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# The Meaning of Pro Bono: Institutional Variations in Professional Obligations among Lawyers

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Recent data on lawyer participation in pro bono have suggested that such work flows from the intrinsic value one derives from volunteering as well as from workplace characteristics of those who provide pro bono service. This finding would imply that pro bono emerges not merely from individual personality traits but that the workplace environment structures motives and incentives for pro bono work. Such a finding points to a need to disentangle the effects of diverse workplace settings on the construction of different vocabularies of motive for engaging in pro bono work. In this article I employ an institutional framework to examine the impact of the workplace environment on participation in pro bono work among lawyers. Survey data were collected from 474 lawyers who graduated from three law schools that have mandatory pro bono requirements. Results indicate that lawyers' meanings of pro bono as well as their motivations for doing such work and the benefits they attribute to such work vary across workplace settings. These results are discussed in relation to institutional theory.

**W**ithin the past two decades, pro bono work has received increased attention within the American legal profession.<sup>1</sup> While for most of American legal history pro bono was dispensed informally and administered in an atomistic fashion through charitable organizations, it has more recently become “centralized and streamlined, distributed through an elaborate organizational structure embedded in and cutting across professional associations, law firms, state-sponsored legal services programs, and nonprofit public interest groups” (Cummings 2004).<sup>2</sup> This growing interest

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<sup>1</sup> Pro bono legal work is generally understood as activities undertaken without expectation of fees consisting of the delivery of legal services to persons of limited means or to charitable, religious, civic, community, governmental, and educational organizations.

<sup>2</sup> It should be noted that pro bono is receiving increased attention in the international arena. As Noone and Tomsen report, while pro bono work has always occurred in the legal profession [in Australia], there has been a growth in the number of organized schemes

in pro bono is reflected in the creation of new professional roles such as pro bono partners or managers who coordinate the pro bono initiatives of the firm and the activities of lawyers (Cummings 2004). In addition, some law firms now allow lawyers to credit a small proportion of their volunteer legal work to their billable hour requirements (Rhode 2005). Several large law firms have become signatories of the "Law Firm Pro Bono Challenge," an initiative launched by the American Bar Association (ABA) in 1993 and now operating under the aegis of the Pro Bono Institute located at Georgetown University's Law Center. The Challenge encourages law firms to demonstrate a commitment to pro bono by institutionalizing a policy that commits 3 to 5 percent of the firm's billable hours to pro bono causes.

In addition to these new firm roles and policies, virtually all state bar associations currently offer annual awards that recognize pro bono work, as do numerous individual law firms across the country (Rhode 2005). Many of these law firms tout the accomplishments of pro bono award winners on their Web sites and in national lawyer periodicals that rank and profile outstanding pro bono initiatives and achievements. Some states now require lawyers to report the number of pro bono hours they perform each year, while other state and national bar associations have increasingly urged lawyers to perform pro bono work.

There has also been growing interest in pro bono legal work within contemporary American legal education. Beginning in the early 1990s, law schools around the country began implementing pro bono programs and mandatory graduation requirements in the hope that the professional obligation to render pro bono would "trickle up to practitioners" (Rhode 1999:2416). In 1996, the ABA amended its accreditation standards to call on law schools to encourage students to participate in pro bono activities and provide an organizational infrastructure to facilitate pro bono opportunities (Rhode 1999). Nearly all accredited law schools currently have some type of organized pro bono program. So numerous are pro bono programs that the Association of American Law Schools (AALS) chose "Pursuing Equal Justice: Law Schools and the Provision of Legal Services" as the theme of its 2001 Annual Meeting, which included a half-day program on establishing pro bono opportunities in law schools (Storrow & Turner 2003).

As many scholars of the professions have pointed out, the institutional foundation for pro bono work can be found within the ideal of professionalism. Rationales for pro bono service rest largely on claims of professionalism: the value of pro bono service in

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(2001:262). See also Boon and Whyte 1999 and Richard Wilson 2004 for a discussion of international pro bono.

meeting unmet legal needs, especially to marginalized social groups, as well as the value of pro bono service to individual lawyers and their workplaces (Rhode 2005). On the one hand, pro bono represents the narrative of professionalism in its public service aspirations of dispensing free representation to poor and underserved clients. The underlying interest in this approach relates to the bar's legitimation of its professional status by formalizing lawyers' special responsibility to serve the public good. Claims to public-spiritedness, from this perspective, are used by professions to maintain market control as they seek to enhance their jurisdiction and societal authority by appearing to be oriented toward the advancement of the public good (Larson 1977; Abbott 1982; Abel 1989). On the other hand, an emphasis on professionalism is evident through the opportunities that pro bono provides for securing greater expertise and human capital for individual lawyers and law firms (Gordon 2004). This combination of skill enhancement and service in the advancement of the public good has allowed some lawyers the opportunity to do well by doing good (Wilkins 2004).

The institutionalization of pro bono raises important questions regarding not only the mechanisms responsible for the recent attention to pro bono work (Cummings 2004) but also its enactment by lawyers across diverse sectors of the legal profession. From an institutionalist perspective, the practice of pro bono legal work may be understood as emerging not solely out of differences in individual traits among lawyers. Rather, the choice to participate in pro bono work as well as the type of services provided are mediated by external factors that frame preferences and behavior as well as opportunities for pro bono (Boon & Whyte 1999).

Legal scholars (Rhode 2005; Scheingold & Sarat 2004; Cummings 2004) have recently commented on the institutionalization of pro bono and public service. For instance, in his analysis of the roots of pro bono's institutionalization, Cummings identifies multiple factors within the broader institutional environment that account for its expansion, including the accommodation of pro bono to traditional advocacy norms of legal professionalism, the dismantling of state-subsidized legal services initiated under the Reagan administration, the cultural values supporting volunteerism and civic engagement, and the desire on the part of big law firms to attract law school graduates, improve firm status, and counter the heightened cultural anxiety about commercialism within the legal profession. According to Cummings, pro bono came to supersede more socially transformative notions of public interest and law reform that emerged in the 1960s. While the bar never completely accepted the public interest advocacy model of lawyering, the system of pro bono "shifted the onus of serving the poor to private

lawyers themselves,” thereby reinforcing “standard professional norms by dividing the professional role between paying and non-paying clients, each of whom were entitled to the lawyer’s zealous representation” (Cummings 2004:18). As he notes, pro bono reconnected public service aspirations to the professional norms of moral neutrality and the ideology of advocacy. In this way, pro bono allowed private lawyers to reclaim the ideals of professionalism by carving out a public service role for themselves without challenging the legitimacy of the law or compromising their relationship with paying clients.

While Cummings has astutely illustrated that recent interest in pro bono work has been in response to conditions that are external to individual practitioners, it is likely that pro bono is institutionalized differently across different organizational sectors within the institutional environment of legal work. For instance, as Mather and her colleagues (2001) have underscored in their investigation of the everyday lives of lawyers, the meaning of professionalism *in practice* does not generally cohere to an abstract set of normative principles to which lawyers, as an occupational group, unanimously subscribe. Rather, professionalism is rooted “most importantly in the communities of practice with which attorneys have their closest contact and greatest sense of identity” (Mather et al. 2001:176). This suggests that professionalism is fragmented and mediated through an organization’s differential location within an institutional environment. While the norms of professionalism provide a taken-for-granted script for lawyers, that script often reads differently in different practice locations. It is likely then that pro bono work, as an expression of professionalism, is nevertheless *experienced* differently across the bar’s differentiated structure. Several scholars have noted variations in the amount of pro bono work across workplace settings (Heinz et al. 2005; Rhode 2005; Scheingold & Sarat 2004). Others have noted that the type of pro bono practice similarly varies as a result of the diversity of organizational sectors, giving elite lawyers greater opportunities to secure prestigious public service or pro bono activities than lawyers in more marginalized legal positions and not in possession of elite credentials (Garth 2004). Still others have pointed out that opinions on mandatory pro bono options within the legal profession are sharply divided, with sole practitioner and small-firm lawyers registering the least amount of support due to their inability to shoulder the added costs associated with such requirements (Heinz et al. 2005; M. Powell 1988).

