

*Solo and Small Firm Practitioners: Small Shops, Big Contributions*

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**Brief Description:**

Solo practitioners and small firms make up the vast majority of the practice community. Learn about the challenges to pro bono participation that these firms face and strategies for addressing those challenges.

**Topical Outline:**

- I. Introduction
  - a. Vast majority of attorneys in America practice as solos or in firms of 50 or fewer.
    - i. According to ABA membership data, 83% of attorneys practice in such settings.
  - b. *Supporting Justice: A Report on the Pro Bono Work of America's Lawyers*
    - i. Report discusses findings of the ABA Pro Bono Committee's pro bono data collection study.
    - ii. Key Findings Reported by All Surveyed Attorneys:
      1. 66% of lawyers provided pro bono legal services to people of limited means and organizations serving the poor
      2. Lawyers volunteered an average of 39 hours of pro bono legal services to people of limited means and organizations serving the poor during a given year.
      3. Lawyers volunteered an additional 38 hours of free pro bono service to individuals or groups seeking to secure or protect civil rights, to community organizations and other non-profits and toward efforts to improve the legal system.
      4. Primary motivating factors for doing pro bono:
        - a. Combined sense of professional duty and personal satisfaction derived from the work
        - b. Recognition of the needs of the poor and responding to specific requests for assistance
      5. Primary discouraging factors from doing pro bono or doing more pro bono:
        - a. Lack of time
        - b. Billable hour expectations
        - c. Lack of specific expertise or skills in the required practice area

iii. Findings Unique to Private Practice - Solo and Small Firm Lawyers

1. Private practice attorneys (73%) are significantly more likely than their colleagues in corporate (35%) or government settings (33%) to spend some time on pro bono activities.
  2. Those who are in firms of only one or two lawyers were the most likely to report engaging in some form of pro bono work and also, specifically in the type of work that was grouped into “Tier 1” pro bono work.
    - a. Tier 1 pro bono refers to the provision of free legal services to people of limited means or to organizations that address the needs of the poor.
  3. The private practitioner respondents who are working in firms of over 300 lawyers are more likely than those who are in firms of 10 to 300 lawyers to spend time on “Tier 1” pro bono work, but they are less likely to report devoting at least some time to pro bono work generally than the responding lawyers in smaller firms.
  4. Only 37% of pro bono attorneys working in solo or small firm practices (i.e., 1-9 attorneys) received their pro bono referrals from organized programs.
    - a. This is an indicator that lawyers in small firm settings are less likely to be connected to the resources, support and assistance that such programs have to offer.
- c. ABA Report and Resolution No. 121A – Supporting and Promoting Pro Bono in Law Practice Settings - Urges solo and small firm attorneys, larger law firms, corporate law departments and government and military law offices to encourage their lawyers, partners as well as associates, to service their communities through pro bono and public service activities consistent with applicable rules of professional conduct and adopts Pro Bono Policies and Procedures, to provide their lawyers with opportunities to do pro bono work and to adopt specific internal policies and procedures to support such work.
- i. Report indicates that a key to increasing the pro bono participation of small firm lawyers is to develop partnerships with bar associations and legal services providers that can provide them with the resources and support they lack, from pro bono referrals to client screening, training, mentoring, malpractice insurance, forms and materials and other kinds of assistance.
  - ii. Report urges both solo and small firm practitioners, and bar associations and legal services programs, to enter into such partnerships.
- d. ABA General Practice Solo and Small Firm Division Public Service Committee
- i. Conducting a survey to seek information concerning members’ participation in law-related and non-law related community service activities and the factors that may influence their involvement. Information is being sought to identify effective strategies to provide solo and small firm lawyers with opportunities to do public service work and to adopt policies and procedures to support such work.

