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by

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ABSTRACT

In recent years there has been considerable concern about the public interest (or pro bono) work of the legal profession, particularly of the private practice bar. This paper, based on a nationwide sample of the American bar, reports the amount of public interest work, the types of clients, and the types of law work done in both billable and nonbillable hours. Though lawyers spend an average of six percent of their billable hours, and a half-hour a week of nonbillable time, doing public interest work, they overwhelmingly are assisting individuals with standard civil cases and traditional community groups and churches. Most work is counseling or general practice work. With legal aid or with individuals challenging existing societal structures is extremely modest in amount. More public interest work is done, not by lawyers in large firms in big cities to whom publicity has accrued or by younger lawyers beginning their careers in the decade of civil rights and OEO Legal Services, but by solo lawyers.

PUBLIC INTEREST ACTIVITIES AMONG PRIVATE PRACTICE LAWYERS

During the 1960s there was a rapid growth of organizations practicing a variety of public interest (pro bono publico) work. Most of the organizations were supported by the government or by charities. The most prominent included the NAACP Legal Defense Fund, OEO Legal Services, the Lawyers Committee for Civil Rights Under Law, Ralph Nader's and various other consumer and environmental groups, and foundation-supported public interest law firms. Although most of the publicity was focused on these organizations, the private bar was also affected by the reform spirit of the decade. Several law firms began to offer public interest opportunities to firm members and associates, although in part this was an attempt to meet competition for bright, young lawyers. During this period counter bar association and committees were organized to facilitate public interest efforts. By 1971 the American Bar Association had formed a Project to Assist Interested Law Firms in Pro Bono Publico Programs, which gathered information and offered technical assistance. In 1973 the project was replaced by the Special Committee on Public Interest Practice, indicating a further commitment by the ABA. Some state bar associations have also expressed interest in public interest activities.

During 1974 the leadership of the American Bar Association stepped up its concern about the public interest responsibilities of the bar. Chesterfield Smith, the ABA President for 1973-74, made numerous

speeches and appearances urging lawyers to participate in public interest activities. The Special Committee on Public Interest Practice submitted its report at the ABA 1974 convention affirming the obligation of every lawyer to "provide public interest legal services," and, not unexpectedly, found that the quantity of public interest practice supplied was far less than the need. In order to encourage greater efforts, the Special Committee proposed to define public interest practice to include (1) legal services for the poor, (2) representation without fee or at a substantially reduced fee in "cases seeking the vindication of an individual's fundamental civil rights" and (3) cases vindicating "rights belonging to the public at large," and (4) representation of charitable organizations. The Committee urged the organized bar to clarify, in quantitative terms, what each lawyer's obligation should be.

Concern about the public interest activities in the private practice of law is timely. The number of lawyers working in organizations exclusively concerned with public interest is exceedingly small and is likely to remain so even if increased government, foundation, or organized bar support is forthcoming. More lawyers, by far, are engaged in private practice than in any other type of legal work. Therefore, if there is to be vital and sustained growth in public interest activities, it is important to ascertain how much does come from private practitioners.

The call for public interest practice may be timely, but will it be heeded? This is not the first time that lawyers have been urged to temper their pursuit of a livelihood with the "spirit of public services."

Leaders of the bar, such as Reginald Heber Smith and Roscoe Pound, have made this appeal in previous periods. How is the practicing bar responding today? This paper examines the extent and nature of the public interest work of the private bar. It will supply, in quantitative terms, information on how much and what kinds of public interest work is now being done by private practitioners, for whom it is being done, and whether charitable legal work contributes to social reform, the status quo, or professional advancement. After describing the size, nature, and value of the public interest contribution, we will look at who within the bar is doing the work. Leaders of the organized bar and large firm lawyers today are reminding lawyers of their professional responsibilities. Are they disproportionately bearing this responsibility, or are young lawyers, solo lawyers, and lawyers with less prestigious clients doing more work? These data should shed light on the nature of the task of moving the bar from where it is now to a position as "a group of men pursuing a learned art as a common calling in the spirit of public service."¹

