.6 pro bono hours (1.28%) from FY 2017.<sup>9</sup> The APBC acknowledges in its report that more research on “identifying and developing the necessary framework/s for evaluating pro bono legal work” is needed to “inform and support the Centre’s policy development and advocacy.”<sup>10</sup>

This pilot project firstly tracks the impact of pro bono service by university students in a university law clinic after they enter practice. This is done by examining the experience of a group of alumni of Bond University in relation to their university based pro bono legal experience in a Commercial Law Clinic, and their continuing interest (or lack thereof) in undertaking pro bono work once in practice, by investigating their motivation for involvement once in practice. Secondly, it considers the perceived benefits by members of the community who received assistance from the clinic, over a period of approximately five years. In conclusion, it considers, through the empirical and qualitative data obtained through online surveys, the perceived benefits and effects of pro bono services delivered in the context of a university law clinic.

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<sup>9</sup> Australian Pro Bono Centre (APBC), *Annual Report 2017-2018* (Report, 2018) 17  
<[https://www.probonocentre.org.au/wp-content/uploads/2018/12/APB\\_AnnualReport-2018-FINAL-interactive-1.pdf](https://www.probonocentre.org.au/wp-content/uploads/2018/12/APB_AnnualReport-2018-FINAL-interactive-1.pdf)>.

<sup>10</sup> *Ibid*, (2018), pp.33.

## II THE STUDENT PRO BONO EXPERIENCE IN CONTEXT

### **Pro Bono in Law Schools**

In discussing the student pro bono experience it is important to draw a distinction between the concepts of clinical legal education (CLE) and pro bono,<sup>11</sup> acknowledging that not all university CLE experience is pro bono related, and conversely that not all pro bono experience is conducted within the ambits of CLE. It has previously been noted that although there is some overlap between CLE and pro bono programs, they have generally been regarded as “separate and distinct entities”.<sup>12</sup> The Australian Law Reform Commission (ALRC) has defined pro bono work as “legal services provided in the public interest by lawyers for free or for a substantially reduced fee”.<sup>13</sup> The APBC similarly applies the definition of “the provision of legal services on a free or significantly reduced basis”.<sup>14</sup> However, it has been argued that pro bono initiatives need not exclude a strong learning and teaching focus, and that practical legal skills and ethics, as well as social responsibility, can be taught effectively within a pro bono teaching clinic with a commercial law focus.<sup>15</sup> Moreover, there sometimes exists an

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<sup>11</sup> See McCrimmon, L. ‘Mandating a Culture of Service: Pro Bono in the Law School Curriculum’ (2003). *14(1) Legal Education Review* 53, 54–7.

<sup>12</sup> *Ibid*, (2003).

<sup>13</sup> Australian Law Reform Commission, *Managing Justice: A Review of the Federal Civil Justice System* (Report No 89, 17 February 2000) 304 <<https://www.alrc.gov.au/report-89>>.

<sup>14</sup> APBC, *Australian Pro Bono Centre* (Web Page) <<https://www.probonocentre.org.au/information-on-pro-bono/>>.

<sup>15</sup> Cantatore, F. ‘Boosting Graduate Employability: Using a Pro Bono Teaching Clinic to Facilitate Experiential Learning in Commercial Law Subjects’ (2015). *25(1) Legal Education Review* 147-172 (‘Boosting Graduate Employability’).

overlap in instances where both enrolled students and student volunteers are accommodated as interns.<sup>16</sup> In such cases, enrolled students will generally be required to meet course requirements for academic credit whereas volunteers do not have the same obligations.

It may be argued that, regardless of whether students engage in pro bono work for academic credit or on a volunteer basis, they are generally engaged in real client contact with disadvantaged or marginalised members of the community who qualify for pro bono advice, and thus are engaging in a pro bono initiative. In the context of this article, the pilot study focuses on a university law clinic which applies the accepted APBC definition of pro bono,<sup>17</sup> and facilitates personal contact between students and qualifying small business and non-for-profit clients on a volunteer basis (i.e., not for academic credit).

This approach is in line with the key objectives in promoting pro bono engagement by law students, identified by Corker, namely:

- To develop and nurture a commitment in law students to practice law in a way that promotes justice and fairness for all, particularly the poor and disadvantaged members of society.

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<sup>16</sup> Such as the Flinders Legal Advice Clinic at Flinders University, see <<https://fusa.edu.au/legal-clinic/>>.

<sup>17</sup> APBC, *Australian Pro Bono Centre* (Web Page) <<https://www.probonocentre.org.au/information-on-pro-bono/>>

- To provide legal services that benefit poor and disadvantaged members of society.
- To introduce law students to the workings of the legal profession and to meet, observe and work with practising lawyers involved in public interest work.
- To assist students to develop interpersonal skills in a professional environment.
- To provide students with practical experience in research, writing and advocacy in a legal environment.<sup>18</sup>

There are studies evidencing the increase of practice-based skills in law clinic students, such as the ability to engage with and interview ‘real clients’ and deal with ‘real cases’, thereby developing their self-confidence and professional communication skills.<sup>19</sup> A 2014 UK study showed that pro bono and law clinic work are increasingly becoming part of the legal curriculum in law schools.<sup>20</sup> Similarly, in the US, Canada and Australia there has been a long history of CLE, including pro bono clinics,<sup>21</sup> which have focused on practice-based skills development in students. A recent study by

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<sup>18</sup> Corker, J. ‘How Does Pro Bono Students Australia (PBSA) Fit with Clinical Legal Education in Australia?’ (2005). (*Conference Paper, International Journal of Clinical Legal Education Conference and Australian Clinical Legal Education Conference, 13–15 July 2005*) 7 <<https://probonocentre.org.au/wp-content/uploads/2015/09/HowdoesPBSAfitwithCLEinAustralia.pdf>>.

