

The Social Basis of Volunteer Legal Work: Predictors of Pro Bono in Legal Practice¹

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¹ The authors would like to thank Steven Boutcher, Susan Chambré, Scott Cummings, Rebecca Sandefur, Stephen Vaisey, and Steven Vallas for their comments on an earlier versions of this paper. In addition the authors wish to thank the Law School Admissions Council for their support in funding this research.

Executive Summary

Volunteering through one's workplace has become one of the fastest growing and most significant sources of volunteer work in the past twenty years. As workplace volunteering has become increasingly institutionalized in various settings and professions, employers have developed deliberate strategies to encourage and to support employees to become more involved in their communities. Employee volunteerism is now regarded as a basic business strategy that complements financial donations and gifts-in-kind, event sponsorship, and includes direct service and 'pro bono' activities at the local, national, and international level.

Over the past several years, private law firms have witnessed a substantial growth in 'pro bono' volunteer work. Pro bono legal service within a wide range of practice settings is on the rise and such work has become an increasingly important part of how legal services are delivered to the poor and other underserved populations. Consistent with the concept of employer-supported volunteerism, pro bono work is frequently "subsidized" by the workplace settings that employ lawyers; that is, the volunteer work

that lawyers provide to non-paying clients, whether to individuals or organizations, is frequently offered by the employer as part of the organization's community involvement profile. While pro bono volunteer work has been increasing across the legal profession, empirical research regarding the factors that affect lawyers' decisions to engage in pro bono volunteer work has only recently emerged. Scholarship that examines patterns in volunteer behavior more generally provides a promising framework for further understanding the motivations for and the practice of volunteer pro bono work among lawyers.

This study uses the social resource model of volunteering to broaden our understanding of lawyer participation in pro bono activities. In this model, social resources are conceptualized as forms of human, social, and cultural capital. Three separate hypotheses are proposed: 1) lawyers who anticipate building human capital skills through pro bono will be more likely to make an investment in it than those lawyers who do not anticipate such returns; 2) lawyers will be more likely to do pro bono if they receive support from their workplace and are connected to a network of other lawyers who engage in pro bono work; and 3)

normative dispositions of related to profession and community will motivate lawyers to perform pro bono and elite law school graduates will have higher rates of participation than non-elites.

A survey was administered to graduates from three law schools that implemented mandatory pro bono requirements during the 1990s. A total of 468 completed surveys were returned, yielding a response rate of about 30 percent. For this study, a broad definition of pro bono was used consisting of “activities undertaken without the expectation of fees consisting of legal services to persons of limited means or to charitable, religious, civic, community, governmental, and educational organizations”. Two dependent variables are used to measure pro bono: *incidence and amount* of pro bono. The main independent variables consist of three constructs that measure human, cultural, and social capital that lawyers cultivate through participation in pro bono services. Several control variables are also used.

The results of this study demonstrate that the constructs of human, cultural, and social capital affect pro bono volunteer legal work in complex ways. Whether an attorney does or doesn’t do pro bono occurs independent of the desire to enhance human capital

skills. However, in smaller firms, a lawyer's assessment of the potential gain in human capital skills influences the degree of commitment to pro bono work as measured by the amount of pro bono work performed. Large law firm attorneys in this sample do not typically invest in pro bono as a means of enhancing their human capital. Regardless of practice setting, lawyers who possess the normative value that they have a community or professional obligation to contribute to society are more likely to participate in pro bono services. The hypothesized "classed" nature of pro bono was not supported in the final models. While it initially appeared that elite law school graduates in large firms reported higher rates of pro bono compared to non-elite law school graduates, this difference evaporated with further analysis. Finally, the pro bono participation of lawyers is positively affected by the degree of social capital. Lawyers are more likely to participate in pro bono and commit a greater number of hours to pro bono if they are connected to other lawyers who likewise perform pro bono service and receive support from their firms.

These findings add further insight into the practice of workplace volunteering more generally. This study finds that social

networks, cultural values, and opportunities to enhance skills are important in motivating workplace volunteerism. In light of these findings, future research should examine the unique effects of human, social, and cultural capital on the decision of employees in various workplace settings to participate in workplace volunteer activities.

INTRODUCTION

Volunteering through one's workplace has become one of the fastest growing and most significant sources of volunteer work in the past twenty years (McBain and Machin 2008; Davidson 1994; Geroy, Wright, and Jacoby 2000; Romano 1994). Workplace volunteerism has emerged as a coordinated strategy for improving community relations and perception, for promoting employee camaraderie and organizational involvement, and for increasing job satisfaction. It is now common for corporations to encourage their employees to participate in volunteer work, often within the context of their regular work schedule (Selbee and Reed 2006). Many corporations view employee volunteering as part of their corporate social responsibility commitments and several companies - from the Fortune 500 to small local firms - are investing in programs that support employee community volunteer activities (Shamir 2010; 2005). As workplace volunteering has become increasingly institutionalized in various workplace settings, employers have developed deliberate strategies to encourage employees to become more involved in their community as volunteers and to support them in those efforts. Major corporations have institutionalized efforts to encourage and enable their employees to volunteer. Such efforts have included serving as clearinghouses for volunteer opportunities, coordinating weekend or after hours volunteer activities, or, increasingly, facilitating employee participation in volunteer activities during company time, either as part of a company-sponsored group endeavor, or individually (Geroy, Wright, and Jacoby 2000; Romaro 1994; Miller 1997).

Employee volunteerism is now regarded as a basic business strategy for community involvement that complements financial donations and gifts-in-kind, event sponsorship, and includes direct service and `pro bono' activities at the local, national, and international level (Galaskiewicz and Colman 2006; Shamir 2010).

Over the past several years, private law firms have witnessed a substantial growth in “pro bono” volunteer work. Large law firms now routinely provide opportunities for lawyers to engage in volunteer “pro bono” legal work. Recent evidence suggests that volunteer pro bono legal service within a wide range of practice settings is on the rise (Granfield and Mather 2009; Cummings 2004) and such work has become an increasingly important part of how legal services are delivered to the poor and other underserved populations (Cummings and Rhode 2010; Sandefur, 2009). According to the latest national survey conducted by the American Bar Association (2009), approximately three-fourths of the attorneys (73%) provided some amount of pro bono to persons of limited means or to organizations for those persons in 2008 compared to 66 percent in 2004.

While not mandatory, such workplace volunteer initiatives have become a part of the institutional mission of many laws firms (Cummings 2004). Consistent with the concept of employer-supported volunteerism (McBain and Machin 2008), pro bono work is frequently “subsidized” by the workplace settings that employ lawyers; that is, the volunteer work that lawyers provide to non-paying clients, whether to individuals or organizations, is frequently

offered by the employer as part of the organization's community involvement profile. Like other corporate employees, lawyers in firms are increasingly encouraged by partners to seek out opportunities to provide free legal services for select constituencies or by working directly with non-profit organizations. Very often, pro bono is seen by law firms as a viable business strategy as well as a strategy for increasing access to justice, especially for lower income or under-represented populations (Rhode 2005). Within the context of in-house counsel, pro bono is increasingly seen as a strategy to recruit and retain attorneys as well as part of a companies overall corporate social responsibility commitment (Lardent 2006).

While pro bono volunteer work has been increasing across the legal profession, empirical research regarding the factors that affect lawyers' decisions to engage in pro bono volunteer work has only recently emerged (Granfield and Mather 2009; Cummings and Rhode 2010; Boutcher 2010, Granfield 2007; Sandefur 2007). Increased workplace volunteerism within the legal profession does not translate into a universal engagement in volunteer behavior among lawyers nor are the interests in pro bono consistent across the profession. The interests in pro bono among large law firm attorneys differ from those in small firms or who are sole practitioners (Granfield 2007). Elite lawyers generally are able to reap greater symbolic value from pro bono activities than are lawyers in smaller firms (Garth and Dinovitzer 2009). Although many lawyers now engage in pro bono, there is still a large portion of lawyers who do not and even among the lawyers who engage in pro bono, the

rates vary widely (American Bar Association 2009). Scholarship that examines patterns in volunteer behavior more generally provides a promising framework for further understanding the motivations for and the practice of volunteer pro bono work among lawyers.