The materials on which this article is based were obtained from interviews with lawyers conducted in 1973-74. Interviews with a nationwide random sample of 1450 lawyers were completed.² Figures were weighted to reflect the Census estimates of the age distribution of the bar in 1972. Lawyers were divided into four age groups for analysis, and were further classified as to whether they were in a firm or solo practice. Groups were reported together unless there were differences among them. Of the lawyers discussed in this article, 69 percent were in firms, the rest were solos.³

Clients, Time Spent, and Type of Public Interest Work

How much public interest practice is being done, and for whom?

The following question was asked of all lawyers:

Do you spend any of your billable hours doing pro bono work? (If yes), roughly what percent of your billable hours in the past twelve months did you spend doing pro bono work? Without naming names, would you give me some examples of the kinds of groups or individuals you do pro bono work for, the kinds of problems you are working with, and what you have done.

Table 1 shows that about three-fifths of the lawyers responding to our survey spent less than 5 percent of their billable hours doing public interest work--and almost half of these spent no time at all. The average for the entire bar was 6.2 percent per lawyer.

TABLE 1

Billable Hours Spent in Public Interest Work during Previous Twelve Months

Billable Hours	Percentage of Lawyers in Private Practice
None	30.2
1-5 percent	32.2
6-10 percent	18.4
More than 10 percent	19.2
Total	100.1

The value of public interest work can be crudely determined on the basis of the lawyers' reported annual earnings from the practice of law. This measure does not capture indirect costs or benefits from colleagues or clients pleased or displeased by public interest activity,

the value of advertising and contacts, or the redefining of work as public interest work because of the failure of clients to pay. Nor does it capture the value of the work to the clients.⁴ Of the lawyers who reported doing public interest work, the average dollar amount of their work was about \$2843 per lawyer per year. Looking at the entire segment of the bar in private practice in 1973, the average income of lawyers was \$35,540. Their public interest contribution was approximately 6 percent of their billable time or \$2004 per lawyer. These figures, of course, were self-reported. These figures seem quite large, both as to income and as to value of public interest work, but it should be stressed that public interest cost is probably not forgone income for most lawyers.

Public interest activities also take place outside of billable hours. Firms may not permit public interest work; lawyers may prefer to use their business hours for business purposes only; or public interest work may encompass both billable and nonbillable time.

The question asked was:

Outside of working hours, during the past two years, have there been any groups or individuals for which you have done free, or reduced-fee, legal work--like the Scouts, a charitable agency, a neighborhood association, a hospital, volunteer work in a ghetto law office, advising a legal aid office, etc.? (If "yes"), what groups or individuals--or what type of groups or individuals--have you done law work for? What kind of law work or law problem did you work on? About how many hours of your time altogether was involved?

Sixty-two percent of the bar reported doing public interest work during nonbillable hours. Among those doing public interest work after hours, more than 90 percent spent two hours or less per week, and 70 percent spent one hour or less per week. Those reporting public

interest work in nonbillable hours averaged 47 hours per year.⁵ For the entire bar the average was 27 hours of public interest work in nonbillable time per year. Perhaps lawyers who do not do public interest work during billable hours make up their charitable contribution after hours. We found no such relationship; lawyers who did little or no public interest work during the working day were not more likely to do more public interest work during nonbillable hours. In fact, the greater the amount of billable-hours work, the greater the after-hours work.

If we value the after-hours public interest work at the same rates that lawyers charge clients during billable hours, then the average annual "cost" was \$917 per lawyer for those who did after-hours public interest work and \$534 for all lawyers.⁶ Comparing the value of billable hours and after-hours public interest time, we see that about three times more work was reported in professional hours.