Thus variations in pro bono experiences among lawyers offer insight into the differentiated ways that lawyers enact professionalism in their daily lives (Sarat 1998). One way to examine the differentiated nature of pro bono work is through an investigation

of the meanings that lawyers attribute to the pro bono work they perform and the impact that variations across organizational sectors have upon those meanings. These meanings are significant because they detail the way that lawyers see their world and “the extent to which perceptions and beliefs are or are not shared” (Sarat 1998:817). In this article, I use an institutionalist perspective to demonstrate that different meanings of pro bono work are institutionalized across different locations within the legal profession. Institutional frameworks help shape preferences, meanings, and interests to be pursued, but individual responses often vary across organizational sector (Scott 1995). The point of this article is to demonstrate that while pro bono work has become increasingly institutionalized within the legal profession and, as a result, provides a normative, cognitive, and, at least in some states, regulatory script for engaging in volunteer legal work, the meaning of pro bono must be understood more locally. In other words, the enactment of pro bono work is never one-dimensional. Rather, the varieties of pro bono experience reflect local adaptations within organizations to institutional pressures and demands. In this regard, organizational sector mediates the relationship between pro bono work and its enactment by the individual. This article employs survey data from a sample of lawyers to examine variations in the cognitive meaning of pro bono across different organizational sectors within the legal profession. Differentiated organizational sectors within the institutional environment create challenges, constraints, and opportunities that provide a context within which the meaning of pro bono finds expression and is acted upon. My research demonstrates that the meanings associated with pro bono work represent more than simply the personal choices of individual lawyers. Consistent with an institutionalist perspective, a more nuanced account of pro bono work would suggest that the differential articulation of pro bono is constituted and shaped by the cultural expectations, market pressures, and preferences that exist within different organizational environments.

### **Institutional Variations in the Legal Profession**

Berger and Luckmann (1967) have observed that institutions embody sets of taken-for-granted “programmed actions.” Institutions contribute to the development of “practical consciousness,” or scripts that frame the perception of what is normative, valued, and expected in particular environments. They “operate primarily by affecting persons’ prospective bets about the collective environment and collective activity” (Jepperson 1991:147). From this perspective, institutions are more than simply locations for people to

interact; rather, they are socially patterned ways of ordering the world and perceiving reality.

The study of institutionalization generally involves an analysis of the broader organizational sectors within which an organization and its participants are situated (Scott & Meyer 1991). Scott argues that “institutions consist of cognitive, normative, and regulative structures and activities that provide stability and meaning to social behavior. Institutions are transported by various carriers—cultures, structures, and routines—and they operate at multiple levels of jurisdiction” (1995:33). From an institutionalist perspective, governance structures within organizations, as well as the routine ways of operating and their associated meanings, are not so much the result of strategic actions by atomistic actors alone but rather are embedded within the structured frameworks and institutional logics that influence the deployment of action (Granovetter 1985; Friedland & Alford 1991). Modes of thinking within organizations, meaning-making, and associated formal and informal rules and enacted routines among individuals are constituted by the organization within its particular institutional environment and are somewhat self-sustaining (Zucker 1991). Suchman and Edelman observe that organizations adapt in various ways to institutional demands by constructing “definitions of the way things are and the way things are to be done” (1996:915). Such institutional frameworks consist of social meanings, implicit expectancies, and other “taken-for-granted” aspects of reality, which usually operate as invisible background rules in social interactions. These frameworks penetrate personalities in ways that produce widespread responsiveness to institutional narratives and associated meanings (Colomy 1998).

Researchers have consistently demonstrated that the legal profession is characterized by substantial internal differentiation. The legal profession is hierarchical in nature (Heinz & Laumann 1982; Heinz et al. 2005; Carlin 1962), and this internal stratification is institutionalized on the basis of the particulars of clientele served, specialized expertise, skill sets, and educational background, all of which have a significant impact on the multiple ways that lawyers practice law. Kritzer notes that “The stratification of the bar in the United States . . . reflects both the market for legal services and the sharp differences in the kinds of tasks that must be carried out on behalf of large corporate clients compared to individuals and small businesses” (1991:546).

Noting the institutional variations within legal practice and legal consciousness across organizational sectors, Nelson and Trubek write that:

the legal workplace is an arena of professionalism in the sense that the specific organizational contexts in which lawyers work

produce and reflect particular visions of professional ideals. These visions, what we refer to as workplace ideologies, correspond to the external relationships between the work organization and its environment, relationships among lawyers inside the organization, and the lawyerly roles actors adopt within the specific fields in which they practice . . . . Lawyers' visions of their working life and working relationships are intimately related to the kinds of organizations they construct and the roles they play in political, economic, and social exchange (1992:205, 213).

From this perspective, professionalism is not so much an agreed-upon set of normative principles covering the entire legal profession as it is a plurality of ideals and practices that are formed by the particular organizational sectors within the legal profession. Legal work, including pro bono, is practiced in distinct organizational sectors that shape its conduct and influence individual patterns of practice (W. Powell 1996). This suggests that a nuanced understanding of pro bono for lawyers must go beyond the individual characteristics of lawyers to account for the institutional forces influencing its meaning. Neither affective motivations nor rational, strategic action alone sufficiently explain the meaning pro bono has for lawyers. Motivation, strategic action, and various forms of decisionmaking are themselves embedded within an institutional environment that affects their expression (Meyer & Rowan 1977; Colomy 1998). Focusing exclusively on individual factors would incorrectly suggest that pro bono is insulated from social context. As Boon and Whyte point out, "to individualize it [pro bono] . . . would be to misunderstand the social, political and organizational context within which it operates" (1999:190). The institutional context within which a lawyer is embedded plays a salient role in socially constructing the meaning and experience of pro bono practice. This is because where a lawyer practices not only influences how one practices, but it also frames the meanings of practice and structures the opportunities to engage in pro bono work (Garth 2004).

How exactly might the organizational sector of the workplace influence lawyers' pro bono participation? Several scholars provide insight into this question. In their study of "cause lawyering," Scheingold and Sarat (2004) note that the opportunities for and the experience of such work vary across distinct practice settings. Analyzing cause lawyering across corporate, salaried, and small-firm sectors, these authors find that practice sites help shape and give meaning to cause lawyering and to cause lawyers by making available different opportunities and motivations as well as imposing different costs. The settings within which lawyers practice make certain strategic decisions about lawyering for social justice possible, while foreclosing others. They provide arenas in which lawyers

are challenged to balance how they “animate their work with their political and moral commitments” (Scheingold & Sarat 2004:95). Each particular setting poses distinct pressures and constraints upon lawyers who wish to use the law to pursue their broader political or moral agendas. For example, the positional conflicts endemic to large law firms limit lawyers to cases that do not compromise the interests of paying clients (Cummings 2004; Spaulding 1998). Salaried legal aid lawyers are severely restricted in their ability to challenge the structure of inequality in society that creates the vast majority of legal problems for the poor. Small-firm practitioners face the need to balance taking on worthy “causes” with the financial realities created by limited resources. These organizational sector differences place unique pressures on lawyers in different practice arenas, leading to distinct types of lawyering ideologies that shape legal practice.

Similarly, Mather and her colleagues (2001) argue that distinct “communities of practice” produce variations in professional identity and consciousness. Their study of decisionmaking among lawyers provides a sharp contrast to the image of a singular ideology of professionalism operating across the legal profession as suggested by functionalist perspectives. In contrast to a unified professional legal community, Mather and her colleagues find that legal decisionmaking, including the decision to accept pro bono cases, is “based in the organization and institutions of legal work” that “help to define appropriate behavior for attorneys” (Mather et al. 2001:11). Their findings show that varieties of professionalism exist across different practice settings. In fact, local collegial cultures within particular settings have substantially more impact on lawyer decisionmaking than abstract principles of professionalism. Lawyers in “specialist” practices tend to invoke formal conceptions of the law and assorted rules in defining their legal expertise. Such expert knowledge claims, however, are less important among general practitioners whose focus instead is on their experience working in certain geographical communities (Mather et al. 2001).

Shamir (1996) has noted that the rule of law and formal expertise lie at the heart of large law firm practice. By contrast, Sarat and Felstiner (1995) find that small-town divorce lawyers create professional identities that rely less on knowing and applying formal law than on the experiential dimension of practice that privileges deep familiarity with local personalities, traditions, and culture. As Wilkins has pointed out, legal practice is significantly divided across organizational sector:

The divergent realities of practicing lawyers preclude the formation of [a unified normative] culture . . . . Lawyers who represent large corporations are different from those who represent indi-

viduals. Plaintiffs' lawyers are different from defendants' lawyers. Lawyers in large cities are different from lawyers in small towns. Lawyers who litigate are different from lawyers who primarily negotiate or provide office counseling (Wilkins 1990:487–88).