In their research on volunteering, Wilson and Musick (1997a; 1998) advance a social resource model of volunteering that has utility for broadening our understanding of lawyer participation in pro bono activities. From this perspective, volunteering does not arise from the mere possession of an altruistic personality or other personality traits but rather is productive labor that emerges within particular contexts and is associated with resources available to an individual (Bekkers 2006). Social resources increase the capacity for volunteer action by providing skills, potential outcomes, and a supportive context that helps facilitate volunteering (Oesterle, Johnson and Mortimer 2004; Wilson and Musick 1997a; 1997b). Resources can be material (skills, educational level, financial support), relational (networks, associations), or symbolic (values, appreciations, codes of conduct, ethical orientations). Wilson and Musick (1997a) conceptualize these resources as forms of human, social, and cultural capital. Human capital typically involves investments and activities that enhance the potential for increased productivity and career building. Individuals often attribute a “rate of return” to these investments and activities when making decisions to act. There is no finite set of ingredients that make up human capital. As Wilson and Musick (1997a) point out, what counts as human capital depends on what is potentially being

produced and what outcomes are anticipated. Human capital can be resources that help reduce the costs of volunteering such as having the time and relevant education or being in good health (Wilson and Musick 1979a). However, human capital may not only be tangible attributes such as income or education rather human capital can also consist of “side bets” that people make allowing them to invest in some activity that has the potential for a future pay off. For instance, young people often volunteer for the opportunity to learn skills and accumulate experience that they anticipate translating into career success. From this perspective, volunteering might be thought of as an investment in human capital that could lead to more job security or even higher pay. As a “side bet”, an investment in volunteering has been found to have positive effects on salary levels (Day and Devine 1998). Einolf and Chambre’ (2011) point out that volunteering itself can be a resource for developing and enhancing human capital skills. The dynamic of volunteering as an investment in human capital is also seen in the case of pro bono. Previous research has found that investment in such work can have a positive impact on career development by helping lawyers enhance their legal skills and acquire clients (Rhode 2005; Granfield 2007; Epstein 2009). Lawyers invest in pro bono for the potential career boost such work may provide. In the present study, lawyers who anticipate building human capital skills through pro bono will be more likely to make an investment in it than those lawyers who do not anticipate such returns.

Social capital involves relationships and social connections that provide

individuals with resources such as information, support, encouragement, and trust that make volunteering more likely. Volunteering and other forms of altruistic behavior are strongly correlated with having friendship networks, organizational memberships, and workplace support (Michel 2007; Wilson and Musick 1997a; Wilson 2000; Jankowski, Wilson and Musick 1998; Wiltjang and McAdam 1991; Burt 1983; Bekker 2006; Putnam 2000; Portes 1998). These social networks help set guidelines for volunteering, provide access to information and opportunities for volunteering, create a sense of obligation to engage in volunteerism, and provide social support for volunteering (Maxwell and Oliver 1993). Increased social capital also increases the likelihood of being asked to volunteer (Musick and Wilson 2008), especially within the work setting (Wilson and Musick 1997b). Social connections make volunteer work more likely by fostering norms of generalized reciprocity, encouraging people to trust each other, amplifying reputations, and by providing increased opportunities to volunteer. In the present study, we anticipate that lawyers will be more likely to do pro bono if they receive support from their workplace and are connected to a network of other lawyers who engage in pro bono work.

Cultural capital corresponds to the appreciations and dispositions held by individuals that often serve as markers of background and status. Taste in art, music, and wine express symbolic boundaries of social class (Bourdieu 1987). The study of boundaries has illustrated that differentiation, demarcation, and distinction can also be reflected in ideas regarding race and ethnicity (Gans 1999), gender inequalities (Epstein 1988), and doing volunteer

work (Wilson and Musick 1997a), including pro bono work among lawyers (Granfield and Veliz 2009). In the current study, we adopt the view of cultural capital as an appreciation for moral conduct and social responsibility to help others. A sense of moral obligation is strongly associated with volunteering (Rossi 2001; Einolf 2010). Subscribing to values that oblige a person to help others is also a marker of social status. Volunteering allows a person to act out a kind of “moral habitus” that signifies their values of altruism, compassion, and social responsibility (Einolf and Chambre’ 2011). Thus, these normative values and dispositions act as a type of benevolence capital that can serve as a resource for productive activity and, as previous research on pro bono has asserted, the reproduction of class boundaries (Dinovitzer and Garth 2009). In the present study, we anticipate that cultural capital will motivate lawyers to perform pro bono and that elite law school graduates will have higher rates of participation than non-elites.

From the above theoretical perspective, volunteer pro bono work by lawyers can be viewed as productive work that is mediated by human capital, social capital, and cultural capital. We adapt this theoretical framework of volunteer labor for use on a sample of law graduates from three law schools. Specifically, we examine how human, social, and cultural capital are related to the incidence and amount of pro bono work among lawyers within different practice settings. While there are other theoretical approaches to understanding pro bono work among lawyers that highlight broader organizational factors, most notable neo-institutionalist approaches (Boutcher

2010; 2009; Granfield 2007), social resource theory offers an approach toward conceptualizing the social factors related to the *decision* to engage in pro bono volunteer work.

METHOD and DATA

Data for this research were collected as part of a larger study designed to assess the impact of mandatory law school pro bono on lawyers' careers (Granfield 2006). A survey was administered to graduates from three law schools that implemented mandatory pro bono requirements during the 1990s. The selected law schools reflect the broad hierarchy of institutions identified in previous research (Heinz et al 2005); one law school is an elite "top ten" law school in the east, a second is a middle tier law school in the southwest, and the third is a lower tier law school in the southeast. Data were collected on a number of variables pertaining to graduates' law school pro bono participation, including the number of hours of pro bono service in law school and their current practice, the types of pro bono activities undertaken, their attitudes about the performance of pro bono, and their attitudes regarding their required law school service. Data were also collected for demographics such as firm size, gender, ethnicity, current income, previous volunteering, religious and political orientations, and marital status.

Participants in this study were contacted through local commercial mailing companies contracted by the alumni office at each school. Using this strategy, mailings were sent to approximately 2,000 potential respondents. A

number of mailings were returned without delivery, and the respondent names were subsequently deleted from the sample. This reduced the pool of potential participants to approximately 1,600, of which 468 completed and returned surveys, yielding a response rate of about 30 percent. Unfortunately, two-hundred and twenty-two respondents in the original sample have missing data on at least one of the independent or dependent variables (current pro bono participation) which limits the final sample size to 246 respondents.

Given that all survey data is plagued with the problem of missing data, it is necessary to address this issue and account for missing values using a systematic procedure that overcomes the problems of ignoring missing data (i.e. listwise deletion, pairwise deletion) or using crude imputation procedures (i.e. mean substitution, dummy/indicator adjustment) (Acock 2005). To overcome this issue, multiple imputation (MI) is used to avoid losing an important segment of the sample. Missing values for both the independent and dependent variables used in the following analysis are imputed. Moreover, all the independent and dependent variables in the analysis are used as predictors to account for missingness among the cases with missing values². Using guidelines highlighted by Schafer (1997), ten imputations ($m = 10$) estimated to create 10 data sets that allow the *imputes* (missing data points) to vary across the data sets. These 10 datasets are then pooled to produce estimates for the

² To simplify the imputation procedure, all ordinal level variables (i.e. Income, Importance of Religion, and the variables used to construct the different forms of human, cultural and social capital) were treated as interval ratio variables in order to use linear regression to compute values for missing data points for the independent and dependent variables. Moreover, all categorical variables were dichotomized in order to use logistic regression to compute values for missing data points for the independent and dependent variables.

missing values using all the information across the 10 imputed data sets. The pooled data retains all 468 respondents³. For the purposes of the analysis, only lawyers who work in a private legal setting will be examined. The final sample size will include 370 lawyers who are sole practitioners (n = 41), in-house counsel (n = 53), and lawyers who work in small (n = 76), medium (n = 43), or large law firm settings (n = 157).⁴ Lawyers who work in government/judicial settings, public interest setting, or specified some ‘other’ legal setting were excluded from the final sample.

Measures of Independent and Dependent Variables

For this study, a broad definition of pro bono was used consisting of “activities undertaken without the expectation of fees consisting of legal services to persons of limited means or to charitable, religious, civic, community, governmental, and educational organizations”. Two dependent variables are used to measure pro bono. The first measure represents the *incidence* of pro bono among lawyers in the sample: *Have you participated in pro bono work in your current job*. This measure is a dichotomous variable with 0 representing lawyers who devote no time to pro bono in their current job and 1 representing lawyers who have done at least one hour of pro bono service in their current job. The second measure represents the *amount* of pro bono that lawyers perform during a typical year: *Approximately how many*

³ Multiple imputation was performed using IBM SPSS Statistics 19.