<sup>19</sup> Cantatore, F., ‘The Impact of Pro Bono Law Clinics on Employability and Work-Readiness in Law Students’ (2018) 25(1) *International Journal of Clinical Legal Education* 147-72., pp.162.

<sup>20</sup> Dignan, F., Grimes, R. & Parker, R. ‘Pro Bono and Clinical Work in Law Schools: Summary and Analysis’ (2017). 4(1) *Asian Journal of Legal Education* 1, 10.

<sup>21</sup> *Ibid*, (2017)., pp.14.



Blandy,<sup>22</sup> carried out at the University of Sheffield School of Law, on employability and pro bono participation by students found that out of the alumni respondents, 86% indicated that the pro bono work had assisted them in securing either a placement, employment or promotion.<sup>23</sup>

The development of 'soft skills' such as emotional intelligence, collaboration and communication, has gained importance in a changing employment landscape as the use of technology redefines the future needs of the workplace.<sup>24</sup> Law clinics provide students with opportunities to foster these attributes.<sup>25</sup>

Another desirable outcome of active participation in pro bono work undertaken in law clinics is that it will cultivate a sense of altruism in law graduates, which would ideally be carried over into their work ethic as lawyers.<sup>26</sup> However, McCrimmon cautions against the expectation that empathy will necessarily follow through into the work environment.<sup>27</sup> Similarly, Babacan and Babacan recognise that undertaking pro bono work can enhance lawyering skills, but caution that it does not necessarily

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<sup>22</sup> Blandy, S. 'Enhancing Employability Through Student Engagement in Pro Bono Projects' (2019). 26(1) *International Journal of Clinical Legal Education* 7.

<sup>23</sup> *Ibid*, (2019), pp.33.

<sup>24</sup> Davey, T. et al (eds.). *Future of Universities Thoughtbook* (2018). pp.67.<<http://futureuniversities.com/>>.

<sup>25</sup> Cantatore, F., 'The Impact of Pro Bono Law Clinics on Employability and Work-Readiness in Law Students' (2018) 25(1) *International Journal of Clinical Legal Education* 147-72., pp.168.

<sup>26</sup> Cantatore, F. 'Boosting Graduate Employability: Using a Pro Bono Teaching Clinic to Facilitate Experiential Learning in Commercial Law Subjects' (2015) 25(1) *Legal Education Review* 147-172., pp.155.

<sup>27</sup> McCrimmon, L. 'Mandating a Culture of Service: Pro Bono in the Law School Curriculum' (2003) 14(1) *Legal Education Review* 53, pp.68.

translate into a long-term commitment to providing pro bono services after graduating.<sup>28</sup> They attribute this to the fact that there are generally little or no mechanisms after doing pro bono work during law school to reflect on the experience, nor is it effectively integrated into law school, in the same way as CLE is integrated.<sup>29</sup> Significantly, only one out of five Birmingham student publications,<sup>30</sup> reflecting on participation in the Birmingham Law School Pro Bono Group, cited involvement in “access to justice” and “social justice” as the most compelling rewards of her pro bono experience. The other four students perceived other benefits, which included “the guidance of experienced solicitors”, “building emotional intelligence”, “being exposed to clients from different walks of life” and employability as the most rewarding aspects of their pro bono service.<sup>31</sup> In contrast, an Australian study by Taylor and Cappa highlights social justice considerations in pro bono,<sup>32</sup> and argues that pro bono work by law students is a form of service learning as it places them in

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<sup>28</sup> Babacan, A. & Babacan, H., ‘Enhancing Civic Consciousness Through Student Pro Bono in Legal Education’ (2017). 22(6) *Teaching in Higher Education* 672, pp.688-9.

<sup>29</sup> Ibid, (2017)., pp.688-9.

<sup>30</sup> See Johnson, B. ‘Five Benefits I Got from Doing Pro Bono’ (2016). (Working Paper Series 04/2016, Centre for Professional Legal Education and Research, November 2015)

<epapers.bham.ac.uk/2171/1/cepler\_working\_paper\_4\_2016.pdf>; and Ballagun, G., et al., ‘Reflections on Participation in the Birmingham Law School Pro Bono Group’ (2017). (Working Paper Series 04/2017, Centre for Professional Legal Education and Research) <epapers.bham.ac.uk/3068/1/cepler\_working\_paper\_4\_2017.pdf>.

<sup>31</sup> Ibid, (2017).

<sup>32</sup> Taylor, M. & Cappa, C. ‘Student Pro Bono and Its Role in Contemporary Australian Law Schools’ (2016). 41(2) *Alternative Law Journal* 121.

relationships of service to their communities, which increases a sense of social responsibility.<sup>33</sup>

As previously noted,<sup>34</sup> the Information Paper of the Australian National Pro Bono Resource Centre found that, in 2004, pro bono or other volunteering activities for students “were organised or facilitated either through the law school faculty or law student society/association” in 16 of the 29 law schools surveyed (i.e. 55%).<sup>35</sup> There has been little organised research into the types of activities in which these students engage; however, it is apparent that pro bono activities usually involve free legal advice on a number of topics to individuals who cannot afford legal assistance, or pro bono activities where students work on projects for community organisations.<sup>36</sup> It is not inconceivable that a greater emphasis on student pro bono engagement will foster a culture of social responsibility in law graduates,<sup>37</sup> and it has been asserted that “voluntary pro bono service during students’ law degrees undeniably, at the very

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<sup>33</sup> Ibid, (2016), pp.122.