The organizational sector within which a lawyer practices is thus a critical variable for understanding the divergent meanings, identities, and behavior within the legal profession. Pro bono work is no exception. The meaning of pro bono work varies widely within the legal profession. The data presented in this article examine the extent to which different organizational sectors within the legal profession yield variations in lawyer meanings of pro bono legal work. An empirical examination of the meaning of pro bono is relevant to its institutionalization, since all institutions play a central role in the social construction of action, dispositions, motivations, preferences, and routines of organizations and the individuals within them (Scott 1995).

## Method

Data presented here were collected as part of a larger study designed to assess the impact of mandatory law school pro bono on lawyers' careers.<sup>3</sup> A survey administered in spring/summer 2004 gathered data to assess the impact of mandatory pro bono on the careers of lawyers who had graduated from law schools with pro bono requirements. Three law schools with varying pro bono requirements instituted in the 1990s were used to generate a sample. The schools differ by location, ranking, and the number of pro bono hours each law student is required to complete. One school is located in the northeastern part of the United States and is considered a leading law school in the country. A second law school is located in the western part of the United States and is ranked in the first quartile of law schools. The third school is located in one of the southern states and has a tier three ranking.<sup>4</sup>

Three graduating classes from each school were selected to generate samples appropriate for comparison. The three classes at each school consisted of the graduating class immediately before mandatory pro bono requirements were implemented, the first graduating class after implementation of the mandatory requirement, and a more recent graduating class of lawyers who had

<sup>3</sup> Currently 15 law schools across the country require students to engage in pro bono work in order to graduate. This generally involves legal work that is neither compensated nor used to receive course credit. Several other U.S. law schools provide opportunities for law students to perform pro bono work but do not require it.

<sup>4</sup> *U.S. News & World Report*, America's Best Law Schools 2007, [http://www.usnews.com/usnews/edu/grad/rankings/law/brief/lawrank\\_tier3\\_brief.php](http://www.usnews.com/usnews/edu/grad/rankings/law/brief/lawrank_tier3_brief.php)

participated in mandatory pro bono during their legal studies. Although there were variations across each school, all respondents graduated between 1991 and 1998. Coordinators of the pro bono program at each school assisted in developing the sampling protocol and provided input on survey development. A group of 15 graduates (who were not eligible for participation in the formal survey) at the western law school pretested a draft version of the questionnaire. I used feedback from the coordinators and suggestions from attorneys during the pretest focus group to refine and finalize items in the questionnaire.

### Sample

Respondents were contacted through local commercial mailing companies contracted by the alumni office at each school. This was not the optimal sampling procedure. Unfortunately, the law schools only agreed to participate in the study on the stipulation that respondents would remain anonymous and that entire classes would be sampled as opposed to random selection within each graduating class. No respondent names were given to the researcher. Consequently, contact information that would have allowed the principal investigator to conduct telephone follow-ups to increase the response rate was not provided by the law schools. All mailings to each respondent were handled through local commercial mailing companies who were provided with a list of the school's alumni. The initial mailing sent to each potential respondent contained two letters requesting their participation in the study: one from me and the other from their school's pro bono coordinator or dean, informing them that a questionnaire would soon arrive and requesting their participation. My letter contained information about the study, funding source, and relevant human subject information. These initial letters were followed by two separate mailings, each containing a copy of the survey and instructions for completing and returning it. Using this strategy, mailings were sent to approximately 2,000 potential respondents. A number of pre-survey letters were returned without delivery, and the respondent names were subsequently deleted from the mailing list used by the commercial mailing companies. This reduced the pool of potential respondents to approximately 1,600 of which 474 respondents completed and returned surveys, yielding a response rate of approximately 30 percent.

As Table 1 demonstrates, nearly 35 percent of the respondents indicated that they presently work in a large law firm. Of the remaining respondents, 12 percent are sole practitioners, 16 percent are employed in small firms, 13 percent are located in medium-sized firms, and 12 percent practice as in-house counsel. The

**Table 1.** Sample Characteristics

	Percent
Gender	
Female	53
Male	47
Race/Ethnicity	
African American	5
American Indian	1
Asian American	4
Biracial	3
Hispanic/Latino(a)	3
White	83
Practice Setting	
Sole	12
Small Law Firm	16
Medium Law Firm	13
Large Law Firm	35
In-House	12
Government/Judicial/Public Interest/Other	12

remainder of the sample is employed in public interest settings as well as in government and judicial locations.<sup>5</sup> Similar to Shapiro's work on conflicts of interest (2002), this research examines a range of practice settings. A study limited to a single practice setting, while affording in-depth analysis of pro bono, would not have produced sufficient variation to examine the impact of organizational sector on pro bono. The strength of the present analysis lies in its attention to the differentiated articulations of pro bono across various organizational sectors within the legal profession. The sample also contained slightly more women than men who responded to the survey. Most respondents are white, with a significantly smaller proportion of minority participants. The average age of the respondents is 35. Since two of the three classes selected at each school graduated after the school's implementation of pro bono requirements, a greater proportion of attorneys reported participating in mandatory pro bono, 72 percent compared to 28 percent. Although a full range of population parameters from each location was not accessible so as to determine the representativeness of the sample, the gender composition of each school corresponded to sample parameters.

The response rate was slightly skewed in favor of the law school located in the Northeast. Of the completed surveys, 45 percent were returned from this law school while 30 percent were received

<sup>5</sup> This final category was removed from the analysis since the overwhelming majority of respondents were employed in private practice settings. Moreover, a large number of individuals in this residual category were public interest lawyers, many of whom claimed all their work as pro bono. While it would have been valuable to compare pro bono among government lawyers to private attorneys, especially given recent attention to increasing pro bono among the former, there were too few for analysis.

from graduates of the western law school and 25 percent were drawn from the southern law school. The overrepresentation of the northeastern law school reflects the greater number of respondents who had attended this law school and who received the survey. Out of the 1,600 surveys mailed out, approximately 700 attended this law school. This represents approximately 43 percent of the study population. By contrast, the southern law school had the highest number of respondent nondeliveries who were subsequently removed from the sampling frame. Approximately 400 respondents from this law school received surveys. This represents 25 percent of the study population.

### Measurement

The definition of *pro bono* used in this study and noted in the introductory section corresponds with current bar association definitions, with pro bono advocacy groups such as the Pro Bono Institute at Georgetown University Law Center, and with recent research on the topic of pro bono in the legal profession (Rhode 2005). Data were collected on a number of items related to respondent views of pro bono. A listing of items as well as corresponding mean distributions and standard deviations are presented in Table 2.

Findings related to the meaning of pro bono are reported in this research. For this study, three separate dimensions of respondents' meaning of pro bono were constructed: general support for pro bono work, motivations for performing pro bono work, and perceived benefits of pro bono work. These three dimensions of meaning were used to adequately capture the complexity of what respondents thought about pro bono work, why they thought they did it, and what they thought they gained from the experience. Since there are no standardized scales that measure meanings of pro bono among lawyers, a series of items that sought to ascertain information on general support for pro bono work, motivations for performing pro bono work, and perceived benefits of pro bono work was developed. Principal component factor analysis was used to assist in the construction of each of the dimensions of the dependent variable.<sup>6</sup> Table 3 presents the factor loadings for each of the extracted dimensions.

Support for pro bono was measured by considering respondents' general endorsement of pro bono work and their specific support for mandatory pro bono. Respondents' general endorsement of pro bono was measured by a four-item scale that included

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<sup>6</sup> Principal component factor analysis is a method of combining two or more correlated variables into one factor. The goal is to maximize the variance (varimax) of the new factor.

**Table 2.** Descriptive Statistics

Items	Mean	Std. Deviation
Support for Pro Bono (1–5)		
In general, I believe too much emphasis is placed on doing pro bono work	3.14	0.908
Law students should be required to perform pro bono in order to graduate	2.90	1.03
Doing pro bono work is a way for me to give back to the community	1.63	0.726
I am more satisfied with being a lawyer because of my pro bono work	2.02	0.918
Lawyers should be required to perform pro bono each year	2.31	1.06
Benefits of Pro Bono (1–5)		
Acquiring Clients	2.46	0.881
Acquiring Contacts	2.27	1.34
Professional Reputation	2.62	1.37
Litigation Skills	2.40	1.38
Dealing With People	3.08	1.30
Career Mobility	2.54	0.957
Selecting a Jury	1.39	0.953
Interviewing Skills	2.20	1.28
Drafting Documents	2.06	1.26
Negotiation	2.29	1.29
Motivations for Pro Bono (1–5)		
Professional Obligation	3.16	1.44
Personal Satisfaction	3.80	1.25
Religious Commitment	1.91	1.39
Political Commitment	1.83	1.28
Exercise Control	2.00	1.41
Work Directly with Client	2.94	1.27
Demographics		
Income	\$100,000–150,000	1.55
Age	35.68	7.13
Gender	0.53	0.500
Nonwhite/White	0.83	0.375

the following statements: “In general, I believe that too much emphasis is placed on doing pro bono,” “I am more satisfied with being a lawyer because of the pro bono work I do,” “Doing pro bono is a way for me to give back to the community,” and “Law students should not be required to perform pro bono in order to graduate.” These four combined items yielded an alpha coefficient of 0.81.<sup>7</sup> A respondent’s specific support for mandatory pro bono was measured through a single-item statement, “I think that all lawyers should be required to perform some pro bono service each year.” This item was included separately to assess a respondent’s attitude regarding specific proposals for mandatory volunteer legal work in national and state bar associations.