⁴ Firm size in this study is self-reported. Generally, definitions of firm size include 2-19 lawyers (small), 20-99 lawyers (medium), and over 100 lawyers (large).

total hours would you say that you devoted to pro bono work in the past year.

This is a continuous measure and has a minimum value of 0 hours and a maximum value of 750 hours.

Table 1. Principal Component Analysis with Varimax Rotation: Main Independent Variables

| Variables/Coding | Item Description | Factor Loading | | | |
|---|--|----------------------|-------------|-------------|------|
| | | 1 | 2 | 3 | |
| Construct (1) | | | | | |
| Human capital (Cronbach's alpha = .870) | | | | | |
| How much do you believe pro bono work has contributed to the following areas of your legal career? (no influence = 1, Great Influence = 5) | (1) Litigation skills. | .620 | - | - | |
| | (2) Dealing with people. | .536 | .513 | - | |
| | (3) Interviewing skills. | .665 | - | - | |
| | (4) Drafting documents. | .728 | - | - | |
| | (5) Negotiation. | .693 | - | - | |
| How much have the following factors influenced your decision to perform pro bono? (no influence = 1, Great influence = 5) | (6) Opportunity to exercise control over work. | .752 | - | - | |
| | (7) Enhance legal skills. | .815 | - | - | |
| | (8) Work directly with client. | .729 | - | - | |
| Construct (2) | | | | | |
| Cultural Capital (Cronbach's alpha = .537) | | | | | |
| Giving back to the Community (Strongly Disagree = 1, Strongly Agree = 4) | (9) Doing pro bono service is a way for me to give something back to the community. | - | .842 | - | |
| How much have the following factors influenced hour decision to perform pro bono? (no influence = 1, Great influence = 5) | (10) Sense of professional obligation. | - | .660 | - | |
| Construct (3) | | | | | |
| Social Capital (Cronbach's alpha = .464) | | | | | |
| Workplace support (Strongly Disagree = 1, Strongly Agree = 4) | (11) My workplace supports my desire to do pro bono/public service work. | - | - | .677 | |
| Amount of peer interaction via bro bono (Never = 1, Very often = 4) | (12) How often do you discuss pro bono matters with other attorneys either in or outside your current workplace? | - | - | .639 | |
| Association with other attorneys who do pro bono (Yes = 1, No = 0) | (13) Do you associate with other attorneys who engage in pro bono? | - | - | .672 | |
| | | Eigen Value | 4.73 | 1.42 | 1.16 |
| | | % Variance Explained | 36.38 | 10.92 | 8.95 |
| Correlation Matrix | (1) | (2) | (3) | | |
| Human Capital (1) | 1 | .369*** | .240*** | | |
| Cultural Capital (2) | .369*** | 1 | .327*** | | |
| Social Capital (3) | .240*** | .327*** | 1 | | |

Factor loadings below 0.50 were excluded from the tables

Extraction procedure fixed the number of factors to 3

p<.05*, p<.01**, p<.001***

The main independent variables for the following analysis consist of three constructs that measure human, cultural, and social capital that lawyers cultivate through participation in pro bono services. Since there are no standardized scales that measure different forms of capital that lawyers cultivate through their participation in pro bono services, a series of items were analyzed using principal component analysis to help uncover latent variables that measure human, cultural, and social capital that lawyers nurture through participation in pro bono services. Principal component analysis is used to analyze these items for two main reasons. First, it essential to examine the underlying structure of the variables that measure the resources that are directly extracted, or believed to be extracted, from engaging in pro bono services. Moreover, varimax rotation is used to allow for the clustering of factors to represent constructs that are relatively independent from one another. Second, and for more practical purposes, it is necessary to reduce the set of independent variables used in the multivariate analysis to avoid the pitfalls of multicollinearity and the relatively small sample size of lawyers. Table 1 presents a description of the items and the factor loadings for each construct. Only factor loadings above .5 are shown in order to gauge the substantive importance of a given variable to a given factor.

For the first construct, eight different items are used to create a composite measure of *human capital* and include the following: (1) Pro bono has contributed to litigation skills, (2) pro bono has contributed to learning how to deal with people, (3) pro bono has contributed to interviewing skills, (4) pro

bono has contributed to drafting documents, (5) pro bono has contributed to negotiation skills, (6) pro bono provides an opportunity to exercise control over work, (7) pro bono provides an opportunity to enhance legal skills, and (8) pro bono provides an opportunity to work directly with clients. All eight items were combined and produced a composite measure for human capital that has a minimum value of 8 (pro bono offers no human capital) and a maximum value of 40 (pro bono offers a significant amount of human capital) (Mean = 19.03). This construct measures the perceived gain in skills that lawyers anticipate from engaging in pro bono volunteer activities and yields an alpha coefficient of .870. A perceived gain in skills is expected to have a positive effect on pro bono service. The more a lawyer believes that pro bono will increase her lawyer skills and subsequent market value, the more likely that lawyer will contribute to pro bono service.

In addition to perceived skill, income is also included in the model as a measure of human capital. Income is treated as a continuous measure and consists of eight categories.⁵ While income is often treated as a dependent variable, it is used in this study as an indicator of human capital. This approach is consistent with Wilson and Musick (1979a) who use income as a human capital variable that facilitates and “qualifies” a person for volunteer work.

⁵ The values assigned in the analysis to represent income include: (1) under \$39,999, (2) \$40,000 - \$69,999, (3) \$70,000 - \$99,999, (4) \$100,000 - \$149,999, (5) \$150,000 - \$199,999, (6) \$200,000 - \$249,999, (7) \$250,000 - \$499,999, and (8) Over \$500,000.

The second construct, *cultural capital*, is a composite measure that uses the following two items: (1) Pro bono allows me to give back to the community, and (2) pro bono is done out of a sense of professional obligation. Both items were combined and produced a composite measure for cultural capital that has a minimum value of 2 (pro bono provides no cultural capital) and a maximum value of 9 (pro bono provides a significant amount of cultural capital) (Mean = 6.49). The construct measures the extent to which lawyers attribute their pro bono work to cultural dispositions associated with broad ethical obligations related to professional and community service and yields an alpha coefficient of .537.

Cultural capital not only relates to dispositions that are located in a broader “habitus,” it is often a status marker. For this reason, we included in our measure of cultural capital a dichotomized education variable consisting of graduates of an elite law school and graduates of a non-elite law school. Because pro bono frequently symbolizes status, especially for elites who are in a position to benefit from an investment in efforts to promote the public good (Dinovitzer and Garth 2009), we expect that the status of the law school attended will exert an independent affect on the incidence and amount of pro bono.

Finally, the third construct, *social capital*, is a composite measure that consists of 3 items and includes the following: (1) My workplace supports pro bono service, (2) how often do you discuss pro bono matters with other lawyers, and (3) do you associate with other attorneys who engage in pro bono.

All three indicators were combined producing a composite measure for social capital that has a minimum value of 2 (pro bono provides no social capital) and a maximum value of 9 (pro bono provides a significant amount of social capital) (Mean = 6.25). This construct measures the degree to which lawyers receive support for their pro bono activities from their workplace as well as from other lawyers and yields an alpha coefficient of .464.

Examining the correlation matrix in table 1 reveals that all of the three constructs are positively correlated with one another. For instance, as the amount of human capital increases, so does cultural and social capital. Even though all three constructs are associated with one another, the strength of the associations is relatively weak (i.e. the strongest correlation is between the human and cultural capital constructs, $r = .369$).

Finally, several control variables are also used to balance the data to account for any bias due to sociodemographic characteristics among the sample of lawyers. The sociodemographic variables include gender (Male is the reference category), race (White is the reference category), age, marital status (not married is the reference category), importance of religion (0 = not important, 4 = very important), political orientation (1 = Very Conservative, 5 = Very Liberal), and the number of hours volunteered that does not involve legal “pro bono” work.