- II. What motivates small firms or sole practitioners to do pro bono work?
  - a. Personal satisfaction
  - b. Networking
  - c. Recognition
  - d. CLE
  - e. Gain skills to get own clients (vs. big firm: gain procedural skills to advance in firm)
  - f. Learn substantive law that they will apply in their own practices (vs. big firms: procedural skills more important)
  - g. Qualifying for an LRIS panel
  - h. Gain experience to help get them a job
  - i. Connections to facilitate job search, advancement
  - j. Find a mentor to help develop skills and learn way around
  - k. Loneliness of solo practice – folks to talk about cases with
  - l. Social
  
- III. What hurdles are perceived for/by solo and small firm attorneys in doing pro bono?
  - a. Lack of time
  - b. Lack of expertise
  - c. Lack of skills or experience in practice areas needed by pro bono clients
  - d. Lack of training and administrative support
  - e. Lack of malpractice coverage
  
- IV. How can a legal services or established pro bono program increase private attorney involvement?
  - a. Recognition – nominations for awards, certificates, internal awards, chachkes, letters of appreciation from officials and judiciary
  - b. Training
  - c. Resources (mentors; forms; manuals)
  - d. Orientations
  - e. CLE programs
  - f. Malpractice coverage
  - g. Variety of opportunities (e.g.; intake interviews, assist with mediation, full-blown litigation, etc.)
  - h. Partnerships
  
- V. What can a pro bono program offer new lawyers to encourage participation?
  - a. Recognition
  - b. Training/experience
  - c. Resources
  - d. Networking opportunities
  
- VI. What are some solutions/ responses to perceived barriers to doing pro bono work or more pro bono work?
  - a. Develop mentoring relationships between the volunteer and an experienced attorney in the field
  - b. For larger or more complex cases, team together attorney volunteers (perhaps 1 solo and 1 big firm attorney with resources)
  - c. Conduct periodic training sessions (free CLE) to review basics and create resource website or library based upon information in those programs - accessible for free to members
  - d. Team up on first case with experienced volunteer

- e. Develop forms data base and research data base volunteers can access
  - f. Develop a listserv for volunteers to post and answer questions about cases
  - g. Provide office meeting space at pro bono provider office for attorney to meet with client (many solos work from their homes and day-lease office space to meet with clients)
  - h. Preferential status on court calendars
  - i. Limited Representation (Clinics)
  - j. Unbundling Rules
- VII. What about lawyers who don't want to go to court?
- a. Look for discreet transactional projects assisting either nonprofits that help underserved populations or microentrepreneurs who either:
    - i. qualify under the pro bono needs assessment
    - ii. are developing a needed business in a distressed area, i.e.,
      - 1. help negotiate a lease
      - 2. form a 501(c)(3)
      - 3. review an employment manual
  - b. Coordinate general counsel relationships for an individual to work for a small non-profit that helps underserved populations
- VIII. How to reach solo/ small firms?
- a. Local legal paper and periodicals
  - b. Swearing in ceremony
  - c. State bar information
  - d. Mailing to recent admittees
  - e. Web- probono.net
  - f. Word of mouth
  - g. Judicial outreach
    - i. Letter
    - ii. In a speech
  - h. Good press – “volunteer of the month” articles
  - i. Local and state bar sections and committees
  - j. Membership in various organizations
  - k. Presentations to various groups

**Notes:**

**Bibliography & Website Links:**

1. *Supporting Justice: A Report on the Pro Bono Work of America's Lawyers*, The ABA Standing Committee on Pro Bono and Public Service (August 2005). See: <http://www.abanet.org/legalservices/probono/report.pdf>.
2. ABA Report and Resolution No. 121A – Supporting and Promoting Pro Bono in Law Practice Settings, See: <http://www.abanet.org/leadership/2006/annual/dailyjournal/hundredtwentyonea.doc>
3. ABA Center for Pro Bono, [www.abaprobono.org](http://www.abaprobono.org)
4. ABA General Practice Solo and Small Firm Division, <http://www.abanet.org/genpractice/home.html>