<sup>34</sup> Cantatore, F. ‘Boosting Graduate Employability: Using a Pro Bono Teaching Clinic to Facilitate Experiential Learning in Commercial Law Subjects’ (2015) 25(1) *Legal Education Review* 147-172pp.156.

<sup>35</sup> National Pro Bono Resource Centre, *Pro Bono and Clinical Legal Education Programs in Australian Law Schools* (2004). (Information Paper, August 2004), pp.8.

<[http://www.nationalprobono.org.au/publications/documents/PUBLISHEDVERSION\\_000.doc](http://www.nationalprobono.org.au/publications/documents/PUBLISHEDVERSION_000.doc)>. The study also found that “[c]linical legal education programs are available at 23 of the 28 law schools (82%)”.

<sup>36</sup> See e.g., National Pro Bono Resource Centre <<https://www.probonocentre.org.au/provide-probono/law-student/university/>>.

<sup>37</sup> Rosas, C. ‘Mandatory Pro Bono Publico for Law Students: The Right Place to Start’ (2002). 30(3) *Hofstra Law Review* 1069, pp.1078.

least, acquaints and familiarises them with the concept of community service, and with the benefits resulting from such experience".<sup>38</sup>

Overall, for law students, the benefits of pro bono work may include a sense of personal satisfaction, practice-based learning opportunities and sense of achievement through real client contact, an opportunity to improve their employability skills in general, benefit from mentoring by experienced practitioners and build valuable networks.<sup>39</sup>

Furthermore, whether there is a continued motivation to engage in pro bono service once they enter practice, is an under-researched area of the law. Bartlett and Taylor acknowledge that despite "the voluminous empirical work conducted in the US to date, there has been little empirical research either in Australia or elsewhere into the personal values and private motivations of legal practitioners who engage in the provision of [pro bono legal services]".<sup>40</sup> In Bartlett and Taylor's article, they record the findings of an empirical study conducted by the University of Queensland Pro Bono Centre with a group of 55 legal practitioners and reported largely internal or intrinsic motivations for undertaking pro bono lawyering.<sup>41</sup> 'Access to justice' was

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<sup>38</sup> Cantatore, F. 'Boosting Graduate Employability: Using a Pro Bono Teaching Clinic to Facilitate Experiential Learning in Commercial Law Subjects' (2015) 25(1) *Legal Education Review* 147-172pp.158.

<sup>39</sup> Cantatore, F. 'The Impact of Pro Bono Law Clinics on Employability and Work-Readiness in Law Students' (2018) 25(1) *International Journal of Clinical Legal Education* 147-72. pp.158.

<sup>40</sup> Bartlett, F. & Taylor, M., Pro Bono Lawyering: Personal Motives and Institutionalised Practice' (2016) 19(2) *Legal Ethics* 260-280, pp.260-1.

<sup>41</sup> *Ibid*, pp.269.

identified as a recurring theme for many respondents and was a strong professional driver to undertake pro bono work.<sup>42</sup> Other personal and moral beliefs included a sense that it was 'the right thing to do' and empathetic reasons.<sup>43</sup> They also interrogated the motivations for the participants' pro bono work against the backdrop of the type of law firm they were associated with and context of their pro bono service. However, the present article will focus on the relationship between practitioners' past attitudes to pro bono whilst at university, their current motivations for undertaking pro bono service, and consider the connection between the two experiences. In addition, the article will consider the feedback from clinic clients in relation to their clinic experience.

### **Pro Bono Service in Australia**

In the USA, some universities mandate a certain number of pro bono hours for law students as a prerequisite to graduation,<sup>44</sup> and some States have imposed compulsory pro bono requirements for law graduates. For example, the New York State Bar

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<sup>42</sup> Bartlett, F. & Taylor, M., Pro Bono Lawyering: Personal Motives and Institutionalised Practice' (2016) 19(2) *Legal Ethics* 260-280, pp.270.

<sup>43</sup> Ibid, (2016), pp.271-2.

<sup>44</sup> See 'Pro Bono Publico', *American Bar Association* (Web Page, 26 July 2018)

<<http://www.americanbar.org>

/groups/legal education/resources/pro\_bono.html>. Generally, work undertaken as part of a clinical subject may count towards the US pro bono requirement. See e.g., 'New York State Bar Pro Bono Requirement (Web Page, 2019)

<[http://www.law.nyu.edu/sites/default/files/upload\\_documents/NewProBonoInfo.pdf](http://www.law.nyu.edu/sites/default/files/upload_documents/NewProBonoInfo.pdf)>, which explains that pro bono work in law clinics may be counted at NYU.

requires that law graduates complete at least 50 hours of voluntary legal work before being admitted to the legal profession.<sup>45</sup> In the USA, at least 39 law schools require students to engage in pro bono or public service as a condition of graduation.<sup>46</sup> The Association of American Law Schools has stated that “the most important single function of pro bono projects is to open students’ eyes to the ethical responsibility of lawyers to contribute their services.”<sup>47</sup>

In contrast, in Australia there is currently no requirement for law graduates to complete pro bono work as a requirement for admission, although some have suggested that it should be the case.<sup>48</sup> Detailed arguments have been made for and

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<sup>45</sup> See the ‘Mandatory 50-Hour Pro Bono Requirement’, *New York State Board of Law Examiners*, (Web Page) <<http://www.nybarexam.org/MPB.html>>, which explains that since 1 January 2015 candidates seeking admission to the New York Bar have to provide evidence showing that they have completed 50 hours of qualifying pro bono work, as required by Rule 520.16 of the Rules of the Court of Appeals. The approaches differ from State to State, see e.g., Florida International University, *Pro Bono Brochure* (August 2014) <[https://law.fiu.edu/wp-content/uploads/sites/21/2014/09/2014-2015ProBono\\_BrochurerevisedAug2014.pdf](https://law.fiu.edu/wp-content/uploads/sites/21/2014/09/2014-2015ProBono_BrochurerevisedAug2014.pdf)>, which states that law students in Florida are required to complete 30 pro bono hours.