Analytical Strategies and Statistical Models

The analysis of participation in pro bono begins with a descriptive analysis of the main dependent and independent variables (i.e. human, cultural, and social capital). The descriptive analysis compares the dependent and independent variables by the type of law firm⁶ in order to determine if there are any substantial differences among lawyers who work in either ‘large’ or ‘smaller types of law firm settings’. In the second stage of the analysis, several binary logistic regression models are used to examine whether different forms of capital can explain participation in pro bono services (*incidence*) among lawyers in these two different types of legal settings (‘large’ and ‘smaller types of legal settings’). The third stage of the analysis uses a series of Ordinary Least Squares regression models to examine the effect of human, social, and cultural capital on the *amount* of pro bono (in hours) lawyers perform during a typical year in these two different types of legal settings. It should be noted that only lawyers who indicated participating in pro bono are included in the OLS regression analysis, lawyers who have not participated in pro bono services are excluded (i.e. all lawyers who indicated 0 hours of pro bono per year are kicked out of the OLS regression).⁷

⁶ Type of law firm is dichotomized as either large law firm or ‘smaller type’ (sole practitioner, small law firm, medium law firm, and In-house). Although there were a number of public interest attorneys in the original sample, they were removed from the current analysis. Lawyers in these settings often claim that all their public interest work is “pro bono.”

⁷ Ordinary Least Squares regression is used in the final analysis due to similar (and consistent) results from Tobit (left-censored), Poisson, and left-censored OLS regression analyses (i.e. an OLS model that excludes lawyers with 0 hours of pro bono).

Several additional comments need to be made in relation to the multivariate analysis. For theoretical purposes, lawyer's income will be considered a separate component of human capital, while elite law school attendance will be considered a separate component of cultural capital. Both of these independent variables will be placed alongside their respective construct in both the logistic and OLS regression analysis. In regards to the interpretation of the multivariate analysis, the coefficients produced for large law firms and smaller law firms are separate and, as a consequence, comparisons of coefficients and effect sizes across legal settings is inappropriate. However, when comparisons are made regarding coefficients across legal settings a Z-test for the equality of coefficients is used to detect significant differences⁸. Finally, for practical purposes, all interval/ratio level independent variables (i.e. human capital, cultural capital, and social capital) and ordinal level variables (i.e. income, importance of religion, and political orientation) are mean centered according to legal setting to produce meaningful intercepts in both the logistic and OLS regression models.

⁸ The following computational formula is used (Paternoster, Brame, Mazerolle, and Piquero, 1998):

$$Z = \frac{b_1 - b_2}{\sqrt{SEb_1^2 + SEb_2^2}}$$

RESULTS

Descriptive Statistics: Differences by Law Firm Type

For illustrative purposes, table 2 provides descriptive statistics for the partial sample that excluded all cases with missing values among the variables and the full sample that uses the pooled data are presented. Among the dependent variables, no significant differences were detected between the two types of law firms in relation to incidence (78% versus 71%) or amount of pro bono lawyers participate in during a typical year (82.05 hours versus 71.06 hours). Examining the sociodemographic variables, several significant differences are found between the two law firm types. Age is significantly lower among lawyers who work in large law firms (33 versus 38), the percent of lawyers who indicate being married is significantly lower among lawyers who work in large law firms (59% versus 78%), income is significantly higher for lawyers who work in large law firms (4.51 versus 3.93), lawyers who work in large law firms are more liberal in their political orientation when compared to lawyers who work in smaller types of law firms (3.22 versus 3), and a larger percent of lawyers working in large law firms attended an elite law school (68% versus 34%) when compared to lawyers who work for smaller types of firms. Two significant differences are also detected across law firm type and the main independent variables. Both human capital (20.01 versus 17.13) and social capital (6.63 versus 5.86) are significantly higher for lawyers who work for large law firms when compared to lawyers who work for smaller types of firms.

[Insert Table 2]

Large Law Firms: Incidence and amount of Pro Bono

Model 1 in table 3 presents the results of the logistic regression that examines the relationship between human capital and whether lawyers in large law firms have participated in pro bono services (*incidence*) while controlling for key sociodemographic variables. Model 1 reveals that the human capital construct ($b = .073$, non sig.) and income ($b = .391$, non sig.) do not affect the decision of lawyers in large law firms to participate in pro bono. Model 2 in table 3, however, indicates that the cultural capital construct ($b = .522$, $p < .001$) and attending an elite law school ($b = 1.20$, $p < .001$) increases the log of odds among lawyers in large law firms who indicate participating in pro bono. These combined findings might suggest that the cultural orientation to do pro bono is, in part, class and status-based; that is, graduates of elite law schools working in large law firms are more likely to have personal and professional values that facilitate the decision to do pro bono work. Finally, Model 3 in table 3 indicates that the social capital construct increases the log of odds among lawyers in large law firms who indicate participating in pro bono ($b = 1.05$, $p < .001$).

Model 4 in table 3 display the results for the logistic regression analysis that examines the combined effect of human, cultural, and social capital on the *incidence* of participating in pro bono among lawyers in large law firms. This model finds that both the cultural capital construct ($b = .377$, $p < .05$) and the social capital construct ($b = 1.05$, $p < .001$) increase the log of odds among

lawyers in large law firms who indicate participating in pro bono. In this final model, the human capital construct, income, and attending an elite law school have no significant effects in the combined model. Moreover, comparing the partially standardized logistic regression coefficients (standardized coefficients are in parentheses in table 3)⁹ for both social ($b^* = .455$) and cultural ($b^* = .243$) capital constructs suggest that social capital has a larger effect on lawyers participating in pro bono when compared to cultural capital.

[Insert Table 3]

Turning now to the amount of pro bono in large law firms, model 1 in table 4 reveals that the human capital construct ($b = 4.06$, $p < .05$) has a positive relationship with the number of hours lawyers in large law firms devote to pro bono services during a typical year. This suggests that for every one unit increase in the human capital construct there is a corresponding 4 hour increase in the number of hours lawyers devote to pro bono during a typical year. By contrast, model 1 also shows that income differences have no significant impact on the amount of pro bono performed by respondents in large law firms ($b = -.872$, non sig.). Moreover, Model 2 in table 4 provides estimates that offer evidence that both the cultural capital construct ($b = -.644$, non sig.) and attending an elite law school ($b = 39.84$, non sig.) have no impact on the amount of pro bono performed throughout the year. In other words, cultural capital and elite law school training has little influence on the number of hours lawyers devote to pro bono services in large law firms.

⁹ J.S. Long's (1997) approach to calculating partially standardized logistic regression coefficients is used for the logistic regression analysis: $b_L^* = (b)(s_x) / [(\pi/\sqrt{3}) + 1]$

[Insert Table 4]

To finish the analysis of the individual effects of human, cultural and social capital, model 3 in table 4 reveals that the social capital construct ($b = 52.04$, $p < .001$) has a positive and significant relationship with the number of hours these lawyers participate in pro bono during a typical year. In fact, the model suggests that a one unit increase in social capital leads to a 52 hour increase in the amount of pro bono performed during a typical year.

Model 4 in table 4 shows the results for the full model that examines the combined effect of human, cultural, and social capital on the number of hours lawyers in large law firms devote to pro bono services. Interestingly, only the social capital construct ($b = 50.51$, $p < .001$) has a statistically significant positive relationship with the number of hours lawyers in large law firms devote to pro bono services. Introducing human, cultural, and social capital appears to mediate the statistically significant positive relationship found in model 1 between the human capital construct and the number of hours lawyers in large law firms devote to pro bono services (Model 4: $b = 2.57$, non-sig. versus Model 1: $b = 4.06$, $p < .05$), while the social capital construct remains ($\beta = .506$, $p < .001$) the most powerful variable in the model in relation to predicting increases in the amount of pro bono performed throughout the year.

Smaller Law Firms: Incidence and amount of Pro Bono

Model 1 in table 3 presents the results of the logistic regression that examines the relationship between human capital and whether lawyers in smaller types of law firms have participated in pro bono services (*incidence*)

while controlling for key sociodemographic variables. Similar to lawyers in large firms, this model reveals that the human capital construct ($b = .002$, non sig.) and income ($b = .209$, non sig.) do not increase or decrease the log of odds among lawyers in smaller types of law firms who indicate participating in pro bono. This cluster of findings in model 1 may suggest that the anticipation of developing legal skills or generating clients does not seem influence the decision by lawyers in small law firms to participate in pro bono.

With regards to cultural capital, model 2 in table 3 indicates that this construct increases the log of odds among lawyers in smaller types of law firms who report participating in pro bono ($b = .462$, $p < .001$). Yet, attending an elite law school has no effect on the log of odds among lawyers in smaller types of law firms who indicate participating in pro bono ($b = -.485$, non sig.). Like lawyers in large firms, the social capital construct is significant as indicated in model 3, revealing that this construct increases the log of odds among lawyers in smaller types of law firms who report participating in pro bono ($b = .603$, $p < .001$).