The second dimension of the dependent variable, perceived benefits of pro bono work, was operationalized by two separate

<sup>7</sup> The (Cronbach) alpha coefficient is a standard measurement for assessing the reliability of a constructed scale. By convention, alphas above 0.60 represent the cutoff for scale construction. In general, the higher the alpha coefficient, the more reliable the scale.

**Table 3.** Principal Component Factor Analysis With Varimax Rotation: Dependent Variables<sup>a</sup>

Construct	Item	Factor Loading	
		Factor 1	Factor 2
Support for Pro Bono	In general, I believe too much emphasis is placed on doing pro bono work	0.79	—
	Law students should be required to perform pro bono in order to graduate	0.79	—
	Doing pro bono work is a way for me to give back to the community	0.59	—
	I am more satisfied with being a lawyer because of my pro bono work	0.50	—
	EIGENVALUE	3.37	1.44
	Variance Explained	42.1%	18.1%
Perceived Benefits of Pro Bono	Indicate the degree to which you believe any past pro bono work contributed to the following areas of legal career:		
	Improving interviewing skills	0.78	—
	Improving litigation skills	0.74	—
	Negotiation	0.74	—
	Dealing with people	0.71	—
	Drafting documents	0.70	—
	Selecting a jury	0.65	—
	Acquiring contacts	—	0.86
	Acquiring clients	—	0.80
	Enhancing professional reputation	—	0.78
	Career mobility	—	0.60
	EIGENVALUE	2.59	1.35
Variance Explained	43.2%	22.5%	
Motivations for Performing Pro Bono	Indicate the degree to which you believe the following factors have influenced your decision to perform pro bono work:		
	Religious commitment	0.74	—
	Professional obligation	0.71	—
	Personal satisfaction	0.67	—
	Political commitment	0.60	—
	Exercise control over work	—	0.87
	Work directly with client	—	0.82
	EIGENVALUE	2.40	1.17
	Variance Explained	40%	19%

<sup>a</sup>Factor loadings below 0.40 were excluded from the tables.

components that were extracted from the principal components analysis with varimax rotation. One scale measured respondents' belief that they had enhanced their legal skills by doing pro bono, while a second scale measured the perceived impact that pro bono work had on a respondent's career mobility. Enhancement of legal skills was measured by asking respondents to rate on a scale from 1 (low) to 5 (high) whether their pro bono work positively influenced the following areas of legal practice: interviewing, litigation, jury selection, dealing with people, drafting documents, and negotiation. The alpha coefficient for the six items comprising this scale was 0.80. The career mobility scale used the same rating format (1–5) and included the following items: acquiring clients, acquiring

contacts, career mobility, and enhancing professional reputation. The alpha for this scale was also 0.80.

Finally, the third dimension, motivation for performing pro bono, was determined through the extraction of two components in the factor analysis: doing pro bono out of a sense of duty and doing pro bono to achieve autonomy. Performing pro bono out of a sense of duty was measured by using a rating scale from 1 (low) to 5 (high) that included the following items: doing pro bono out of a sense of professional obligation, for personal satisfaction, and for religious as well as political commitment, with items yielding an alpha of 0.65. Autonomy was measured using two items with the same rating scale (1–5): doing pro bono to exercise control over work and doing pro bono to work directly with a client, with these two items producing an alpha of 0.77.

Since factors such as gender, age, race, and income are commonly associated with volunteer behavior within the general population (Wilson & Musick 1997b), these demographic variables were included as controls in the models. Race was dichotomized into nonwhite/white (0, 1) due to the small number of cases in each of the nonwhite categories. A dichotomized variable representing respondent participation in mandatory pro bono during law school was included as a control (0 = nonparticipation, 1 = participation). This variable was included to account for any variation that could result from differential law school experiences, particularly in regard to respondents' exposure in pro bono lawyering in law school. It is reasonable to assume that graduates of law schools with pro bono programs may have somewhat different perspectives on the performance of pro bono in practice. The inclusion of this variable would assess whether graduates of law school pro bono programs differ from those without such experiences. Gender was similarly coded, with females indicated as 0 and males as 1.

To assess the impact that a lawyer's occupational context has on the meaning of pro bono, data from respondents in different workplace settings were also compared. Workplace settings were dummy-coded to reflect distinct organizational sectors, including large law firms, small law firms, medium law firms, sole practitioner, and in-house counsel. Each dummy-coded variable was entered into a regression equation in the Statistical Package for the Social Sciences (SPSS) software after the control variables and compared against all other combined workplace settings.<sup>8</sup> In addition, each

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<sup>8</sup> Dummy coding involves the process of assigning a value of 1 to the specific category and 0 to all others. In the case of legal practice setting, a separate dummy code was created for each category. However, the process of dummy coding always includes a reference group that is left out of the regression equation. For the purpose of this analysis, large law firm practice was the residual category.

law school was dummy-coded to examine any variation in the dependent variables that might be produced by any single site.

For each of the dependent variables, four separate regression models were generated. The initial model regressed each dimension of the dependent variable on respondent race, gender, age, and income in order to determine the effect of demographic influences on the meaning of *pro bono*. Introducing controls in the statistical models was important to assess the impact of organizational sector on the dependent variable. If control variables eliminated or significantly weakened the effects produced by organizational sector, then the explanatory power of organizational sector on respondent meanings of *pro bono* was reduced. By contrast, if sector variables remained significant after the introduction of the control variables, then the effect of organizational sector was independent of any control variable, even if the control variable remained significant. The next model added the impact of participation in law school *pro bono* programs. The inclusion of this variable would test the degree to which mandatory *pro bono* graduation requirements affect respondent meanings of *pro bono*. The effects of each of the separate law schools were also examined in this model. The third model regressed each dimension of the dependent variable on all the independent variables, including workplace setting, to account for the variation in meanings that are produced by the institutional affects of the organizational sector. A fourth model tested for interaction effects between the specific law schools and participation in mandatory *pro bono* as well as between workplace settings and mandatory *pro bono* participation. No interaction effects were observed and subsequently, this model was omitted from the article.

## Findings

### Demographic Influences on Pro Bono

There is a consistent pattern of demographic effects on each dimension of the dependent variable. Women are significantly more likely than men to endorse the value of doing *pro bono* work ( $b = -1.17, p < 0.01$ ; see Table 4). Female respondents are generally more disposed to believing that volunteer *pro bono* work allows them to give something back to their community and that they are more satisfied with being a lawyer because of their *pro bono* work, whereas male respondents are more likely to believe that too much emphasis is placed on volunteer work in the legal profession. Female lawyers are also more supportive of mandatory *pro bono* requirements than are male attorneys ( $b = -0.270, p < 0.01$ ).