<sup>46</sup> See American Bar Association (2018); See also, ‘Pro Bono Graduation Requirement’, *Harvard Law School* (Web Page, 2019) <<http://law.harvard.edu/academics/clinical/pro-bono/index.html>>, which states that Harvard Law School Juris Doctor students are required to complete 50 hours of pro bono work (which may include clinical subjects) before graduating.

<sup>47</sup> McCrimmon, L. ‘Mandating a Culture of Service: Pro Bono in the Law School Curriculum’ (2003) 14(1) *Legal Education Review* 53, 54–7, pp.58, citing Association of American Law Schools Commission on Pro Bono And Public Service Opportunities, *Learning to Serve: A Summary of the Findings and Recommendations of the AALS Commission on Pro Bono and Public Service Opportunities* (Report, 1999) <<http://www.aals.org/probono/report.html>>.

<sup>48</sup> See Corker, J. ‘Pro Bono Partnerships: The State of Pro Bono Service Delivery in Australia’ (Speech, National Pro Bono Resource Centre, 13 May 2013), pp.8 <<https://probonocentre.org.au/wp-content/uploads/2013/06/Pro-Bono-Partnerships-The-State-of-Pro-Bono-Service-Delivery-in-Australia-Brisbane-May-2013.pdf>>.

against imposing mandatory pro bono requirements in law schools.<sup>49</sup> As noted above, there is a lack of evidence-based research of the value and effects of pro bono services which needs to be addressed in order to ascertain the sustainability and ultimate value of pro bono service to the legal profession and the community. In order to justify a mandatory pro bono requirement in Australian law schools, further research would be required to establish the projected value and impact of such pro bono services, the cost of pro bono initiatives to government, students and law schools, and the underlying concerns of equity and diverse student cohorts.<sup>50</sup>

Corker and Legg have cautioned against the imposition of mandatory pro bono requirements in law schools, stating that “[t]o make it compulsory for an aspiring lawyer may dilute the honourable aspect of the pro bono ethos. Pro bono may become more about counting hours and minimum compliance than a genuine commitment to helping others in need”.<sup>51</sup>

However, Corker acknowledged the views of the Commonwealth Attorney-General in 2013, when he supported the US pro bono position by stating that:

...innovations such as compulsory pro bono requirements for students to be admitted as lawyers would enhance the sense of social justice in aspiring

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<sup>49</sup> McCrimmon, L. ‘Mandating a Culture of Service: Pro Bono in the Law School Curriculum’ (2003) 14(1) *Legal Education Review* 53, 54–7, pp.61.

<sup>50</sup> Cantatore, F. , ‘Boosting Graduate Employability: Using a Pro Bono Teaching Clinic to Facilitate Experiential Learning in Commercial Law Subjects’ (2015) 25(1) *Legal Education Review* 147-172, pp.157.

<sup>51</sup> Corker, J.& Legg, M. ‘Take Care in Pushing Student Pro Bono’, *UNSW Newsroom* (online, 26 April 2013) <<http://newsroom.unsw.edu.au/news/law/take-care-pushing-student-pro-bono>>.

lawyers in universities around Australia, and help foster a pro bono culture, whilst also providing very valuable and practical legal experience.<sup>52</sup>

Thus, although there is a general perception that pro bono services are desirable, even necessary, to address access to justice issues in the community, it is conceded that the imposition of mandatory pro bono service in Australia would require much deeper and sustained investigation. In this context, this pilot projects provides insights into the perceived value of pro bono service by practitioners and recipients of these services.

### **III THE PRO BONO IN LAW SCHOOLS PILOT PROJECT**

#### **Overview**

To provide insight into the perceived benefits of pro bono service by providers (the 'Law Alumni') and recipients (the 'Clinic Clients') of these services, this article focuses on a pilot study of data obtained from two discrete surveys undertaken at the Bond Law Clinic at Bond University.<sup>53</sup> The findings are based on the results of: firstly, a survey conducted with law alumni who had previously engaged in university pro bono activities during their studies (The Law Alumni Survey); and secondly, clinic client surveys conducted over a period of approximately five years (The Clinic Client

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<sup>52</sup> See Corker 'Pro Bono Partnerships: The State of Pro Bono Service Delivery in Australia' (Speech, National Pro Bono Resource Centre, 13 May 2013),pp.8, quoting The Honourable M Dreyfus QC.

<sup>53</sup> A pro bono clinics program conducted at Bond University since 2013, which is run on a strictly volunteering basis (i.e., not for academic credit).



Surveys).<sup>54</sup> The purpose of the research has been to record and gain insight into the perceptions and motivations of participants in pro bono initiatives after they have graduated, and the views and experiences of the recipients of pro bono services, respectively. From the available data, recurring themes and findings will be sought and extracted in relation to participants' observations.

The two surveys and corresponding findings are discussed in turn below.