Model 4 in table 3 shows the results for the logistic regression analysis that examines the total effect of human, cultural, and social capital on the *incidence* of participating in pro bono. The full model in table 3 suggests that both the cultural capital construct ($b = .412$, $p < .01$) and the social capital construct ($b = .530$, $p < .001$) significantly increase the likelihood that lawyers in smaller types of law firms participate in pro bono, while the human capital construct, income, and attending an elite law school have no effect.

Moreover, comparing the partially standardized logistic regression coefficients for both social ($b^* = .279$) and cultural ($b^* = .271$) capital constructs suggest that social capital has a slightly larger effect on lawyers participating in pro bono when compared to cultural capital.

Moving to the analysis of the *amount* of pro bono performed by lawyers in smaller firms, model 1 in table 4 indicates that the human capital construct ($b = 3.57, p < .01$) has a positive relationship with the number of hours lawyers in smaller types of law firms devote to pro bono services during a typical year. This suggests that lawyers in smaller firm settings who anticipate enhancements in their human capital through pro bono are more likely to perform more hours of pro bono than lawyers in small firms who do not anticipate these enhancements. Model 1 also reveals that income has no significant impact on pro bono among lawyers in smaller types of firms ($b = 4.53, \text{non sig.}$).

Table 4 reveals that, among lawyers in small law firms, the cultural capital construct ($b = 12.30, p < .05$) has a positive association with the number of hours devoted to pro bono, but attending an elite law school failed to reach statistical significance ($b = 19.95, \text{non sig.}$). Moreover, model 3 in table 4 reveals that the social capital construct ($b = 3.75, \text{non sig.}$) has no impact on the amount of hours devoted to pro bono, suggesting that the social capital is not an important factor in accounting for the amount of time lawyers in smaller law firms dedicate to pro bono in a given year.

Lastly, model 4 in table 4 shows the results for the OLS regression analysis that examines the overall effect of human, cultural, and social capital on the number of hours lawyers in smaller types of law firms devote to pro bono services during a typical year. Model 4 indicates that only the human capital construct ($b = 3.05$, $p < .05$) has a statistically-significant positive relationship with the number of hours lawyers in smaller types of law firms devote to pro bono services. Moreover, the positive relationship between cultural capital and amount of pro bono is mediated by the inclusion of human and social capital in the full model, suggesting that the accumulation of human capital is an important factor for lawyers in small law firms to devote additional time to pro bono services.

DISCUSSION

Drawing on the social resource framework of volunteering, this study seeks to situate pro bono service within a broader network of resources that facilitates it. Pro bono service, like other forms of volunteer labor, is influenced by human, social, and cultural capital. The material factors that are thought to enhance occupational success, the ethical motivations and cultural dispositions to which an individual subscribes, and the social support from the workplace and from other lawyers all influence the pro bono work of lawyers. These findings not only serve to highlight the importance of the sociological dimensions to volunteering but also advance our understanding of

the nature, ideology and organizational context of pro bono legal service (Boon and Whyte1999).

Before turning to a discussion of the findings and their implications, we wish to address some of the weaknesses of the current study. One obvious limitation of this study is the small sample size. Many studies of volunteerism rely on large data sets where the generalizability is considerably stronger and the opportunity to access interaction effects is more robust. The current study has limited generalizability due to the fact that data were collected from graduates of three separate law schools. The small sample size also restricts the analytic approaches taken in the study. While various multivariate analyses were performed on the data, we were unable to examine interaction effects due to the loss of cases. In addition to these concerns, these data are cross-sectional thereby limiting inferences about causal ordering. A longitudinal data set would have allowed for greater confidence in assessing causal relationships. At best, the current study has identified a series of significant associations whose directionality can only be assumed. While these problems should not be overlooked, it must also be recognized that individual-level data on pro bono rates containing information on a myriad of independent variables are rare. While the *After the JD* study with its large dataset has been used to assess the relationship between pro bono participation and differences in cultural capital (Dinovitzer and Garth 2009), these data have not been utilized to examine the broader set of factors influencing volunteering among lawyers. Thus, while the present study is limited, it does reveal patterns of outcomes that offer

insight into the social resource theory of volunteering and to our further understanding of pro bono lawyering.

A number of conclusions and implications for pro bono flow from this study. First, as the data suggest, pro bono service may not be significantly affected by variations in demographic background. This conclusion is consistent with the literature on volunteering in general that has found that the effects of gender and race are largely indirect (Wilson and Musick 1997a). Although female lawyers have been found to have more positive orientations towards pro bono (ABA 2009; Granfield 2007; Dinovitzer and Garth 2009), this normative value may not translate into greater pro bono service. It could very well be that a female lawyer's endorsement of pro bono ideals is consistent with an ethic of care orientation that supports nurturance and helping, but the stratified realities and persistent gender bias within legal practice limit the opportunity to put these ideals into effect (Hagan and Kay 1995; Kay and Hagan 1998; Dinovitzer, Reichman, and Sterling 2009). Recent research (Hagan and Kay 2007) suggests that women lawyers experience more anxiety over career mobility than do male lawyers. Such anxiety perhaps affects a female lawyer's decision to act on her pro bono ideals. Overall, although women may support doing pro bono at a higher rate than men, in this study male and female lawyers, regardless of their status within the profession, engage in similar amounts of pro bono work.

Turning to the question of race, the findings presented in this article are generally consistent with the literature on volunteering. Research on

volunteering has found that whites have higher rates of volunteer service than non-whites but that this difference is most likely the indirect result of socio-economic differences (Wilson and Musick 1997a; Musick, Wilson and Bynum 2000). Extending this argument to the current study, perhaps because the income differences between white and non-white lawyers in this sample are more compressed than in the general population, there is little racial variation in volunteer pro bono service. These data may raise questions about the theory that non-whites, especially those with elite credentials, provide more volunteer service because of an assumed prevalent desire to give back to the community. While non-whites may indeed subscribe to ideals of pro bono for a number of reasons including a desire to give back to their community (Granfield 2007; Wilkins and Gulati 1996), this normative value may not result in higher amounts of pro bono service. As with women lawyers, minority lawyers often experience greater anxiety with career mobility as compared to white lawyers. Such anxiety may limit the willingness of minority lawyers to put their normative ideals into action.

As the analysis in the study demonstrates, the constructs of human, cultural, and social capital affect pro bono volunteer legal work in complex ways. Research has often found that small firm and sole practitioners use pro bono to enhance their skills and acquire future clients (Granfield 2007; Mather 2001; Cummings and Southworth 2009). The results of the current study suggest that the interest in developing human capital influences lawyers' investment in pro bono legal work, especially lawyers in smaller firm settings.

Whether an attorney does or doesn't do pro bono, however, does not seem dependent on the desire to enhance legal skills. However, in smaller firms, a lawyer's assessment of the potential gain in legal skills does seem to affect the degree of commitment to pro bono work as measured by the amount of pro bono work performed. Large law firm attorneys do not typically invest in pro bono as a means of enhancing their human capital.

The importance of cultural capital to volunteering is also demonstrated through this study. Regardless of practice setting, lawyers who possess the normative value that they have a personal or professional obligation to contribute to society are more likely to participate in pro bono services. These normative dispositions may derive from their biographical experiences or as a way to fulfill personal needs that are not available through normal work assignments. Interesting, the supposed "classed" nature of pro bono was not supported in the final models. While it initially appeared that elite law school graduates in large firms reported higher rates of pro bono compared to non-elite law school graduates, this difference evaporated with further analysis. It should be added, however, that a status effect found in other studies (Dinovitzer and Garth 2009) might be suppressed in the data due to the small sample size.

Finally, the pro bono participation of lawyers is positively affected by the degree of social capital, as measured by their association with other lawyers who participate in pro bono service as well as whether their firm provides support for their volunteer pro bono activities. Lawyers are more

likely to participate in pro bono and commit a greater number of hours to pro bono if they are connected to other lawyers who likewise perform pro bono service. Law firms that support and encourage pro bono may provide increased opportunities for lawyers to network with other lawyers engaged in pro bono work and, as a result, have greater information on and access to pro bono opportunities. This support from their workplace and from other lawyers is also likely to result in these respondents being asked to participate in pro bono; a factor that has been found to have a significant effect on general volunteering (Wilson and Musick 1997a). As the current study indicates, this seems especially the case in large law firms that have the resources and reputational motives to support pro bono work (Sandefur 2007; 2009; Boutcher 2009; Epstein 2009).

