

## TrustLaw Index of Pro Bono - Regional Analysis

### Africa and Middle East

This year Index submissions were received from 33 law firms with 45 offices in 17 countries across Africa and the Middle East. The findings from these firms show that lawyers in the region provided an average of 25.9 hours of pro bono legal assistance each over the past year, a decrease of nearly 15 percent from last year's finding of 30.4 hours. The percentage of fee earners doing ten or more hours of pro bono also decreased slightly, from 42.7 percent last year to 35.4 percent this year.

The number of firms with offices in Africa and the Middle East participating in the Index increased from 25 last year to 33 this year. The latest findings suggest mixed trends in partner engagement in pro bono. The average number of hours undertaken by partners was 17.1, a slight decrease from the 18.5 hours reported last year. However, the percentage of partners contributing any time to pro bono work increased from 40.4 percent reported in last year's Index to 44.4 percent in 2016.

As law firms recognise the future fee-paying potential of social enterprises and small-to-medium-sized enterprises in the region, they are increasingly establishing their own in-house social enterprise practices. This represents an important area of potential growth in pro bono work across south and east Africa, as well as one that stands to significantly influence the dynamics of law firm engagement with pro bono beneficiaries. As law firms build their pro bono practices, they are becoming more selective with regard to which causes and organisations they support and are beginning to engage directly with client organisations, as opposed to relying on the few pro bono clearinghouses active in the region to mediate such relationships.

### AFRICA & MIDDLE EAST

FIRM NAME	COUNTRY	AVERAGE HOURS PER FEE EARNER	FEE EARNERS WITH 10+ HOURS OF PRO BONO (%)
<b>Akin Gump Strauss Hauer &amp; Feld LLP</b>	United Arab Emirates	14.60	46.67
<b>Anjarwalla &amp; Khanna</b>	Kenya	3.23	27.42
<b>Ashurst</b>	United Arab Emirates	10.72	23.53
<b>Bowman Gilfillan Inc</b>	Kenya	2.50	10.47
<b>Bowman Gilfillan Inc</b>	South Africa	21.08	41.32

## AFRICA & MIDDLE EAST

Bowman Gilfillan Inc	Madagascar	18.94	41.18
Bowman Gilfillan Inc	Uganda	1.32	5.26
Cleary Gottlieb Steen & Hamilton LLP	United Arab Emirates	3.60	20.00
Clyde & Co LLP	Qatar	19.73	52.63
Clyde & Co LLP	Saudi Arabia	1.95	5.56
Clyde & Co LLP	United Arab Emirates	5.74	16.47
Coulson Harney	Kenya	1.81	5.56
CR Amany Advocates & Solicitors	Uganda	1.00	10.00
Dechert	United Arab Emirates	45.08	100.00
DLA Piper	Bahrain	40.35	50.00
DLA Piper	Kuwait	18.03	33.33
DLA Piper	Qatar	62.30	100.00
DLA Piper	Saudi Arabia	23.88	57.89
DLA Piper	United Arab Emirates	24.55	50.75
Fasken Martineau LLP	South Africa	97.15	75.79
Fortis LP	Nigeria	100.00	83.33
Freshfields Bruckhaus Deringer LLP	United Arab Emirates	0.25	-
Hamilton Harrison and Mathews	Kenya	0.80	6.00
Hogan Lovells	United Arab Emirates	4.95	19.05
Hogan Lovells South Africa	South Africa	64.11	12.82
K & L Gates LLP	Qatar	0.53	0.00
K & L Gates LLP	United Arab Emirates	6.65	29.41
Latham & Watkins LLP	Saudi Arabia	12.86	42.86
Latham & Watkins LLP	United Arab Emirates	29.63	54.17
Linklaters LLP	United Arab Emirates	10.36	17.95
Norton Rose Fulbright South Africa	South Africa	38.38	83.67
Onyango & Co	Uganda	70.83	58.33
Orrick, Herrington and Sutcliffe LLP	Ivory Coast	4.17	16.67
Rahim Khan & Company Attorneys	Botswana	37.50	50.00
Reed Smith LLP	United Arab Emirates	25.87	60.00
Saad Mousa Naffa Law Office	Jordan	3.40	60.00
Saed Karajah & Partners LLP	Jordan	55.56	100.00
Sharkawy & Sarhan Law Firm	Egypt	36.52	8.70
Shearman & Sterling LLP	United Arab Emirates	0.60	0.00
Simmons & Simmons	Qatar	3.86	-
Simmons & Simmons	United Arab Emirates	6.22	-
Taslaf Advocates	Rwanda	5.00	-
Taslaf Advocates	Tanzania	5.00	-
Taslaf Advocates	Uganda	15.00	100.00
Udo Udoma & Belo-Osagie	Nigeria	2.79	8.62
Uteem Chambers	Mauritius	20.00	60.00
Webber Wentzel	South Africa	38.74	25.06
White and Case	Qatar	13.75	37.50
White and Case	United Arab Emirates	15.29	41.18