Who are the clients of the lawyers who do public interest work? Are they individuals or groups? More than 73 percent of the work done during billable hours that was mentioned by lawyers was for individuals. By far the types of matters handled most frequently for these individual clients were matrimonial and family matters and criminal cases. Housing, credit-consumer problems, and small claims were also mentioned, but much less frequently. Very few lawyers mentioned working for individuals in the areas of welfare, employment, poverty, social security, mental health, or health law.

Slightly more than one-fourth of the public interest work lawyers mentioned was for organizations. The groups most often represented were churches, legal aid or legal services, and nonpolitical community

groups (women's clubs, garden clubs, Masons, Jaycees). Only 26.3 percent of the public interest clients were organizations or legal services. This small number was divided as shown in Table 2.

One question often raised about public interest work is the extent to which it promotes social change. To what extent are lawyers working for individuals or groups that are traditional objects of charity as opposed to individuals or groups that are controversial and challenging to the existing order? To answer this question, the clients and types of cases were classified under the following headings:

- (1) Individuals--standard civil work.
- (2) Individuals--standard criminal work.
- (3) Individuals--civil rights, politics, drugs, draft, police misconduct work.
- (4) Traditional organizations, such as churches, hospitals, the United Fund, and colleges and community groups, such as Jaycees, Masons, garden clubs.
- (5) Change-oriented organizations primarily concerned with civil rights and civil liberties, peace, consumer and environmental problems.
- (6) Legal aid and defender programs.

The results appear in Table 3.

It is clear that the overwhelming majority of lawyers are not working for individuals or groups seeking to upset the status quo. It is possible that work for legal aid and defender programs involves test cases or law reform, but this is unlikely since so few of these offices engage in such work. Therefore, if we exclude legal aid and defender work, we find that less than 10 percent of the responses lawyers gave about public interest clients and cases involved individuals

TABLE 2

Distribution of Types of Organizations That Were Clients
for Lawyers' Public Interest Work during Billable Hours

	Percentage of All Organizations Mentioned*	Percentage of All Clients Mentioned*
Traditional Organizations, Such As Churches, Community Groups		
Churches	16.4	4.3
Community groups [nonpolitical]: women's clubs, garden clubs, Masons, Jaycees	9.5	2.5
United Fund and similar kinds of charities	8.9	2.3
Colleges and universities	4.0	1.1
Government agencies	3.1	.8
Union groups	1.8	.5
Community groups, like Urban League	1.5	.4
Hospitals	2.5	.7
Nonprofit groups--unspecified	1.8	.5
Other groups mentioned--law reform, political, profes- sional	each less than 1.3	each less than .3
Change-Oriented Organizations, Such As Civil Rights Groups, Environmental Groups		
Civil rights and civil liberties	7.8	2.1
Neighborhood groups	3.5	.9

TABLE 2 (cont.)

	Percentage of All Organizations Mentioned*	Percentage of All Clients Mentioned*
Ethnic groups: Native Americans, Chicanos, Blacks	4.2	1.1
Environmental groups	2.9	.8
Voluntary action centers, drug centers, crisis centers	1.7	.4
Tenant groups	.8	.2
Peace or anti-war, consumer, economic development, welfare- poverty, co-ops and commune groups	each less than 1.3	each less than 1.3
<hr/>		
Legal Aid and Defender		
<hr/>		
Legal aid and legal services	15.0	3.9
Defender	.4	.1

*Partial listing of organizations; therefore, percentages do not add to 100 percent.

TABLE 3

Types of Clients for Whom Lawyers Do Public Interest Work

	<u>Percent</u>
(1) Individual--standard civil	53.9
(2) Individual--standard criminal, juvenile	18.4
(3) Individual--such as civil rights	1.4
(4) Traditional organizations, such as churches, community groups	14.6
(5) Change-oriented organizations, such as civil rights groups, environmental groups	7.7
(6) Legal aid and defender programs	4.0
Total	<hr/> 100.0

or groups that challenge the status quo. More than 50 percent of the organizations represented were churches, community groups, United Fund type charities, or educational institutions. Very few lawyers mentioned peace, consumer, or welfare-poverty groups.