The results of this investigation further our understanding of the social basis of volunteering in general (Wilson and Musick 1997a) and, more specifically, of volunteer pro bono service among lawyers. A number of implications for promoting pro bono are suggested by these data. Among the lawyers in this sample pro bono participation is greatly affected by law firm policies regarding pro bono work. Law firm policy has been found to significantly affect the pro bono commitments of lawyers (Boutcher 2010). If law firms and other organizations that employ lawyers continue to support pro bono work through formal policies, billable hours, coordinators etc, lawyers will likely participate in pro bono. Some will even do so at high levels.

However, with the financial pressures on firms, the policy of allowing pro bono

service to be part of a lawyer's regular work may be in jeopardy. How firms manage the economic pressures they face and what this means for their position on pro bono service is an important area for investigation (Cummings and Rhode 2010). As illustrated in this study, if lawyers are to participate in pro bono activities, especially at high levels, workplace opportunities and incentives are needed to support this activity.

A second implication that emerges from this study relates to the importance of social capital in fostering pro bono work. For all the lawyers in this sample, pro bono participation was positively affected by interaction with other lawyers doing pro bono work. Prior research (Hoffman 2007) has found that mentors positively affect attorneys' level of commitment to pro bono work. This finding is consistent with research on the positive effects of social capital on volunteering and with research on workplace volunteering in general. In the current study, pro bono work by some lawyers begets pro bono work by other lawyers. Perhaps lawyers find likeminded colleagues through their mutual pro bono experiences, perhaps pro bono makes for interesting workplace conversations, or quite possibly perhaps pro bono makes up for the lack of a "human touch" especially within large law firm work (Wilson and Musick 1997b). Regardless of the reason, social interaction with other lawyers doing pro bono helps build an individual lawyer's pro bono commitment. Law firms and bar associations interested in increasing pro bono participation rates might gain significant ground in achieving this goal by expanding opportunities

for lawyers to interact with or be mentored by colleagues in the legal profession who engage in voluntary pro bono service.

Finally, these findings add further insight into the practice of workplace volunteering more generally. Workplace volunteerism has become a central part of the corporate business plan for many organizations. Research on workplace volunteer programs has generally found that formal workplace policies promoting volunteer activity among employees are crucial for enhancing employee volunteerism. The current study supports this conclusion. While workplace policies are of critical importance, this study finds that social networks, cultural values, and opportunities to enhance skills are equally important in motivating workplace volunteerism. Einolf and Chambre' (2011) note that organizations that expect and encourage their members to volunteer are likely to produce higher rates of volunteering. In light of these findings, future research should examine the unique effects of human, social, and cultural capital on the decision of employees in various workplace settings to participate in workplace volunteer activities.

REFERENCES

- Acock, A. C. 2005. "Working With Missing Values." *Journal of Marriage and Family* 67, 1012-1028.
- American Bar Association Standing Committee on Pro Bono and Public Service. 2009. Supporting Justice II: A Report on the Pro Bono Work of America's Lawyers," ABA Website: <http://www.abaprobono.org/reprot2.pdf>.
- Bekkers, Rene. 2006. "Traditional and Health-related Philanthropy: The Role of Resources and Personality." *Social Psychology Quarterly* 69:349-366.
- Boon, Andrew and Avis Whyte 1999. "Charity and Cheating Begin at Home: Aetiology of the New Culture of Pro Bono Publico." *Legal Ethics* 2: 169-191.
- Bourdieu, Pierre. 1984. *Distinction: A Social Critique of the Judgment of Taste*. Trans. R. Nice. Routledge.
- Boutcher, Steven. 2009. "The Institutionalization of Pro Bono in Large Law Firms: Trends and Variation across the AmLaw200" Pp 135-154 in *Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession*, edited by Robert Granfield and Lynn Mather. Oxford University Press.
- Boutcher, Steven. 2010. "From Policy to Practice: Assessing the Effect of Large Firm Pro Bono Structure on Commitment." Pp. 145-167 *Studies in Law, Politics and Society (Vol. 52)*, edited by Austin Sarat, Emerald Group Publishing Limited.
- Burt, R. S., 1982. *Toward a Structural Theory of Action: Network Models of Social Structure, Perception, and Action*. Columbia, New York.
- Cummings, Scott. 2004. "The Politics of Pro Bono." *UCLA Law Review* 52:1-149.
- Cummings, Scott and Deborah Rhode. 2010. "Managing Pro Bono: Doing Well by Doing Better." *Fordham Law Review* 78: 2357-2442.
- Cummings, Scott and Ann Southworth. 2009. "Between Profit and Principle: The Private Public Interest Firm," Pp. 183-210 in *Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession*, edited by Robert Granfield and Lynn Mather. Oxford University Press.
- Day, Kathleen and Rose Annue Devlin, 1998. "The Payoff to Work without Pay: Volunteer Work as an Investment in Human Capital," *Canadian Journal of Economics*, Canadian Economics Association, vol. 31(5), 1179-1191, November.
- Davidson, J. (1994), 'The case for corporate cooperation in community affairs'." *Business and Society Review*, Summer, 90: 29-30.
- Dinovitzer, Ronit, Nancy Reichman, and Joyce Sterling. 2009. "The Differential Valuation of Women's Work: A New Look at the Gender Gap in Lawyers' Incomes." *Social Forces* 88:819-854.
- Dinovitzer, Ronit and Bryant Garth. 2009. "Pro Bono as an Elite Strategy in Early Lawyer Careers." Pp 115-134 in *Private lawyers and the Public*

- Interest: The Evolving Role of Pro Bono in the Legal Profession*, edited by Robert Granfield and Lynn Mather. Oxford University Press.
- Einolf, C.J. 2010. "Does extensivity form part of the altruistic personality? An empirical test of Oliner and Oliner's theory," *Social Science Research* 39, 142-151.
- Einolf, C. and S. Chambre' 2011. "Who Volunteers?: Constructing a Hybrid Theory," *International Journal of Nonprofit and Voluntary Sector Marketing*, 16: 298-310.
- Epstein, Cynthia Fuchs. 2009. "Issues Entrepreneurs: Charisma, Charisma-Producing Events, and the Shaping of Pro Bono Practice in Large Law Firms." Pp 211-230 in *Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession*, edited by Robert Granfield and Lynn Mather. Oxford University Press.
- Epstein, Cynthia Fuchs. 1988. *Deceptive Differences: Sex, Gender, and the Social Order*. Russell Sage Foundation.
- Galaskiewicz, Joseph, and Michelle Sinclair Colman 2006 "Collaboration Between Corporations and Nonprofit Organizations" in *The Nonprofit Sector: A Research Handbook*.
- Powell, Walter W., and Richard Steinberg (eds.), 180-204. New Haven, CT: Yale University Press.
- Geroy, Gary, Philip C. Wright, Laura Jacoby, (2000) "Toward a conceptual framework of employee volunteerism: An aid for the human resource manager." *Management Decision*, Vol. 38: 280 - 287
- Gans, Herbert. 1999. "The Possibility of a New Racial Hierarchy in the Twenty-First Century United States." Pp. 371-390 in *The Cultural Territories of Race: Black and White Boundaries*, edited by Michele Lamont. University of Chicago Press.
- Granfield, Robert. 2007. "The Meaning of Pro Bono: Institutional Variations in Professional Obligations among Lawyers." *Law and Society Review* 41:113-146.
- Granfield, Robert and Lynn Mather. 2009. *Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession*. New York: Oxford University Press.
- Granfield, Robert and Philip Veliz. 2009. "Good Lawyering and Lawyering for he Good: Reflections on Mandatory Pro Bono in Law School." Pp. 53-72 in *Private Lawyers and the Public Interest: The Evolving Role of Pro Bono in the Legal Profession*, edited by Robert Granfield and Lynn Mather. New York: Oxford University Press.
- Hagan, John and Fiona Kay. 2007. "Even Lawyers get the Blues: Gender, Depression and Job Satisfaction in Legal Practice." *Law and Society Review* 41:51-78.
- Hagan, John and Fiona Kay. 1995. *Gender in Practice: A Study of Lawyers' Lives*. New York: Oxford University Press.
- Heinz, John, Robert Nelson, Rebecca Sandefur and Edward Laumann. 2005. *Urban Lawyers: The New Social Structure of the Bar*. Chicago: University of Chicago Press.