## **THE LAW ALUMNI SURVEY**

### **Methodology and Participants**

The survey involved the collection of both quantitative and qualitative data through a Qualtrics<sup>55</sup> survey instrument.<sup>56</sup> A group of Law Alumni were surveyed over the course of one semester in 2019 through the Alumni and Development Office by way of an email, inviting recipients to participate in an anonymous survey relating to their past Pro Bono service experience during their law degree. Recipients of the survey were all Law Alumni who had participated in the Bond Law Clinic program. Twenty-two responses were received in response to 107 emails sent, a response rate of slightly in excess of 20%. Although not a statistically significant sample, the qualitative and

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<sup>54</sup> Specifically, from January 2014 to April 2019.

<sup>55</sup> An online survey platform utilised by a number of Australian universities <<https://www.qualtrics.com/about/>>.

<sup>56</sup> See Appendix A: The Law Alumni Survey.

quantitative data recorded provided valuable insight into the motivations and experiences of the Law Alumni respondents.

The Law Alumni Survey is attached marked '**Appendix A**'. The anonymous survey consisted of seventeen questions,<sup>57</sup> in both multiple choice and open-ended form. It firstly sought to establish the current job description of participants and whether they were presently undertaking pro bono work, as well as their motivation/s for doing so (or alternatively, the reasons for their failure to engage in pro bono work). Additionally, it investigated the time spent on pro bono work, the type of pro bono work involved (e.g., Commercial Law, Criminal law, Family Law), and which aspects of pro bono work they enjoyed. The survey then proceeded to question which type of pro bono work participants had engaged in during their law degree, and whether they had gained any benefits from their pro bono experience. It went on to investigate what they perceived to be the most satisfying aspects of their pro bono service and whether they would recommend pro bono service to law students. Finally, the survey questioned whether pro bono service during their law degree had had any effect on their present attitudes towards pro bono work, whether they were in favour of lawyers undertaking pro bono work and why. None of the survey questions were peremptory and participants could skip questions if they chose to do so, or withdraw from the survey at any time. Despite these available options, most of the participants

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<sup>57</sup> See Appendix A: The Law Alumni Survey.

completed all questions asked, and none withdrew their responses during or after the survey.

## **General findings**

### **The Participants (the Law Alumni')**

Respondents provided a number of different responses to the first question: 'What is your current job description?' A summary of the representation of Law Alumni in the survey is set out in Table 1 below.

**Table 1**

What is your current job description?	Number of Responses
Lawyer	10
Law Graduate/Legal Profession (not admitted)	5
Government	2
Student	1
Migration Agent	1
Other (Self-employed; Business Analyst; Customer Service)	3
<b>Total</b>	<b>22</b>

It is apparent that over 68% of respondents identified as working in the legal profession, which would have impacted the total respondents' ability (and

opportunities) to engage in pro bono work in their chosen profession. The focus of the survey was on Law Alumni who had previously engaged in university pro bono activities, and it would have been expected that many may not have entered legal practice; however, it can be observed that there may be opportunities for pro bono service within other professions such as that of the “migration agent”.<sup>58</sup>

More than 77% of respondents had been employed in their positions for less than three years, although 41% had been in their current job for more than a year, while 14% had been working for less than 6 months. Only 19% of the Law Alumni respondents had been in their positions for more than three years.

### **Participants’ current pro bono work**

Approximately 60% of respondents claimed to be undertaking pro bono work in their present position, mostly on behalf of their firm. When questioned whether they were personally motivated to engage in pro bono service, or whether they did so to meet their firm’s expectations, unsurprisingly more than half of the respondents (approximately 55%) stated that both factors influenced them to undertake pro bono work. Approximately 30% said they did pro bono work because they were personally

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<sup>58</sup> For example, in the Immigration Law Clinic at Bond University, legal practitioners as well as registered migration agents are engaged in pro bono activities such as advising persons on refugee visas or other disadvantaged members of the community with immigration related issues.

motivated, while only 15% stated that they engaged in these activities “because (their) firm expects (them) to”.<sup>59</sup>

Most respondents reported that they spent between 25 – 100 hours per annum on pro bono service. Only 15% spent more than 100 hours, and the same amount spent less than 25 hours on pro bono work. When questioned on the area of law in which they undertook pro bono work, the Law Alumni represented diverse practice areas. More than half of respondents in this group noted ‘Commercial Law’, while 20% respectively cited ‘Family Law’ and ‘Humanitarian Law’. One respondent was engaged in ‘Criminal Law’ and another in ‘Employment Law’.

When questioned about what they enjoyed most about their pro bono work, providing access to justice appeared to be a main motivator, with “access to justice” or “helping others” accounting for nearly 62% of participants’ gratification. Other satisfying aspects mentioned were “having full responsibility”, “interesting work”, “working with a charity” and “keeping legal skills active”.

The survey also questioned the approximately 40% of respondents who did not engage in pro bono work about their reasons for not participating. More than 65% of this group stated that they were not in the legal profession or did not have any opportunities for engaging in pro bono work. The remainder of respondents cited “no time” or a failure to seek out opportunities for pro bono work.

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<sup>59</sup> See Appendix A: Law Alumni Survey, Question 5.

### **Participants' University pro bono experience**

As noted, all Law Alumni had previously participated in the Bond Law Clinic. Nearly 70% had undertaken commercial law work, while 18% had volunteered at a community legal centre, and the remainder had volunteered at Youth Advocacy Centre and Indigenous Affairs. All participants reported positive benefits from their pro bono experience at university. Many respondents identified multiple benefits, but all of the positive respondents acknowledged the practical experience that their involvement provided in either dealing with clients or enhancing their legal skills, or both. A better understanding of access to justice issues (12%) as well as networking opportunities with lawyers (nearly 42%) were also acknowledged as positive benefits.