What kind of work did lawyers say that they were doing for their public interest clients? The results are shown in Table 4. Almost 75 percent of the work mentioned was either general practice--drafting, filing, representation--or general advice and counseling. Almost 19 percent of the work mentioned was litigation, and this was by far most common for individuals with standard criminal offenses. In other words, very little public interest work was done by lawyers for social change oriented clients, and most of the work was general practice or advice, not litigation.

For whom do the lawyers work in their nonbillable time? In contrast to the public interest work done during billable hours--which was primarily for individuals--more than 80 percent of the clients lawyers mentioned serving in their after hours were organizations. One-third of the individual clients or cases mentioned were relatives and friends. Among organizations, 82 percent of the clients mentioned were churches and community groups, 5 percent were legal aid and defender programs, and only 13 percent were organizations, such as civil rights, ethnic-minority, or environmental groups. As with public interest work done during billable hours, the type of work done for the organizations was, for the most part, general practice, advice, and counseling; there was very little litigation. Approximately one-third of the lawyers were officers of the organizations for which they did public interest work on nonbillable time. They were more

TABLE 4

Distribution of Type of Public Interest Work
According to Type of Client
(in percent)

	All Clients	Individual, Standard Civil	Individual, Standard Criminal	Individual, Such As Drug, Draft	Traditional Community Organizations	Change- Oriented Orgs.	Legal Aid, Defender
Advice	36.4	41.2	15.6	17.7	45.3	41.6	35.8
General practice	36.0	36.5	39.5	48.7	39.2	24.4	25.9
Litigation	18.7	13.8	42.8	25.8	5.8	18.9	12.8
Other	8.9	8.6	2.1	7.8	9.6	15.2	25.5
Total	100.0	100.1	100.0	100.0	99.9	100.1	100.0

likely to be officers of church and community organizations than of civil rights and minority groups.

Why were the public interest clients of lawyers during nonbillable hours so predominantly organizations, while their billable hours clients were so often individuals? Our data do not permit an answer. However, we suspect that three factors are important. First, individuals needing low-fee legal work seek lawyers during billable hours (rather than after the business day), and some of these clients are redefined as public interest work when they fail to pay. Second, we suspect that lawyers consider work for civic and charity organizations as nonbillable hours work, whereas they think of individual clients as part of their billable hours responsibilities. Finally, lawyers feel they can exert greater discretion over their selection of nonbillable hours clients, and they are more likely to choose organizations with which they have some relationship. But regardless of the process, the important point is that even though nonbillable hours clients are predominantly organizations, they are mainly status quo organizations. Lawyers do just as little social activism public interest work after hours as during billable hours.

Which Lawyers Do Public Interest Work?

Most of the attention concerning public interest work in the private bar has centered on the activities of large firm lawyers. These lawyers are more often from high class backgrounds, have elite legal educations, practice more corporate law and have professional incomes greater than other lawyers, and are seen as the leaders of the organized bar. Moreover, charitable contributions and an ethic of

TABLE 5.

Types of Organizations Mentioned As Clients during Non-billable Hours of Public Interest Work

	Percentage of All Organizations Mentioned	Percentage of All Clients Mentioned
<u>Traditional Community Organizations, Such As Churches and Community Groups</u>		
Church groups	18.2	3.5
Social, fraternal, benevolent organizations	34.7	6.7
Schools, colleges	4.6	.8
Museums, libraries, arts councils	2.2	.4
Hospitals	5.7	1.1
Neighborhood associations	10.3	2.0
Other	6.6	1.3
Subtotal	82.3	15.8
<u>Change-Oriented Organizations, Such As Civil Rights, Ethnic-Minority and Environmental Groups</u>		
ACLU, civil liberties	1.3	.3
NAACP, SCLS, local civil rights groups	.0	0.0
Housing-tenants groups	1.6	.3
Welfare rights groups	.3	.1
Bail project, prison project	.6	.1
Environmental protection groups	2.5	.5

TABLE 5 (cont.)