- Jankoski, Thomas, Marc Musick and John Wilson. 1998. "Being Volunteered: The Impact of Social Participation and Pro-Social Attitudes on Volunteering." *Sociological Forum* 13: 495-520.
- Kay, Fiona and John Hagan. 1998. "Raising the Bar: The Gender Stratification of Law-Firm Capital." *American Sociological Review* 31:728-743.
- Lardent, Esther 2006. "The Business Case for In-house Pro Bono." <http://www.cpbo.org/archive/resources/resource1399.pdf>
- Long, J. S. 1997. *Regression Models for Categorical and Limited Dependent Variables*. Thousand Oaks, CA: Sage.
- Mather, Lynn, Craig McEwen, and Richard Maiman. 2001. *Divorce Lawyers at Work: Varieties of Professionalism in Practice*. New York: Oxford University Press.
- McBain, Cathy, and Joanna Machin 2008 "Caring Companies: Engagement in Employer-Supported Volunteering." Institute for Volunteering Research, London.
- Maxwell, Gerald and Pamela Oliver. 1993. *The Critical Mass in Collective Action*. Cambridge: Cambridge University Press.
- Miller, W. (1997), "Volunteerism: a new strategic tool; companies see bottom-line results in programs encouraging employees to volunteer for community service." *Industry Week*, Vol. 246 No. 16, pp. 13-16.
- Michel, Lacie M. 2007. "Personal Responsibility and Volunteering After a Natural Disaster: The Case of Hurricane Katrina." *Sociological Spectrum* 27:633-652.
- Musick, Marc, John Wilson and W. Bynum. 2000. "Race and Formal Volunteering: The Differential Effects of Class and Religion." *Social Forces* 78:1539-1571.
- Mutchler, Jan, Jeffrey Burr and Francis Caro. 2003. "From Paid Worker to Volunteer: Leaving the Paid Workforce and Volunteering in Later Life." *Social Forces* 81:1267-1293.
- Oesterle, Sabrina, Monica Kirkpatrick Johnson, and Jeylan Mortimer. 2004. "Volunteerism during the Transition to Adulthood: A Life Course Perspective." *Social Forces* 82:1123-1149.
- Portes, A. (1998). "Social Capital: It's Origins and Applications in Modern Sociology." *Annual Review of Sociology*, 24: 1-24.
- Putnam, Robert. (2000). *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon Schuster.
- Rhode, Deborah 2005. *Pro Bono in Principle and in Practice: Public Service and the Professions*. Stanford University Press.
- Romano, C. (1994), "Pressed to service: corporate volunteer programs are a way to serve a business' community as well as boost the morale of employee volunteers." *Management Review*, Vol. 83 No. 6, pp. 37-40.
- Rossi, A. S., ed. 2001. *Caring and doing for others: Social responsibility in the domains of work, family, and community*. Chicago: University of Chicago Press.
- Sandefur, Rebecca. 2009. "Lawyers' Pro Bono Service and Market-Reliant Legal Aid." Pp. 95-114 in *Private Lawyers and the Public Interest: The*

- Evolving Role of Pro Bono in the Legal Profession*, edited by Robert Granfield and Lynn Mather. Oxford University Press.
- Sandefur, Rebecca. 2007. "Lawyers' Pro Bono Service and American-Style Civil Legal Assistance." *Law and Society Review* 41:79-112.
- Schafer, J. L. 1997. *Analysis of Incomplete multivariate data*. London: Chapman & Hall.
- Selbee, Kevin and Paul Reed. 2006. "Patterns of Volunteering, Giving, and Participating among Occupational Groups in Canada." Carleton University and Statistics Canada.
- Shamir, R. 2010. "Capitalism, Governance, and Authority: The Case of Corporate Social Responsibility," *Annual Rev. of Law and Social Science*, 6: 2.1-2.23.
- Shamir, R. 2005. "Corporate Social Responsibility: A Case of Hegemony and Counter-hegemony," Pp 92-117 in *Law and Globalization from Below: Towards a Cosmopolitan Legality*, edited by Boaventura De Sousa Santos and Cesar Rodriguez-Garavito. Cambridge University Press.
- Wilkins, David. 2004. "Doing Well by Doing Good? The Role of Public Service in the Careers of Black Corporate Lawyers." *Houston Law Review* 41:1-91.
- Wilkins, David and G. Mitu Gulati. 1996. "Why There are So Few Black Lawyers in Corporate Firms: An Institutional Analysis." Pp. 101-110 in *Lawyers: A Critical Reader*, edited by Richard Abel. New Press.
- Wilson, John. 2000. "Volunteering." *Annual Review of Sociology* 26:215-240.
- Wilson, John and Marc Musick. 1998. "The Contribution of Social Resources To Volunteering." *Social Science Quarterly* 79: 799-814.
- Wilson, John and Marc Musick. 1997a. "Who Cares? Toward an Integrated Theory of Volunteer Work." *American Sociological Review* 62:694-713.
- Wilson, John and Marc Musick. 1997b. "Work and Volunteering: The Long Arm of the Job." *Social Forces* 76:251-272.
- Wilson, John and Marc Musick. 1999. "Attachment to Volunteering." *Sociological Forum* 14: 243-272.

Table 2. Descriptive Statistics

| | Partial Sample: Listwise Deletion | | | | Full Sample: multiple imputation (m = 10) | | |
|---|-----------------------------------|---------------------------|---------------------------------------|------------------|---|---------------------------------------|------------------|
| | | Large Law Firm (n=102) | Smaller type of Law Firm (n = 118) | | Large Law Firm (n=157) | Smaller type of Law Firm (n = 213) | |
| <u>Dependent Variables</u> | % missing | Mean/Percent | Mean/Percent | Sig. level | Mean/Percent | Mean/Percent | Sig. level |
| Pro Bono (Incidence) | 3% | 87% | 85% | non sig. | 78% | 71% | non sig. |
| Pro Bono (Amount) | 3% | 89.27 | 93.31 | non sig. | 82.05 | 71.06 | non sig. |
| <u>Independent Variables</u> | | | | | | | |
| <u>Demographics</u> | | | | | | | |
| Female | 2% | 45% | 49% | non sig. | 49% | 53% | non sig. |
| Nonwhite | 4% | 23% | 15% | non sig. | 19% | 14% | non sig. |
| Age | 3% | 33 | 38 | p<.001 | 33 | 38 | p<.001 |
| Married | 3% | 54% | 82% | p<.001 | 59% | 78% | p<.001 |
| Income | 10% | 4.43 | 3.91 | p<.01 | 4.51 | 3.93 | p<.001 |
| Importance of religion | 3% | 2.58 | 2.23 | p<.05 | 2.54 | 2.32 | non sig. |
| Political orientation | 4% | 3.25 | 3.09 | non sig. | 3.22 | 3 | p<.05 |
| # of hours volunteered in the past year | 3% | 68.83 | 89.96 | non sig. | 64 | 78 | non sig. |
| <u>Lawyers Occupational Background</u> | | | | | | | |
| Elite law school attendance | 3% | 66% | 31% | p<.001 | 68% | 34% | p<.001 |
| <u>Types of Capital</u> | | | | | | | |
| Human Capital | 26% | 19.87 | 17.02 | p<.01 | 20.01 | 17.13 | p<.001 |
| Cultural Capital | 28% | 6.60 | 6.61 | non sig. | 6.56 | 6.28 | non sig. |
| Social Capital | 23% | 6.69 | 6.26 | p<.05 | 6.63 | 5.86 | p<.001 |