## Kenya

Comprehensive analysis is only published for Index findings in jurisdictions where four or more law firms submit data on their pro bono activities over the previous year. As submissions were only received from two firms in Kenya in each of the previous two years of the Index, 2016 marks the first year that in-depth analysis has been carried out on the pro bono legal sector in Kenya. This year’s findings provide a more accurate representation of the nature of pro bono work in Kenya, as this year’s dataset is larger than in previous years. However, comparing the 2016 findings to 2015 data provides useful context for analysing pro bono trends in Kenya.

Law firm submissions from this year show that fee earners based in Kenya carried out 2.2 hours of pro bono legal work over the past year, an increase of 22 percent from last year’s finding of 1.8 hours. The percentage of fee earners who provided ten or more hours of pro bono legal services over the past year was 12.7 percent, compared to 3.3 percent reported in the previous year.

Data on partner engagement in Kenya showed measurable progress. Participating law firms have reported that 29.5 percent of partners dedicated some time to pro bono work last year, a small increase from the 26.3 percent average of the two law firms that submitted data in the previous year. On average, partners did 3.1 hours of pro bono work in 2016, nearly twice the 1.6 hours reported in 2015.

Article 48 of Kenya’s constitution notes that, “The State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice.”<sup>1</sup> However, many citizens still lack sufficient access to legal services across the country. The legal community is taking steps to address the unmet need; in September 2015, the Law Society of Kenya (LSK) held its annual Legal Awareness Week.<sup>2</sup> Though not focused explicitly on pro bono work carried out by private lawyers, the law society enlisted the help of more than 7,000 qualified Kenyan lawyers to provide pro bono legal services to citizens in more than seven LSK offices across the country.

## KENYA

FIRM NAME	AVERAGE HOURS PER FEE EARNER	FEE EARNERS WITH 10+ HOURS OF PRO BONO (%)
Anjarwalla & Khanna	3.23	27.42
Bowman Gilfillan Inc	2.50	10.47
Coulson Harney	1.81	5.56
Hamilton Harrison and Mathews	0.80	6.00

<sup>1</sup> <https://www.kenyaembassy.com/pdfs/the%20constitution%20of%20kenya.pdf>

<sup>2</sup> <http://www.standardmedia.co.ke/article/2000177558/7-000-lawyers-to-offer-free-legal-services-to-kenyans-countrywide-next-week>

## Qatar

All five 2016 Index submissions from firms with lawyers based in Qatar were provided by international law firms. This year, pro bono data suggested either maintenance of previous levels or a slight decline in the amount of pro bono done in Qatar over the past year. The percentage of partners engaging in any pro bono work remained constant from the previous year at 45.5 percent, while the average pro bono hours done by partners over the past year dropped significantly to 8.6 hours each.

Despite strong pro bono contributions from law firm partners, measurable drops were seen in lawyer engagement. Participating firms reported an average of 11.6 pro bono hours per lawyer in 2016, while 24.5 hours were reported the previous year. Similarly, 30.0 percent of fee earners contributed some time to pro bono during the past year, a substantial drop from the previous year's finding of 44.0 percent.