	Percentage of All Organizations Mentioned	Percentage of All Clients Mentioned
Consumer protection groups	.4	.1
Minority groups	1.0	.2
Economic, business development	1.3	.3
Planned Parenthood Association, family planning groups	.4	.1
Other	3.5	.7
Subtotal	12.9	2.7
Legal aid, defender programs	4.7	.9
Total	99.9	19.4

TABLE 6

Billable Hours Spent in Public Interest
Work during the Last 12 Months

	Lawyers in Large Urban Firms	Other Firm Lawyers	Solo Lawyers
None	31.6	32.7	25.0
1-5 percent	40.8	37.9	19.9
6-10 percent	17.6	16.2	22.4
More than 10 percent	10.0	13.1	32.6
Total	100.0	99.9	99.9

noblesse oblige are usually associated with the upper levels of the bar. For these reasons it generally has been assumed that large firm lawyers have a greater sense of professional responsibility and make disproportionately larger contributions to the public interest efforts of the private bar. To test this hypothesis we examined the percentage of billable hours spent in public interest work by large firm lawyers in large cities during the last twelve months, in contrast to the hours spent by other firm lawyers, and by solo lawyers. Seventy-one lawyers in our sample (11.6 percent of all lawyers in firms) were in firms of twenty or more lawyers in cities with a population of more than 600,000.

Our findings do not confirm the conventional view. The lawyers in the large urban firms did no more public interest work in billable hours than other firm lawyers, and did considerably less than solo lawyers. Moreover, solo lawyers did much more public interest work than either type of firm lawyer. Seventy percent of the large firm and other firm lawyers spent 5 percent or less of their billable hours on public interest work, as compared to 45 percent of the solos. Thirty-two percent of the solo lawyers spent 10 percent or more of their billable time doing public interest work, which is more than twice the rate of large firm urban lawyers and other firm lawyers.

It is not readily apparent why higher percentages of solo lawyers reported doing public interest work. One possibility is that they had a less wealthy clientele, and as was suggested previously, they reported as public interest work activities on behalf of clients for which they would have liked to have been paid but did not expect to be. Another possibility is that the nature of their practice was such that

more public interest opportunities were presented to them than would be true of firm lawyers.⁷

Among both solo and firm lawyers, there is a positive relationship between the percentage of clients who are members of minority groups and the percentage of time spent on public interest work. Solos reported working with minorities to a greater extent than did firm lawyers. Higher percentages of clients who are members of minority groups should lead to more public interest work for several reasons. Lawyers who choose to work with minority clients probably also choose to do more public interest work; working with minority clients could lead to more public interest work in that minority clients cannot pay all or part of the fee; and for some lawyers, the minority clients they have may also be their public interest clients, so that the two labels measure the same people.

It has also been suggested in recent years that younger lawyers in the large firms are doing a considerable amount of public interest work, in part because of encouragement by older firm members who would like to foster public interest work but cannot find the time to undertake it personally, and in part because younger lawyers may have insisted upon a commitment by the firms to allow them to do public interest work. Although the numbers are very small, our data do not support this idea. Younger lawyers in large firms in cities of more than 600,000 persons seem to do considerably less public interest work than their colleagues. With other firm lawyers there is no consistent pattern of relationship between age and amount of public interest activities.

In terms of the clients and kinds of cases with which they work, differences are more striking: lawyers from larger urban firms are far more likely to work with organizations than are other lawyers in firms or solos. Perhaps this is not surprising, however, given the social network in which large firms operate. What is surprising is that civil rights and environmental type organizations were mentioned as clients by large firm lawyers as often as community and church type organizations. In other words, large firm lawyers who did public interest work were much more likely than other lawyers to work for social change oriented organizations, even though this activity accounted for less than one-fourth of all their public interest clients.