**Table 4.** Ordinary Least-Squares Regression Coefficients<sup>a</sup>

	Support for Pro Bono Work						Benefits of Pro Bono Work						Motivations for Pro Bono Work					
	Endorsement of Pro Bono		Support Mandatory Pro Bono		Enhance Legal Skills		Career Mobility		Duty		Autonomy							
	Model 1	Model 2	Model 3	Model 1	Model 2	Model 3	Model 1	Model 2	Model 3	Model 1	Model 2	Model 3						
Gender <sup>b</sup>	-1.76** (.393)	-0.972* (.384)	-1.11** (.391)	-0.270* (.303)	-0.250* (.308)	0.900 (.503)	0.177 (.384)	0.190 (.386)	0.340 (.384)	0.253 (.401)	0.442 (.400)	698* (.344)	607 (.324)					
Nonwhite/ White <sup>c</sup>	-1.44** (.510)	-1.37** (.496)	-1.16** (.449)	-0.309*** (.142)	-0.476*** (.141)	-1.34* (.651)	-1.03* (.500)	-1.00* (.505)	-0.917 (.500)	-1.22** (.517)	-1.01* (.522)	-.738 (.443)	-.521 (.420)					
Income	-0.086 (.131)	-0.032 (.135)	-0.049 (.132)	0.011 (.036)	0.026 (.087)	-0.405* (.170)	-0.154 (.124)	-0.176 (.130)	-0.142 (.129)	0.078 (.130)	0.032 (.136)	-.085 (.112)	-.228* (.110)					
Age	0.026 (.028)	-0.019 (.030)	-0.014 (.030)	0.016 (.008)	0.008 (.008)	-0.084* (.036)	-0.044 (.026)	-0.047 (.029)	-0.052 (.030)	-0.011 (.027)	-0.011 (.030)	-.069** (.023)	-.027 (.024)					
Law School Pro Bono	1.23** (.471)	0.983* (.470)	0.985* (.470)	0.140 (.333)	0.065 (.333)	-0.113 (.612)	0.051 (.599)	0.309 (.464)	0.307 (.465)	0.335 (.482)	0.385 (.482)	-.167 (.388)	-.078 (.391)					
School 1 <sup>d</sup>	-1.06 (.562)	-1.18 (.594)	-1.18 (.594)	-0.330* (.163)	-0.192 (.163)	1.89** (.709)	2.12** (.738)	0.283 (.540)	0.583 (.566)	0.816 (.564)	0.550 (.589)	2.50*** (.454)	2.27*** (.477)					
School 2 <sup>e</sup>	-0.146 (.295)	-0.209 (.294)	-0.209 (.294)	0.024 (.083)	0.069 (.083)	0.725* (.372)	0.929* (.371)	-0.115 (.283)	0.035 (.283)	0.242 (.294)	0.395 (.296)	-.153 (.237)	-.145 (.237)					
Medium		-0.766 (.674)	-0.766 (.674)	-0.271 (.183)	-0.271 (.183)	-1.68* (.838)	-1.68* (.838)	-0.150 (.838)	-0.150 (.838)	0.394 (.650)	0.394 (.650)	1.20* (.553)	1.20* (.553)					
Firm		0.466 (.552)	0.466 (.552)	-0.311* (.154)	-0.311* (.154)	-1.00 (.698)	-1.00 (.698)	0.165 (.541)	0.165 (.541)	0.319 (.564)	0.319 (.564)	-.881* (.460)	-.881* (.460)					
Small		2.40*** (.685)	2.40*** (.685)	-0.389* (.182)	-0.389* (.182)	-3.19*** (.839)	-3.19*** (.839)	-1.58* (.645)	-1.58* (.645)	-2.04*** (.674)	-2.04*** (.674)	-1.54*** (.545)	-1.54*** (.545)					
In-house		-0.832 (.783)	-0.832 (.783)	-0.485* (.221)	-0.485* (.221)	2.18* (.874)	2.18* (.874)	1.26 (.778)	1.26 (.778)	1.26 (.808)	1.26 (.808)	-.261 (.654)	-.261 (.654)					
Sole		0.07 (.832)	0.11 (.832)	0.08 (.217)	0.10 (.217)	0.09 (.15)	0.17 (.15)	0.03 (.10)	0.03 (.10)	0.02 (.10)	0.02 (.10)	.05 (.925)	.17 (.925)					
R <sup>2</sup>	0.07	0.11	0.17	0.08	0.10	0.07	0.09	0.03	0.03	0.02	0.02	.05	.17					
Constant	8.77	9.17	9.56	1.84	2.08	16.63	14.74	10.74	10.43	11.64	10.87	9.25	7.10					

\* $p < 0.05$ ; \*\* $p < 0.01$ ; \*\*\* $p < 0.001$ .  
<sup>a</sup>Value in parentheses represent standard errors.  
<sup>b</sup>Female respondents are coded as 0, and male respondents are coded as 1.  
<sup>c</sup>Nonwhite respondents are coded as 0 and white respondents are coded as 1.  
<sup>d</sup>School 1 is located in the Northeast and has the highest number of required pro bono hours of the three schools.  
<sup>e</sup>School 2 is located in the West and has the second highest number of required pro bono hours in the sample.

Minority lawyers are significantly more likely than white respondents to support pro bono work. As the regression analysis indicates, these respondents tend to regard pro bono as a way to give something back to their community, and they are significantly less likely to believe that too much emphasis is placed on pro bono within the legal profession ( $b = -1.44, p < 0.01$ ). Also, as demonstrated by these data, a greater number of minority respondents than nonminority respondents endorse the view that lawyers should be required to provide at least a minimum number of pro bono hours each year ( $b = -0.509, p < 0.001$ ). In addition, nonwhite respondents are significantly more likely than white respondents to report that they benefit from the pro bono work they perform. More minority lawyers believe that their legal skills are enhanced through pro bono work ( $b = -1.84, p < 0.01$ ). These respondents also believe that their career is facilitated by their pro bono work. Minority attorneys are significantly more likely to see pro bono work as a way to not only improve their legal skills, but also to acquire clients and contacts, establish a professional reputation, and promote career mobility ( $b = -1.03, p < 0.01$ ). Furthermore, minority respondents are more likely to say they are motivated to do volunteer legal work out of a sense of duty than are nonminority respondents ( $b = -1.22, p < 0.01$ ). Minority lawyers are more likely than nonminority respondents to feel that they have a personal, professional, political, or religious obligation to provide volunteer legal services.

While respondent meaning of pro bono was affected by race and gender, little variation was produced by either income or age. Younger respondents were somewhat more motivated to perform pro bono to gain autonomy and exercise control over their work. The lack of statistical significance associated with respondent income and age suggests that, for the most part, pro bono attitudes are not strongly related to length of professional practice or to financial success.

### Effects of Mandatory Law School Pro Bono

Participation in mandatory law school pro bono appears to have minimal impact on the dependent variables. The data suggest that respondents who participated in mandatory law school pro bono programs are more likely to support the value of pro bono in principle than respondents who were not required to participate in pro bono work during law school ( $b = 1.23, p < 0.01$ ). The former were more likely to report that they are more satisfied with being a lawyer because of their pro bono, that pro bono provides them with an opportunity to give back to their community, and that law students should be required to perform pro bono to graduate. This finding parallels Rhode's (2005) finding that participants of mandatory pro bono generally value the experience and believe it had a positive impact on them.

However, in the current study, the impact of mandatory law school pro bono on respondent current attitudes, motivations, and perceived benefits of pro bono appears weak. There is no difference in the degree of support for mandatory pro bono within the legal profession. Participation in mandatory law school pro bono does not seem to produce a greater proclivity toward supporting mandatory pro bono service in practice compared to those without such law school experiences. In addition, while participants in mandatory law school pro bono believe they derive benefits from their current pro bono (enhancing legal skills and career mobility), they do not do so in significantly greater proportion than respondents who did not participate in mandatory pro bono during law school. Finally, there is no difference between these respondents pertaining to their motivations for currently participating in pro bono. Respondents who participated in mandatory pro bono work during law school are no more likely to perform pro bono in practice out of a sense of professional obligation, personal satisfaction, or religious or political commitment. Nor are these respondents more likely than their counterparts without mandatory law school pro bono participation to perform pro bono in their current practice to exercise control over their work or to work directly with a client.

While there is little significant variation produced by participation in mandatory pro bono, there are some local effects by school. For instance, graduates from the northeastern law school ( $b = 1.89$ ,  $p < 0.01$ ) and the western law school ( $b = 0.725$ ,  $p < 0.05$ ) had a greater tendency to report that pro bono service helps enhance legal skills, compared to the graduates of the southern law school. This effect may suggest that within the law school hierarchy, the northeastern and western law schools are higher-status institutions than the southern school. It may be that graduates of more elite law schools generally have access to pro bono cases that offer greater challenge and complexity that would enhance one's legal skills than the pro bono cases taken by graduates of less distinguished law schools who assume lower-status positions in the legal hierarchy. Indeed, Garth (2004) has pointed out that pro bono opportunities as well as the associated benefits of doing pro bono are unequally distributed within the bar. The fact that there is no interaction between the separate schools within the sample and participation in mandatory pro bono would seem to support the claim that the above variation is largely the result of a stratification effect.

### **Effects of Organizational Sector**

The scales related to pro bono support are significantly affected by variations in workplace settings. In-house lawyers are significantly less likely to endorse values supporting pro bono work,

compared to other practitioners ( $b = 2.40, p < 0.001$ ). For instance, while there are no differences in the degree to which pro bono work affects satisfaction levels of most lawyers, in-house counsel attorneys are significantly less likely to believe that doing pro bono increases their satisfaction with being a lawyer. Nor do such lawyers report that pro bono allows them to “give something back” to their community. The data show that in-house counsel lawyers have significantly less favorable attitudes about pro bono compared to attorneys in other locations.