When asked about 'the most satisfying aspect of pro bono activities at university', by far the most cited reward was "helping people" – which nearly 77% of respondents reported. Approximately 12% regarded the practical experience as the most satisfying aspect, while two respondents cited "a sense of achievement" and "building confidence" as the most rewarding aspect of their pro bono involvement.

More than 88% of respondents who engaged in university pro bono activities said they would recommend participation in pro bono activities to law students. Cautions expressed by participants included: the need to gain other work experience; not providing an opinion on the spot if uncertain; fully committing to reap the benefits; and ensuring the clinic is properly organised. Approximately 50% of these respondents acknowledged that university pro bono experienced made them aware

of access to justice issues; however, the remainder reported that the experience had no impact on their attitude towards pro bono, mostly because they already had an understanding of the importance or value of pro bono service.

In response to the final survey question, approximately 78% of respondents were in favour of lawyers undertaking pro bono work. The most important reason mentioned was assisting with access to justice (55%), while some respondents cited the opportunities for learning (23%) and keeping lawyers “grounded” (18%) as relevant considerations.

### **Discussion of findings**

Although only 60% of respondents claimed to be involved in pro bono work, it should be observed that of the remaining 40%, most of them were either not working in the legal profession or did not have any opportunities for engaging in pro bono work. In real terms, only 2 of the respondents actively declined to do pro bono work.

From a motivational perspective, it is noteworthy that approximately 85% of respondents cited personal motivation as their reason for engaging in pro bono work, either being entirely self-motivated (30%), or being self-motivated as well as complying with their firm’s pro bono practices (55%). Only 15% did not participate of their own volition.

In parallel with their current motivations as practitioners, it is significant that nearly 77% of alumni respondents reported altruistic motives such as “helping people” as their prime reason for previously undertaking pro bono at university. While there were other considerations such as “the practical experience” and “a sense of achievement”, these were not regarded as chief considerations.

These pervasive sentiments were also reflected in the final question, which saw approximately 78% of respondents being in favour of lawyers undertaking pro bono work. Unsurprisingly, the most important reason mentioned for this viewpoint was assisting with access to justice (55%), which resonated with their reported altruistic motives.

Whilst the study was admittedly limited in its reach as only 20% of the contacted alumni responded, it is evident that most respondents exhibited an overwhelmingly positive approach towards ongoing pro bono service and a tendency to be self-motivated in engaging in these activities.

The results of this pilot study are in direct contrast to a 2015 study undertaken by McKeown’s in the UK, which recorded data from 44 student survey responses.<sup>60</sup> In that study, only 26% of respondents who provided a reason for undertaking voluntary work, reported that it was not for personal benefit (e.g., “giving something back”). The data showed that respondents would generally have a desire to attain some

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<sup>60</sup> McKeown, P. Law Student Attitudes towards Pro Bono and Voluntary Work: The Experience at Northumbria University’ (2015) 22(1) *International Journal of Clinical Legal Education* 1, pp.23.



personal gain for their altruistic actions.<sup>61</sup> However, the data did indicate that while undertaking pro bono work did not necessarily influence their commitment to social justice, it did increase their awareness of social or economic issues.<sup>62</sup> McKeown further observed that "...the empirical evidence to date suggests that pro bono and clinical legal education does not instil a sense of public service or altruism within law students..."<sup>63</sup>

In another UK initiative, law students at Northumbria University were invited to enter an essay competition entitled "Pro Bono: What's in it for Law Students?"<sup>64</sup> The essays indicated that students generally understood that pro bono was an important aspect of the legal profession and involved working for the benefit of vulnerable and indigent clients. The broad categories of reasons provided by students as reasons for undertaking pro bono included public service, skills, employability, networking, experience and satisfaction.<sup>65</sup>

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<sup>61</sup> *Ibid*, (2015).

<sup>62</sup> *Ibid*, (2015), pp.28.

<sup>63</sup> *Ibid*, (2015), pp.18-9.

<sup>64</sup> McKeown, P. 'Pro Bono: What's in it for Law Students? Student's Perspective (2017) 24(2) *International Journal of Clinical Legal Education* 43, pp.56-7.

<sup>65</sup> McKeown, P. 'Pro Bono: What's in it for Law Students? Student's Perspective (2017) 24(2) *International Journal of Clinical Legal Education* 43

## THE CLIENT SURVEYS

### Methodology and Participants

The Clinic Client survey involved the collection of both quantitative and qualitative data through a Survey Monkey<sup>66</sup> survey instrument.<sup>67</sup> Clients of the Bond Commercial Law Clinic were surveyed over the course of approximately five years by way of a post-service email from the clinic, inviting recipients to participate in an anonymous survey relating to their overall experience with the clinic. One hundred and twenty-nine (129) responses were received in response to approximately 450 emails sent, a response rate of slightly in excess of 28%. The qualitative and quantitative data recorded from the client feedback provided insight into the experience of, and perceived benefits received by the Clinic Clients.

The Client Survey is attached marked '**Appendix B**'. In summary, the short anonymous survey consisted of seven questions, in both multiple choice and open-ended form. It firstly sought to establish whether clients were an owner of a small business, someone who was thinking about starting a small business, or a person involved with a not-for-profit organisation. It went on to record where they had heard about the clinic's services and the type of matter they had sought advice on during their appointment.

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<sup>66</sup> An online survey platform: See <<https://www.surveymonkey.com/mp/australia/>>.

<sup>67</sup> See Appendix B: Clinic Client Survey.

The remaining four questions dealt with the quality of their experience with the clinic, whether they would recommend its services to business associates and friends, and finally, they were able to provide comments and a brief testimonial of their experience, should they choose to do so.