Among community and church organizations, the groups most often mentioned as public interest clients by lawyers in large urban firms were United Fund groups and charitable agencies and colleges, universities, schools, and museums. Other firm lawyers mentioned churches most often, followed by nonpolitical community groups such as garden clubs, Masons, and Jaycees. Solo lawyers also mentioned work for churches most often, followed by United Fund groups and charitable agencies.

There were some differences in the amount of public interest work done in their nonbillable hours by the two different groups of firm lawyers and by solos. More than 50 percent of large urban firm lawyers did no after hours public interest work, whereas 34.4 percent of other firm lawyers and 43.3 percent of solo lawyers reported no nonbillable hours work. All groups of lawyers worked predominantly for organizations rather than individuals, but the lawyers from larger

TABLE 7

Types of Individuals and Groups for Whom Lawyers
Do Public Interest Work during Billable Hours
(in percent)

	Large Urban Firm Lawyers	Other Lawyers in Firms	Solos Lawyers
Individual--standard civil	38.0	53.7	57.5
Individual--standard criminal	12.8	19.3	18.0
Individual--drugs, draft	4.5	1.1	1.3
Traditional community organizations--community groups, churches	19.9	13.6	15.3
Change-oriented organizations-- civil rights, environmental groups	18.9	7.6	5.6
Legal aid, defender programs	5.9	4.8	2.3
Total	100.0	100.1	100.0

TABLE 8

Types of Groups for Whom Lawyers Do Public Interest
Work During Nonbillable Hours
(in percent)

	Lawyers in Larger Firms in Cities of More Than 600,000 Persons	Other Lawyers in Firms	Solo Lawyers
Community, church type organizations	63.6	82.9	84.1
Civil rights and environmental type organizations	32.0	12.6	10.8
Legal aid, defender programs	4.4	4.5	5.1
Total	100.0	100.0	100.0

Note: Distribution is based on number of organizations mentioned as non-billable time public interest clients; there was a maximum of three for each lawyer.

urban firms were somewhat more likely to mention work with organizations concerned with civil rights and environmental types of problems.

Looking at firm size alone, the basic finding is that lawyers in large firms did less public interest work than the rest of the bar. On the other hand, there was a somewhat different distribution of such work. The large firm lawyers did less individual service work--particularly matrimonial and criminal--and much more community-church group type charity work that the elite are usually associated with. However, the large firm lawyers also dealt more with groups challenging the status quo, particularly with minorities, than did the other lawyers.

Summary of Findings and Implications

We have presented first results on the public interest activities of lawyers from a large survey of American lawyers and the legal rights movement. Our four principal findings can be summarized as follows: First, the amount of public interest work of the entire bar is approximately 6 percent of the average lawyer's billable time, based on the lawyers' own reports. If anything, the figure is probably inflated. Second, more public interest work is done by solos than by firm lawyers or by large firm urban lawyers. Third, most of the public interest work is done for individuals who make up almost three-fourths of the clients mentioned. Virtually all of this work is of a traditional nature. Insofar as nontraditional work is done, it is mainly for organizations, but the effort here is very minimal as compared to the public interest work offered traditional organizations. Overall, it is quite obvious that the overwhelming majority of lawyers are not working for groups or individuals seeking to challenge the status quo. Fourth, there is

practically no litigation connected with public interest work. The lawyers' contributions consist mainly of general advice and counseling.

In our view, these data do not lead one to expect that the private bar is likely to respond to the call for increased public interest work. As was stated earlier, the call for public interest work has been frequently addressed to large urban firm lawyers; yet this group shows no more effort in the area than do other firm lawyers. Moreover, there is no indication from our data that the younger lawyers in the large urban firms are more responsive to the public service call than their older colleagues. The lack of response in the large firms does not seem to be a product of age and conservatism. Also, young lawyers throughout the bar report no more public interest work than older lawyers, calling into question how much the reform spirit of the 1960s affected private practitioners of any age.