Despite the general value that most practitioners attach to pro bono work, such support does not necessarily translate into a commitment toward mandatory pro bono. As previous research has demonstrated, small law firm lawyers and sole practitioners have tended to be less supportive of mandatory pro bono proposals (Mather et al. 2001; M. Powell 1988). The data from the current study support this finding. Table 4 shows that compared to attorneys in larger law firms, small law firm attorneys ( $b = 0.311, p < 0.05$ ) and sole practitioners ( $b = 0.485, p < 0.05$ ) are significantly less supportive of mandatory pro bono requirements for lawyers. In-house counsel lawyers are similarly less supportive of mandatory pro bono provisions ( $b = 0.382, p < 0.05$ ). For the in-house counsel, opposition to such requirements may stem from the fact that these lawyers do little pro bono work and that such work has little relationship to their career or to their corporate workplace. By contrast, small law firm attorneys and sole practitioners, while generally contributing more time to pro bono work than their in-house counsel counterparts, are often confronted by the problem of limited resources that restrict the amount of free legal services they can shoulder (Mather et al. 2001). For this reason, small law firm attorneys and sole practitioners are generally less supportive of mandatory pro bono provisions than attorneys working at larger firms.

Alongside these findings on support for pro bono, there are differences in perceived benefits of pro bono work across workplace settings. In-house attorneys ( $b = -3.19, p < 0.000$ ) and attorneys in medium-sized law firms ( $b = -1.68, p < 0.05$ ) are less likely than lawyers in other workplace environments to report that pro bono enhances their legal skills. This may be because these issues seem particularly relevant to the lives of lawyers within these settings. Pro bono service has been identified as a means for lawyers with few resources to develop and expand their client base (Mather et al. 2001). Sole practitioners often practice law on the margins and consequently do not have a steady flow of potential clients (Carlin 1962). Pro bono work offers these lawyers a means to attract future clients or, at the very least, to access clients for whom a lawyer could provide rate discounts. Sole practitioners in

this study are especially likely to value pro bono work for the potential to generate and acquire clients ( $b = 1.60, p < 0.05$ ). In addition to generating clients through pro bono work, sole practitioners were found to be more likely than other lawyers to feel that pro bono work enhances their legal skills, particularly in the area of negotiation. The use of negotiation with clients is particularly high among lawyers who serve lower-income clients. According to Mather et alia (2001), these lawyers tend to rely heavily on negotiation due to their need to quickly dispose of cases. Lawyers who practice on the margins often are unable to engage in complex, time-consuming legal strategies but instead must develop ways to expedite cases so as to generate sufficient revenues to survive (Carlin 1962). Such lawyers frequently eschew litigation, preferring to use informal negotiations as a cost-effective means to quickly settle the assorted legal matters facing their clients (Sarat & Felstiner 1995).<sup>9</sup>

While sole practitioners in this study reported deriving benefits from performing pro bono work that are associated with acquiring clients and gaining negotiation skills, large law firm attorneys appear to value pro bono for somewhat different reasons. More than attorneys in other settings, they report that the value of doing pro bono work lies in the promotion of skills associated with drafting documents, interviewing, and dealing with people. The finding that large law firm attorneys derive more benefit from pro bono in the areas of interviewing and people-related skills may be indicative of the tendency among large-firm attorneys to have little direct contact with clients.

Finally, the motivations associated with performing pro bono work differ sharply across the organizational sector of the legal workplace. As Table 4 demonstrates, a lawyer's location of practice contributes to different motives for engaging in pro bono work. Attorneys employed in small firms ( $b = -0.881, p < 0.05$ ) and medium-sized law firms ( $b = -1.20, p < 0.03$ ) as well as in-house counsel ( $b = -1.54, p < 0.005$ ) tend to be significantly less motivated

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<sup>9</sup> While increased efficiency is one reason why lawyers on the margins might engage in higher rates of negotiation, it is only part of the story behind greater reliance upon negotiation. The use of negotiation as opposed to litigation and other complex legal strategies also represents the definition of professionalism articulated by many non-elite lawyers. As Sarat and Felstiner (1995) found in their study of lawyer-client relations, lower-status lawyers use negotiation as a way of controlling clients and as a way of advancing their particular brand of professionalism, which attends less to the provision of technical "rule of law" skills than to a personal service model of professional ideology. According to Sarat and Felstiner, these lower-status lawyers "do not construct the meaning of law in terms of self-executing rules. Rather they speak in terms of a world of uncertain and competing interpretations, in which personal agendas, organizational needs, and individual personalities play central roles" (1995:146). Indeed, this view of professionalism places less emphasis on the possession and articulation of technical expertise, and rather relies greatly upon negotiations to exercise control over their clients (Abel 1989).

than large law firm attorneys to perform pro bono work out of a sense of autonomy over their cases and when they are able to work directly with a client. Many of these motivational factors are particularly relevant to the work conditions within large law firms. The opportunity to exercise control over one's work as well as the ability to work directly with clients may be especially attractive to young lawyers within a large law firm practice. In most cases, these lawyers may have very little opportunity to see a case through from beginning to end, since much of the work within large law firms amounts to working on fragments of cases.

Many scholars have commented on the extensive alienation that lawyers experience, particularly within large law firms. Such alienation can contribute to high levels of stress and job dissatisfaction. Indeed, many lawyers lament that the practice of law is merely a business and that the atmosphere of law firm practice is bureaucratically stifling, leaving many lawyers chronically unfulfilled and discontented. Much of the alienation that lawyers experience, particularly in larger law firms, stems from the "proletarian-like" conditions that operate within these firms (Kritzer 1999). Young lawyers most often work on only portions of cases and rarely are provided with the opportunity to interact with clients. These lawyers typically lack control over the cases they work on and rarely get a sense that they have made a difference in anyone's life. By offering a sense of autonomy for attorneys as well as an opportunity to work directly with clients, pro bono work can be especially attractive for young lawyers in large law firms who rarely get the chance to have these experiences in their regular practice. There are also added benefits of seeing a case through to its conclusion, including having grateful clients.

Differences in ideological reasons are also noted when the motive for doing pro bono is examined. While most attorneys indicate that they are motivated to perform pro bono work out of a sense of duty associated with personal satisfaction, professional obligation, or political or religious commitment, lawyers employed as in-house counsel generally are less likely than lawyers in other settings to be motivated by such normative orientations ( $b = -2.04, p < 0.003$ ). The fact that in-house lawyers do not appear to be motivated by either the personal satisfaction of doing pro bono work or by a professional ethos of public service perhaps explains the lower rates of pro bono participation among these lawyers when compared to other lawyers. In an ABA (2005) survey of 1,100 lawyers across the country, corporate counsel lawyers were significantly less likely to engage in pro bono activities compared to those in private practice. These lawyers were found to be significantly less likely than lawyers employed in other settings to believe that pro bono work carries some intrinsic value. The finding that in-house

counsel lawyers attribute less intrinsic value to the performance of pro bono is consistent with the data presented in the current research, indicating that these lawyers are generally less supportive of mandatory pro bono proposals, do not generally believe that they need to do pro bono in order to give something back to the community, and do not build their professional reputation on pro bono. Together, these findings suggest that in-house counsel define the role of pro bono in their lives in ways that diverge significantly from other lawyers in this sample.

## Discussion

The findings of this research suggest that lawyer views on pro bono are moderately affected by respondent racial status, the organizational sector of the respondent's legal practice, and, to a lesser extent, gender. Respondent age, income, and participation in mandatory law school pro bono have minimal impact on current views regarding pro bono service. In addition, the effects of the specific law school context are minimal, and no interaction effects between a specific law school and mandatory pro bono or between a specific workplace setting and mandatory law school pro bono were observed, thereby increasing the robustness of the main effects.

One interesting finding in this study is the minimal impact of law school exposure to pro bono and public service. Experiencing mandatory pro bono in law school has little impact on the dependent variables examined in this study. While participation in mandatory pro bono does yield greater endorsement of the value of pro bono in practice compared to those who were not required to do pro bono in law school, participation in mandatory pro bono during law school has no significant effect on a lawyer's support of mandatory pro bono, on the perceived benefits of doing pro bono, or on the associated motivations for engaging in pro bono work. Lawyers who graduated from law schools with mandatory pro bono requirements look remarkably similar to the cohort of attorneys who graduated from the same schools prior to the institutionalization of these requirements.