## **General findings**

### **The Participants and Matter Types**

More than 80% of the respondents were the owners of small businesses, nearly 11% were thinking of starting a business and approximately 8.5% were involved with not-for-profit organisations. Table 2 (below) sets out the representative numbers of participants.

**Table 2**

You are?	Number of Responses
The owner of a small business	104
Thinking of starting a business/entrepreneur	14
Involved in a not-for-profit organisation	11
<b>Total</b>	<b>129</b>

In the comment section it transpired, however, that a few of those identifying as “owner of a small business” were in fact either partners in a small business or had previously owned a small business. No distinction was made between these participants. Also, one ‘not-for-profit’ respondent indicated that they were thinking about starting a not-for-profit organisation – again no distinction was made here.

In respect of the types of matters on which clients consulted the clinic, a list of legal matter types was provided in Question 3 of the Clinic Client Survey,<sup>68</sup> and participants were asked to tick the relevant boxes that applied. Several respondents ticked more than one box. By far the most common type of advice sought related to ‘Disputes’, which over 30% of respondents indicated as their matter type. Another frequent problem which arose were contractual matters – over 23% of participants reported ‘Contracts’ as their type of matter.

Other relatively frequently recurring issues involved advice or assistance with: “Business structures” (nearly 18%); “Debt recovery” (nearly 17%), and “Intellectual Property, e.g., Trademarks and Copyright” matters (slightly over 15%). “Risk management and insurance” accounted for just under 10% of enquiries, and “Consumer protection and Competition regulation” and “Leasing” each were approximately 8% of enquiries. The remaining issues – “Franchising”, “Licensing”

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<sup>68</sup> See Appendix B: Clinic Client Survey.

and “Human resources management and Industrial relations” —occurred infrequently, accounting for only around 5% of enquiries collectively.

### **The Client Experience**

The main focus of the Clinic Client Survey was to record clients’ impressions and feedback on the clinic and the advice provided, as well as their level of satisfaction with the service provided. Questions 4, 5, 6 and 7 of the survey accordingly dealt with aspects of the clients’ experience of clinic services, including: the quality of the advice received; practicality of the advice received; professionalism of the clinic administrator; professionalism of the Bond Law Clinic reception staff; professionalism of the lawyer who advised them; and professionalism of the students who assisted the lawyer.

In respect of Question 5: ‘Overall, how would rate the quality of your experience at the Bond Law Clinic?’, the response was overwhelmingly positive. 70% of respondents reported their experience to be “Excellent”, 17% indicated that it was “Very good”, and 4% ticked “Acceptable”. Only 2% of respondents indicated that they would rate their experience as “Poor”.

Unsurprisingly, in view of the positive responses above, 124 (97%) of the 129 respondents stated in Question 6 that they would recommend the clinic to business associates and friends, with only 3% asserting the contrary.

A significant number of respondents (76 of the 129) took the opportunity to comment and to provide testimonials in response to the last survey question, Question 7. By far the most frequently mentioned perceptions of their clinic experience were (in order of incidence): They reported being “appreciative” or “appreciated” the service (30 comments); they saw the clinic staff and volunteers as “helpful” or “friendly” (22 comments); they thought the advice provided was “good” or “relevant” (21 comments); and they perceived the clinic and volunteers as “professional” (20 comments).

Other comments which were repeated by a number of respondents related to: their satisfaction and the excellent quality of the service (14 comments) and their intention to recommend clinic services to others (13 comments). Other adjectives used to describe their clinic experience were: “fantastic”, “beyond expectations” and one respondent referred to volunteer lawyers as “easy to talk to”.

There were only three negative comments by clients, which related to: the lack of follow-up representation, as the clinic does not represent clients but only provides legal advice (one comment); and the lack of time available for consultation, as appointments in the clinic typically last thirty to thirty-five minutes each (two comments).

Some responses were very detailed and dealt with the positive resolutions or outcomes provided by the clinic; for example, one client commented:

As a not for profit and recently incorporated community service organisation we needed guidance in establishing a constitution. We realised we required the assistance of a legal adviser but could not afford to pay for the advice but knew of the University's commitment to the community. From my first contact to the interview with the leader and student I could not have felt more confident that I would be looked after. How I was looked after was well beyond my expectations. Professional, courteous and prompt are the words that come to mind in describing the outcome of my visit.<sup>69</sup>

A number of respondents mentioned the high cost of legal advice, and one client expressed their appreciation as follows:

It was good to chat to professionals about my query and be satisfied that I was on the right path instead of being bullied by a wealthier outside company with its demands. To be offered reassurance from a professional team at no cost was really appreciated, as when in small business, some of these incidences that are sent to challenge us, really blow the budget - and we don't have the budget to spend on legal advice. I would highly recommend any other business friends to seek advice from the Bond Law Clinic if they needed assistance, and also I am happy to see that a lot of law mentors offer their

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<sup>69</sup> Response to Clinic Client Survey, Appendix B (2018).

valuable time to assist graduates and sit in on the meetings to offer their professional advice.<sup>70</sup>

Another client stated, with regards to the cost of legal advice:

I run a small business, with costs left right and centre. Until you grow it's hard to afford legal advice and sometimes feel like giving up. This service is incredible as far as I'm concerned, and finally launched the product in question with the help of The Clinic. I was happy with the service, but more importantly felt confident with the advice.<sup>71</sup>

Some clients commented on the need for access to justice, for example:

This is an excellent community service initiative by the Law Faculty, Bond University. Legal advice is generally considered very costly and some needy people might miss out on getting justice. This service is particularly helpful for such people. In my free 30-minute session, none of the staff had rushed me and listened to my requirements with great patience. The end result (as a final draft of the terms & conditions) that they delivered has filled all the gaps after just 1 consultation! :) Thank you all who are involved in this initiative!<sup>72</sup>

Several clients were appreciative of the follow-up advice, as in this case:

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<sup>70</sup> Response to Clinic Client Survey, Appendix B (2018).