What is being offered by the practicing bar is essentially legal services for the poor, without litigation, and--to a lesser extent-- legal services for civic and charitable organizations. However useful these services are, they suggest little support for establishment-challenging by lawyers in private practice. The public activities of the private bar are either supplementing or duplicating current public programs to provide legal aid or criminal defense for the indigent. Of course, there is a great need to provide such services, but the private bar cannot hope to displace the public programs, especially in view of its apparent disinclination to engage in litigation.

The term "public interest" practice includes a wide variety of legal work. As noted earlier, the ABA Special Committee on Public

Interest Practice has a four-part definition: poverty law, individual rights, public rights, and work for charities. It is readily apparent that the current public interest practice activities of the bar deal with only two of the four parts--poverty law and charities work. Consequently, the bar is being called upon not only to do more public interest law work, but to do different kinds of public interest law work as well. How likely is this call to be heeded? The most probable assumption is that if the members of the bar, as individuals, were likely to do more, they would do more of what they are now doing, namely, providing general advice and counseling on individual matters. For this reason it is not surprising that new institutions are being explored. One of the more promising experiments is the bar-supported public interest law firm, modeled after the foundation-supported firms. The advantage of the bar-supported public interest law firm is that through this device the bar can increase its public interest support, and the firm can engage in those activities that the practicing lawyer now seems least inclined to do--test-case litigation on behalf of groups and individuals seeking social change. The establishment of bar-organized public interest law firms is consistent with the history of the bar. Legal aid was set up to do what the private bar could not or would not do; formalization of defender programs, moving away from referrals and court-appointed attorneys in criminal cases, is part of the same experience. Historically, the provision of services has not worked well when left to individualized, voluntary efforts. With public interest activities, individual lawyers cannot take on the time-consuming litigation that may be needed, especially for groups or individuals seeking social change.

The creation of formalized firms for doing public interest work when voluntary efforts are shown to be inadequate fits in well with this history.

NOTES

1. Roscoe Pound, quoted in American Bar Association, Special Committee on Public Interest Practice Report (ABA, August 1974), p. 6.
2. The sample was drawn from two types of sources: the 1972 Martindale-Hubbell Law Directory and the best listings of lawyers available in fifteen states chosen at random. The names chosen from the fifteen states were cross-checked and eliminated if they appeared in Martindale. The effect of this sampling procedure was to correct for whatever bias existed in Martindale listings.

Source	Names	Interviews Completed	Percent Completed
Martindale	1606	1158	72.1
15 states	505	292	57.8
Total	2111	1450	68.7

3. The age groups used were: under 29, 29-33, 34-43, 44 and over (in 1972). The findings in this article are based on 633 lawyers whose only or primary job was in a private firm and 283 lawyers whose only or primary job was solo practice.
4. In calculating the value of public interest work, the following method was used: the lawyer's earnings, treated as the midpoint of the category he had selected, were multiplied by the percentage of public interest time indicated, treated as a category midpoint. Categories were 1-5, 6-10, 11-20, 21-30, 31-40, etc.
5. The mean figure for those doing public interest work in nonbillable hours was slightly reduced by the method of calculation.

6. The "cost" of nonbillable public interest time was obtained by dividing the midpoint of an earnings category selected by respondents by 2000, or 40 hours per week, 50 weeks per year. The resulting hourly salary was multiplied by the number of public interest nonbillable hours in one year. Appropriate adjustments of earning figures were made for those holding more than one job.
7. Philip Lochner, "The Distribution of No Fee and Low Fee Legal Services by Private Attorneys" (unpublished manuscript, Faculty of Law, State University of New York at Buffalo, 1973); Jerome Carlin, Lawyers on Their Own (1962). These two studies give some attention to the work settings associated with reduced fee work.