Statistical differences were computed using independent means t-tests

Table 3. Incidence of Pro Bono in the Past Year: Logistic Regression

| Linear Regression | Model 1 | | | | Model 2 | | | | Model 3 | | | | Model 4 | | | |
|--|-------------------------|-------------|-----------------------------------|-------------|-------------------------|--------------------|-----------------------------------|--------------------|-------------------------|--------------------|-----------------------------------|--------------------|-------------------------|--------------------|-----------------------------------|--------------------|
| | Large Firm (n = 157) | | Smaller Type of Firm (n = 213) | | Large Firm (n = 157) | | Smaller Type of Firm (n = 213) | | Large Firm (n = 157) | | Smaller Type of Firm (n = 213) | | Large Firm (n = 157) | | Smaller Type of Firm (n = 213) | |
| | b | EXP(B) | b | EXP(B) | b | EXP(B) | b | EXP(B) | b | EXP(B) | b | EXP(B) | b | EXP(B) | b | EXP(B) |
| Intercept | 1.65*** | 5.19 | .966* | 2.63 | .980 | 2.665 | 1.26** | 3.53 | 2.16*** | 8.65 | 1.29** | 3.62 | 1.68* | 5.39 | 1.45** | 4.27 |
| Demographics | | | | | | | | | | | | | | | | |
| Female | -.462 | .630 | -.308 | .735 | -.821 | .440 | -.316 | .729 | -.609 | .544 | -.371 | .690 | -1.05 | .349 | -.112 | .894 |
| Nonwhite | .888 | 2.430 | .678 | 1.97 | .912 | 2.49 | .512 | 1.67 | 1.67 | 5.29 | .40 | 1.49 | 1.79 | 5.97 | .34 | 1.41 |
| Age | -.013 | .987 | .010 | 1.01 | -.004 | .995 | .013 | 1.01 | -.015 | .985 | .019 | 1.02 | -.017 | .983 | .001 | 1.00 |
| Married | -.127 | .881 | .139 | 1.15 | .091 | 1.10 | .144 | 1.16 | -.460 | .631 | -.018 | .982 | .08 | 1.08 | .050 | 1.05 |
| Importance of religion | -.090 | .914 | -.137 | .872 | -.107 | .898 | -.062 | .940 | -.269 | .764 | -.102 | .903 | -.353 | .702 | .030 | 1.03 |
| Political orientation | .544* | 1.72 | .327 | 1.39 | .204 | 1.23 | .293 | 1.34 | .474 | 1.61 | .262 | 1.30 | .271 | 1.31 | .298 | 1.35 |
| # of hours volunteered in the past year | .001 | 1.00 | .002 | 1.00 | 3.95e-4 | 1.00 | .001 | 1.00 | -.001 | .999 | .001 | 1.00 | -.001 | .999 | 4.37e-4 | 1.00 |
| Types of Capital | | | | | | | | | | | | | | | | |
| Human Capital | | | | | | | | | | | | | | | | |
| Human Capital Construct | .073 | 1.08(.180) | .002 | 1.00 (.005) | -- | -- | -- | -- | -- | -- | -- | -- | 0.041 | 1.04 (.101) | -.045 | .956 (-.110) |
| Income | .391 | 1.48(.182) | .209 | 1.23 (.116) | -- | -- | -- | -- | -- | -- | -- | -- | 0.182 | 1.20 (.085) | .227 | 1.26 (.126) |
| Cultural Capital | | | | | | | | | | | | | | | | |
| Cultural Capital Construct | -- | -- | -- | -- | .522*** | 1.69 (.337) | .462*** | 1.59 (.304) | -- | -- | -- | -- | .377* | 1.46 (.243) | .412** | 1.51 (.271) |
| Elite law school attendance | -- | -- | -- | -- | 1.20* | 3.32 (.199) | -.485 | .616 (-.082) | -- | -- | -- | -- | .849 | 2.34 (.141) | -.671 | .511 (-.113) |
| Social Capital | | | | | | | | | | | | | | | | |
| Social Capital Construct | -- | -- | -- | -- | -- | -- | -- | -- | 1.16*** | 3.20 (.503) | .603*** | 1.83 (.317) | 1.05*** | 2.87 (.455) | .530*** | 1.70 (.279) |
| †R-Square = .118 †R-Square = .071 †R-Square = .164 †R-Square = .159 †R-Square = .238 †R-Square = .179 †R-Square = .291 †R-Square = .252 | | | | | | | | | | | | | | | | |

*p<.05, **p<.01, ***p<.00

†Cox and Snell R-Square values are the average of the ten estimates computed in each imputation

Partially Standardized Logistic Regression Coefficients are in parentheses in the EXP(B) column

Table 4. Amount of Pro Bono in the Past Year: OLS Regression

| <u>Linear Regression</u> | Model 1 | | | | Model 2 | | | | Model 3 | | | | Model 4 | | | |
|---|-------------------|-------------|-----------------------------|-------------|-------------------|-------------|-----------------------------|-------------|-------------------|-------------|-----------------------------|--------------|-------------------|-------------|-----------------------------|-------------|
| | <u>Large Firm</u> | | <u>Smaller Type of Firm</u> | | <u>Large Firm</u> | | <u>Smaller Type of Firm</u> | | <u>Large Firm</u> | | <u>Smaller Type of Firm</u> | | <u>Large Firm</u> | | <u>Smaller Type of Firm</u> | |
| | (n = 123) | | (n = 152) | | (n = 123) | | (n = 152) | | (n = 123) | | (n = 152) | | (n = 123) | | (n = 152) | |
| | b | â† | b | â† | b | â† | b | â† | b | â† | b | â† | b | â† | b | â† |
| Intercept | 122.91*** | -- | 81.96** | -- | 93.19** | -- | 65.35* | -- | 114.37*** | -- | 80.52** | -- | 115.04*** | -- | 67.40* | -- |
| Demographics | | | | | | | | | | | | | | | | |
| Female | .378 | .002 | -32.30 | -.133 | 16.22 | .071 | -24.15 | -.100 | -7.532 | -.033 | -34.02 | -.140 | -6.93 | -.031 | -24.73 | -.102 |
| Nonwhite | -22.14 | -.080 | 39.10 | .117 | -13.11 | -.047 | 37.69 | .113 | -5.932 | -.021 | 46.92 | .141 | -1.76 | -.006 | 33.54 | .101 |
| Age | -.207 | -.010 | -1.06 | -.065 | -.331 | -.016 | -1.03 | -.063 | -.620 | -.030 | -.654 | -.040 | .493 | .024 | -1.19 | -.073 |
| Married | -31.72 | -.138 | 31.77 | .108 | -38.55 | -.168 | 34.74 | .118 | -37.84* | -.165 | 32.53 | .110 | -33.48 | -.146 | 34.06 | .115 |
| Importance of religion | -.735 | -.007 | 14.95 | .140 | -5.43 | -.050 | 15.87 | .148 | -6.307 | -.059 | 14.34 | .134 | -6.04 | -.056 | 15.59 | .146 |
| Political orientation | 12.30 | .105 | 9.59 | .085 | 9.25 | .079 | 7.63 | .067 | 13.38 | .115 | 11.68 | .103 | 11.54 | .099 | 5.58 | .049 |
| # of hours volunteered in the past year | .339** | .270 | .126* | .164 | .386*** | .307 | .132* | .171 | .256* | .204 | .143* | .186 | .245* | .195 | .117 | .152 |
| Types of Capital | | | | | | | | | | | | | | | | |
| Human Capital | | | | | | | | | | | | | | | | |
| Human Capital Construct | 4.06* | .242 | 3.57** | .214 | -- | -- | -- | -- | -- | -- | -- | -- | 2.57 | .153 | 3.05* | .183 |
| Income | -.872 | -.010 | 4.53 | .060 | -- | -- | -- | -- | -- | -- | -- | -- | -4.15 | -.049 | 3.04 | .040 |
| Cultural Capital | | | | | | | | | | | | | | | | |
| Cultural Capital Construct | -- | -- | -- | -- | -6.44 | -.091 | 12.30* | .173 | -- | -- | -- | -- | -11.210 | -.158 | 7.590 | .107 |
| Elite law school attendance | -- | -- | -- | -- | 39.840 | .156 | 19.949 | .076 | -- | -- | -- | -- | -1.820 | -.007 | 22.110 | .086 |
| Social Capital | | | | | | | | | | | | | | | | |
| Social Capital Construct | -- | -- | -- | -- | -- | -- | -- | -- | 52.04*** | .521 | 3.75 | .046 | 50.51*** | .506 | -.274 | -.003 |
| n = 274 | †R-Square = .176 | | †R-Square = .151 | | †R-Square = .153 | | †R-Square = .138 | | †R-Square = .380 | | †R-Square = .107 | | †R-Square = .419 | | †R-Square = .167 | |

*p<.05, **p<.01, ***p<.001

†All Beta (â) and R-Square values are the average of the ten estimates computed in each imputation

All Variance Inflation Factors (VIF) for each independent variable are below 2 in each regression model