<sup>71</sup> Response to Clinic Client Survey, Appendix B (2018).

<sup>72</sup> Response to Clinic Client Survey, Appendix B (2018).



While the in-clinic experience was excellent, it is the follow up email with links, documents and other helpful tips that really was above and beyond. The Bond Law Clinic offered us more for free than we now get from paid legal services. Cannot recommend them highly enough. Thank you.<sup>73</sup>

None of the respondents expressed any concerns or dissatisfaction about the presence of students in the interviews; to the contrary, at least seven respondents commented positively on the value of the clinic experience for students and the attitudes of the volunteer students involved.

### **Discussion of findings**

Client feedback on the clinic experience was overwhelmingly positive, with 87% of Clinic Clients perceiving the quality of their clinic experience to be either “excellent” or “very good”. Unsurprisingly, given the positive responses, nearly all (97%) of the respondents said they would recommend the clinic to business associates and friends. Whilst the reported positive outcomes by clients can be regarded as anecdotal rather than of any statistical relevance, they provide valuable insight into the client experience and perceived benefits of the pro bono clinic.

Significantly, most clients expressed appreciation and gratitude for the services provided, with only three negative comments overall. One of these comments noted

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<sup>73</sup> Response to Clinic Client Survey, Appendix B (2018).

the lack of follow-up representation – however, this could be due to the structure of the clinic, which provides for legal consultations rather than ongoing legal representation. Considering that all lawyers volunteer in the clinic after a full day at work, it could be argued that the clinic services are appropriately limited to a manageable scope. Furthermore, many other clients reported their gratitude for the additional benefit of receiving follow-up written advice after their appointments.

It may be observed that the clinic differs from similar CLE models which are for academic credit where there may be a full-time solicitor providing advice or client representation. The comments exhibited an understanding by clients of the alternate purpose of the clinic, which was to provide students with a learning experience. Comments such as “Win! Win!” and “this must be a great education benefit to the law students, having mentors with real experience” were used to describe the perceived benefits to students.<sup>74</sup>

#### **IV CONCLUSION**

This article investigated two aspects of a pro bono clinic, namely, the factors surrounding continuing pro bono service once a group of law graduates entered legal practice, and the perceived benefits reported by clients of the same law clinic over a period of approximately five years. Although this pilot project provided some

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<sup>74</sup> Responses to Clinic Client Survey, Appendix B (2018).

valuable insights in relation to these issues, a comprehensive national survey of pro bono initiatives would be required to provide persuasive data on the topics examined here.

The survey findings in respect of the Law Alumni support the contention that most of the participants surveyed appeared to be self-motivated and committed to the cause of providing access to justice, an attitude that had presumably carried over from their student days. This was evident from most participants' comments that 'helping people' had been the most satisfying aspect of their student pro bono experience. Thus, altruistic motives featured significantly in the surveyed group, both in their student experience as well as their current pro bono service.

The findings in relation to practitioners' current motivations resonate with the 2016 survey findings of Bartlett and Taylor, which identified "access to justice" as a major motivator in the provision of pro bono service by respondents, and their finding that motivations for undertaking pro bono lawyering were largely internal or intrinsic.<sup>75</sup>

These findings diverge from the perceptions of the UK survey participants discussed by McKeown, where only 26% of respondents reported that their volunteering was not for personal benefits.<sup>76</sup> He pointed out that extrinsic motivations had been criticised within education because it was less likely that students would partake in

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<sup>75</sup> Bartlett, F. & Taylor, M. 'Pro Bono Lawyering: Personal Motives and Institutionalised Practice' (2016) 19(2) *Legal Ethics* 260-280, pp.269.

<sup>76</sup> McKeown, P. 'Law Student Attitudes towards Pro Bono and Voluntary Work: The Experience at Northumbria University' (2015) 22(1) *International Journal of Clinical Legal Education* 1, pp.27.

something without a reward. He pointed out, however, that studies also showed that students' attitudes could be affected by their pro bono experience, even if originally done for extrinsic factors, because it opened their eyes to the situation of real-life people.<sup>77</sup>

Due to the lack of comprehensive data on these issues in both the UK and Australia it would be unwise to generalise and make sweeping statements unsupported by empirical evidence; however, both of the Australian surveys discussed above point to a tendency by Australian practitioners involved in pro bono service to be personally or intrinsically motivated to do so. Additionally, "access to justice" or "helping people" can be identified as the strongest motivating factor emerging in both of the research findings.

In respect of the Clinic Client surveys undertaken, it was evident that the responses were almost entirely and persuasively positive, with negligible complaints. This pointed towards a deep appreciation by members of the community — in this case small business owners and people associated with not-for-profit organisations — for the free legal services provided to them. Admittedly, it may be difficult to measure the outcomes of pro bono services in general, due to their diversity and range of objectives, and whether or not clients had achieved a successful resolution of their matters. However, factors such as the effective delivery of access to justice and client

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<sup>77</sup> McKeown, 'Pro Bono: What's in it for Law Students? Student's Perspective (2017) 24(2) *International Journal of Clinical Legal Education* 43, pp.77-8.

satisfaction, are arguably convincing barometers by which to measure the success of a clinic, and a compelling endorsement for the ongoing provision of pro bono services.