When it comes to the meaning of pro bono, the institutional effects of the workplace appear to outweigh the socialization effects of law school. One exception to this general conclusion was the finding that respondents who graduated from the law school requiring the greatest number of pro bono hours more often reported supporting mandatory pro bono in practice, enhancing their legal skills and experiencing autonomy through their pro bono work, than did graduates of the two other law schools. This

may suggest that law schools with a heavier concentration in pro bono service are better able to produce a climate that supports the value of pro bono. The limited overall effect of law school pro bono may be due, in part, to the failure to integrate mandatory pro bono experiences into the general law school curriculum. While respondents who participated in mandatory pro bono work during law school generally reported that they found the experience valuable, most respondents believe that these experiences were not the subject of further exploration or discussion during law school (Granfield 2006). The value of law school pro bono experiences and the potential for pro bono to contribute to greater social justice remained underexamined, perhaps signifying to law students that the experience is not very important in the long run. The finding that law school pro bono matters little in the performance of pro bono in practice raises questions not only about whether such law school initiatives can create an atmosphere of support for pro bono but also about the broader role such projects may serve in the legitimation and status claims of the legal profession. Indeed, Sandefur (2006) reports that rates of pro bono service have little to do with encouragement by the organized bar but instead are related to labor market conditions and perceived threats to professional dominance. The finding that mandatory law school pro bono has little real world impact on pro bono in practice may suggest a similar trend.

The pattern of differential benefits associated with pro bono work across race deserves further comment, especially for the insights it offers for understanding stratification within the legal profession. Racial segregation persists within the legal profession (Chambliss 1997), and minority lawyers are often excluded from opportunities to gain experiences and generate clients that could advance a legal career (Wilkins 2004). Law schools teach few actual practice skills, rendering opportunities to receive training through actual legal practice essential. Consequently, mentoring relationships are often critical to gaining practice skills in law firm environments, where young lawyers who get on the “training track” have better opportunities to learn about practice and develop skills and advance their careers. Negotiating the training track, however, depends greatly on obtaining a mentor who will direct challenging work to a young lawyer, thereby enhancing his or her competence as a lawyer, a process that is filled with barriers for minority lawyers. For example, one study of black lawyers found that less than one-quarter of respondents reported that a partner had taken interest in their work or their career (Wilkins & Gulati 1997). In the absence of adequate mentoring, minority lawyers may regard pro bono work as a substitute source of training and practice skills acquisition, as well as a method of establishing useful contacts.

Lacking informal social networks in communities that could lead to potential clients, minority lawyers often turn to pro bono opportunities as a method of enhancing their professional reputation and to make contacts that could advance their career (Granfield & Koenig 2003). While it is unclear whether this mobility strategy is successful, the tendency for minority lawyers to perceive greater skill-based and career-enhancing benefits from volunteer work than white lawyers may be indicative of the persistence of racial divisions within the legal profession.

Over and above these instrumental factors, it also seems to be the case that minority lawyers feel a greater obligation to serve their communities. For these lawyers, doing pro bono may be consistent with the value of giving something back, a value that has been found to be especially strong among black attorneys (Wilkins & Gulati 1997; Wilkins 2004). The combination of instrumental benefits as well as a sense of duty to serve their community may account for the higher rates of support and endorsement of pro bono work among minority respondents in these data.

Another effect of stratification may be seen in some separate school effects. Graduates of higher-ranked law schools seem to derive more benefit from their pro bono work than graduates of the lower-ranked school used in the sample. While stratification within law schools and within the bar affects opportunities for practice more generally, it is undoubtedly the case that this stratification also influences the types of pro bono opportunities as well as perhaps making pro bono more valuable, at least in skill-building, for attorneys in higher-level legal positions (Garth 2004). Consequently, even the pro bono and public service work performed by lawyers is shaped by inequality within the bar.

This research also highlights the institutional effects of distinct workplace environments on the meanings of pro bono work among lawyers. Institutional theory adduces the principle that practices within organizations are less the outcomes of freely chosen, rational actions of individuals but rather represent socially constructed normative scripts that guide behavior. Organizations create and disseminate taken-for-granted meanings to individuals that construct a practical consciousness simultaneously directing and restricting behavior. These socially constructed scripts separate what is thinkable from what is unthinkable; what is practical from what is impractical. Normalized scripts experienced through organizational contexts identify what is deemed important, valued, and normative and what is trivial, worthless, and deviant for individuals in those contexts.

As this research demonstrates, the meaning of pro bono in the lives of lawyers is contingent, in part, upon the organizational sector within which a lawyer's practice is embedded. Data from this

research indicate that institutionally shaped differences in attitudes, motivations, and perceived benefits are associated with performing pro bono service. While many of these lawyers indicate that they find pro bono work personally or professionally rewarding, there are variations that resonate with the specific locales within which their practices occur. However, what are the institutional dynamics across these sectors that shape the meaning of pro bono? It is important to point out that the variations observed across workplace settings represent sector-level differences, as opposed to simply unique workplace differences. In other words, there is little overlap between respondent workplace locations. While in a few instances in the data, large law firm respondents work in firms that employ other respondents in the sample, such cases are the exception. Thus, a diversity of workplaces is associated with each organizational sector.

Attorneys in large law firms appear to be not as opposed to pro bono in principle or to mandatory requirements, compared to lawyers in other workplace sectors. In part, this may reflect the fact that pro bono has become increasingly institutionalized in large law firms, offering lawyers the opportunity to include a small portion of pro bono work in their billable hours and providing lawyers with additional incentives such as awards and recognition as well as administrative support through pro bono partners or managers who coordinate the pro bono initiatives of the firm and the activities of lawyers. These lawyers may also be more supportive of mandatory proposals because they either possess the administrative support to pursue pro bono cases or are perhaps able to “buy out” of direct service by “providing financial support to organizations providing free legal services to persons of limited means” (Spaulding 1998:1410). In some cases, large law firm attorneys may even be encouraged to do pro bono by their wealthy corporate clients who have incorporated a value of civic engagement into their vision of corporate responsibility (Boon & Whyte 1999). It is also interesting to note that large law firm attorneys believe that their professional skills are enhanced through pro bono work, perhaps reflecting the fact that many partners in large law firms view pro bono work as an opportunity to provide training to young lawyers (Epstein 2002; Spaulding 1998; Cummings 2004). Large-firm lawyers themselves may find pro bono satisfying because they can hone their legal skills (Spaulding 1998). These lawyers also seem to be attracted to pro bono work for the opportunity to gain some respite from the bureaucratic grind associated with large law firm practice. Such a finding is consistent with John Wilson’s (2000) conclusions that volunteering can enhance workplace performance by offering workers opportunities that may not be present in their workplace. As these data demonstrate, volunteer legal work among large law

firm lawyers seems to provide an opportunity to address the particular challenges present within the workplace.

Finally, while large law firm attorneys may endorse pro bono work more than attorneys in other organizational sectors, it seems apparent that they do not need pro bono in order to establish contacts or generate clients in quite the same way that sole practitioners may need pro bono. In other words, large law firm lawyers can endorse pro bono and appear as though they are aligned with the ideals of public service precisely because their institutional position gives them the luxury to do so. Support for pro bono within large law firms may in large part reflect the elite bar's reliance on the concept of service to the community as a source of legitimation, especially in light of the increasing criticism of the commercialism within these firms that has been noted over the years (Noone & Tomsen 2001; Rhode 2004; Boon & Whyte 1999; Kronman 1993).

The institutional pressures on small-firm attorneys, sole practitioners, and in-house attorneys are different from those of large-firm attorneys. In the case of sole practitioners, pro bono is a means for acquiring contacts and clients. One of the greatest challenges faced by the sole practitioner is building up and maintaining a practice, especially in face of stiff competition from other sole practitioners and law firms (Carlin 1962). Indeed, the market for sole practitioners remains extremely competitive, making it necessary for these lawyers to seek out numerous sources, including pro bono, to acquire clients (Carlin 1962; Levin 2004; Seron 1996). The lower-status position of sole practitioners makes them more dependent on pro bono as a source of potential future revenue. The organizational sector's relationship to the marketplace may also explain why many small-firm attorneys and sole practitioners are less supportive of mandatory pro bono requirement proposals than are large law firm attorneys. The tendency for small-firm and sole practitioner lawyers in this sample to be less favorable toward such mandatory proposals highlights the particular pressures and constraints experienced by these lawyers within these organizational contexts. As Mather and her colleagues point out, formal pro bono requirements that specify the number of hours lawyers must donate "gives precedence to those lawyers most able to donate time outside their regular practices" (2001:156). Indeed, as these findings illustrate, the meaning of pro bono for small-firm and sole practitioners within this sample is mediated by the workplace context within which they practice.

The lives of lawyers in small law firms diverge in many ways from their counterparts in large law firms. Research has indicated that lawyers in smaller firms possess greater autonomy than do large law firm attorneys (Seron 1996). This sense of independence

and autonomy is a significant attraction for those lawyers who are employed in small law firms or as sole practitioners. Sole practitioners highly value the autonomy that comes with self-employment (Levin 2001), and some evidence suggests that small law firm and sole practitioner lawyers are happier than large law firm attorneys because they have greater autonomy (Stefancic & Delgado 2005). Large law firm attorneys, especially early in their careers, have little control or autonomy over their work life. Consequently, they often experience high levels of stress and alienation. It is in this context that pro bono may play a significant role for large law firm attorneys. According to the data in this study, it is large law firm attorneys who report performing pro bono work for the opportunity it provides to exert control over their work and to work directly with clients.

In-house counsel lawyers construct the meaning of pro bono differently from attorneys in private practice. As the data for this study demonstrate, pro bono work is largely irrelevant to the occupational life of these lawyers. In-house lawyers generally report lower levels of endorsement for pro bono, attribute few career mobility or skill-building incentives to pro bono, and are less likely to engage in pro bono for normative reasons such as professional, political, or religious obligation as compared to other lawyers in the sample. The data suggest that in-house lawyers constitute pro bono obligations differently than do lawyers within private law firms. When in-house counsel lawyers engage in volunteer work, such work often does not correspond to traditional pro bono legal work. Corporate counsel lawyers often use nonlegal volunteer opportunities as a way to further strengthen their relationships with their clients by offering volunteer services that reflect very publicly and positively on the image of the company as a good citizen (Hackett 2002; Cummings 2004). Data from this study support this general trend. While the nonlegal volunteer activities of lawyers in private practice closely match the amount of pro bono they perform, corporate counsel lawyers are involved in significantly more nonlegal volunteer activities than traditional pro bono activities. These attorneys reported being involved in nonlegal volunteer activities at a rate of nearly one and a half times more than traditional pro bono work. While in-house counsel lawyers in this sample reported performing 33 hours of pro bono services annually, they indicated engaging in 50 hours of nonlegal volunteer activities. Engaging in nonlegal volunteer work, such as community service, may reflect sensitivity to a client's concerns that pro bono work may be controversial in some segments of the company's leadership or to corporate shareholders (Hackett 2002).

For lawyers employed in these settings, volunteering is directed less at helping disenfranchised populations and more at

demonstrating a sense of corporate responsibility, a sentiment that has penetrated mainstream commercial activity (Boon & Whyte 1999). While there are indications that interest in pro bono is burgeoning among corporate legal departments (Morsch 2003), data from this study suggest that the everyday meaning of pro bono within the lives of in-house counsel lawyers is distinctly different from the social construction of pro bono by their counterparts in private law firm practice.

From a broader theoretical perspective, the results of this study provide moderate support for institutionalist assumptions concerning the constitutive effects of legal environments. As institutionalists have observed, organizations vary in their response to external environments. Indeed, organizations construct the meaning of legal mandates or regulations, in light of such factors as government pressure (Edelman 1990) or the presence and influence of professionals within an organization (Sutton & Dobbin 1996). How organizations enact compliance to assorted external mandates and how individuals behave within organizations is mediated by a range of factors within an environmental field, including such things as cultural mores, cognitive scripts, and symbolic gestures. In the case of the latter, institutionalists maintain that symbolic compliance to external mandates is more than simply window dressing. Rather, organizations and individuals within organizations struggle to make meaning in the face of assorted external mandates. Organizations do not simply apply authoritarian (legal, political, normative, cultural, etc.) rule-systems from the outside. Instead, they mold the meaning of these mandates in such a way that “defines for themselves what is possible, normal and desirable” (Suchman & Edelman 1996:939).

The institutionalist insight that organizations construct the meaning of compliance to external mandates and that meanings are *differentially* constructed across organizational sectors has significance for understanding the practice of pro bono work within the legal profession. While there may be a tendency to view pro bono work from a cynical, public relations perspective or from an exclusively individualist perspective of rational choice driven by self-interested motivations only, the institutionalist framework I use in this research problematizes pro bono beyond such restricted, taken-for-granted accounts. Organizational environments tend to shape which interests and choices are seen as rational by individuals within those organizations. As this study demonstrates, pro bono work means something different to lawyers across different organizational sectors within the hierarchy of the legal profession. How pro bono is enacted by legal practitioners is highly dependent on the organizational context within which its practice is embedded. Like other external mandates and regulatory regimes that are

often loosely defined and ambiguously developed, pro bono obligations are subject to interpretation. The data in this study have offered insight into how legal practitioners within different organizational sectors differentially interpret and enact the meaning and purpose of pro bono work.

This research also offers insight into general sociological conclusions about volunteer behavior. Research in this area has demonstrated that individuals who are well-educated, middle-aged, employed, and from households with above-average incomes have the highest rate of volunteerism (Brown 1999). The finding that minority lawyers in this sample seem to be more disposed to volunteer legal work than white lawyers offers potential direction for future research. While previous studies have found that minorities are generally less disposed to volunteer (Wilson & Musick 1997b), less attention has been given to elite minority groups. Data from this study suggest that elite minorities, like the respondents in this study, may be more disposed to volunteer than non-elite minorities, and perhaps more so than whites. In addition, beyond a number of individual factors related to volunteering, volunteer behavior emerges within broader institutional contexts that frame motivations and opportunities to volunteer (Schofer & Foucade-Gournichas 2001). Conditions within neighborhoods, schools, cities, and the workplace affect the type and rate of volunteering. In their study of the relationship between work and volunteering, Wilson and Musick (1997a) found that differences in workplace settings account for significant differences in volunteer behavior. Such differences are likely due to the institutionalized norms, values, pressures, and constraints that exist within distinct workplaces and their related sectors. Thus volunteer work, including pro bono legal service, is not merely initiated out of a sense of altruism but also is productive labor that emerges within particular occupational contexts.

The picture that this study has given to the impact of organizational sector on the institutionalization of pro bono is partial. This study is limited by the fact of its retrospective design and moderate sample size. The sample is also limited by the fact that it consists largely of young lawyers, most of whom graduated from a top law school, whose views of pro bono may be unique to their career stage. In addition, since the sample consists of American lawyers, the results may not be applicable to lawyers outside the U.S. context. Despite these limitations, much has been learned from this study, but there is considerable need for additional research on pro bono practice. Further investigation into the quantity, quality, meaning, and practice of pro bono work within the legal profession is necessary. One avenue for further investigation would be to explore the experience and meaning of pro bono

along the life course of a lawyer's career. This would necessitate a prospective research design such as the one used in the *After the JD* study (Dinovitzer et al. 2004). The post-J.D. research was designed to track the professional lives of more than 5,000 lawyers during their first 10 years after law school. Data for this study were based on a representative sample of lawyers who were admitted to the bar in 2000. Overseen by a team of researchers and with the support of multiple funding streams, this longitudinal study of the legal profession examines a variety of personal and professional factors that affect a wide range of legal careers. Such a longitudinal study of pro bono could provide valuable insights into the transition from law school pro bono experiences to pro bono work in legal practice, the stages of pro bono service within the careers of lawyers, the personal and career factors that facilitate and restrict pro bono work, and the effect that graduates of pro bono programs have on workplace settings over the course of their careers. Future research in this area should further explore not only the variety of ways that pro bono work is actively constituted across workplace settings, but also the institutional factors that account for the adoption of different pro bono policies across these settings, including the impact of specialization on the quantity and meaning of pro bono practice.

In addition to such quantitative studies, qualitative investigations would also be valuable in gaining further understanding of the role pro bono plays in the legal profession. More extensive qualitative data are needed to determine the broader impact of pro bono work on the professional lives and identities of lawyers as well as to investigate how barriers in practice mitigate the potential positive effects of mandatory pro bono/public service during law school. Such qualitative investigations could focus on questions such as how and to what extent law school graduates carry the experiences of mandatory pro bono in law school with them into their legal careers, and how and in what ways participation in mandatory pro bono/public service programs in law school has contributed to a lawyer's professional career and identity. An interesting line of qualitative research might also further investigate the definition of pro bono within different legal practice settings. How decisions to take pro bono cases get worked out in the daily lives of lawyers and the institutional pressures surrounding those decisions has important implications for the future of pro bono work within the legal profession.

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