Among participating law firms, pro bono legal activities in Qatar have been largely dedicated to increasing the share of resources that non-profit enterprises can dedicate to achieving their social missions by providing corporate legal advice on a pro bono basis, as well as helping social enterprises to formally register within the country's legal framework and to obtain the necessary approvals to begin their operations in Qatar. Although lawyers are not obligated to provide pro bono services, either by local bar associations or government mandate, some Qatari law firms have established internal pro bono targets to encourage participation among lawyers.<sup>3</sup>

## QATAR

FIRM NAME	AVERAGE HOURS PER FEE EARNER	FEE EARNERS WITH 10+ HOURS OF PRO BONO (%)
<b>Clyde &amp; Co LLP</b>	19.73	52.63
<b>DLA Piper</b>	62.30	100.00
<b>K &amp; L Gates LLP</b>	0.53	0.00
<b>Simmons &amp; Simmons</b>	3.86	-
<b>White and Case</b>	13.75	37.50

<sup>3</sup> <http://www.legalweek.com/legal-week/analysis/2461658/corporate-counsel-middle-east-awards-acc-middle-east-achievement-award-al-ansari-associates>

## South Africa

Analysis of the 2016 Index findings from South Africa revealed promising pro bono developments over the past year. Six law firms with offices in South Africa submitted data on their pro bono practices this year, the highest Index participation we have seen from the country. Results indicated improvement in pro bono engagement at all levels within participating firms, and with data for each of the key indicators showing positive growth.

Participating law firms reported an average of 39.3 hours of pro bono per fee earner, an increase of more than 20 percent over the 32.7 hours reported in the 2015 Index. In addition, the percentage of fee earners donating 10 or more hours to pro bono work rose to 45.3 percent, an increase from the 38.3 percent reported in the 2015 Index, and the highest average rate of fee-earner participation in South Africa since the Index launched. Partner engagement was seen to significantly increased with Partners in South Africa undertaking an average of 20.3 hours of pro bono, an increase of more than 37 percent over 2015 findings of 14.8 hours. The percentage of partners spending any time on pro bono work also saw a dramatic increase; the 2016 analysis showed that 47.1 percent of partners in South Africa worked on at least one pro bono matter, while only 38.5 percent did so in the 2015 Index.

In the wake of a High Court decision in April 2016 to review hundreds of corruption charges against President Jacob Zuma during his seven years in office, the problem of government corruption has risen to the top of the public agenda. Cases of government malfeasance often prove too divisive to attract the attention of pro bono lawyers, but proponents of the practice in South Africa have spoken up in recent months, encouraging pro bono lawyers at private firms to actively support the fight against corruption.

Speaking at a law firm event in Johannesburg in April, former Constitutional Court judge Zac Yacoob reminded lawyers that it was the responsibility of the legal profession to defend the interests of the people and the values of the constitution against corrupt government officials who seek personal profit at the expense of the public good. Referring to corruption charges against the president, Yacoob told attendees, “The Nkandla case is important because the money was meant for the people and the people would have been better off with it.”<sup>4</sup> He went on to emphasise the long history of pro bono legal work in South Africa, which goes back to the fight against apartheid, and noted its continued importance as the country works to uphold its democratic values and fulfill the promise of justice and equality guaranteed by the constitution.

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<sup>4</sup> <https://www.africanlawbusiness.com/news/6307-pro-bono-key-to-fighting-corruption-in-south-africa>

## SOUTH AFRICA

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Fasken Martineau LLP	97.15	75.79
Hogan Lovells South Africa	64.11	12.82
Norton Rose Fulbright South Africa	38.38	83.67
Webber Wentzel	38.74	25.06
White & Case	9.82	35.29

## United Arab Emirates

Thirteen law firms with offices in the United Arab Emirates submitted information on their pro bono activities for the 2016 Index, an increase from the 11 firms that submitted in the previous year. Results showed that fee earners based in the UAE contributed an average of 11.6 hours each over the last 12 months, somewhat less than the 13.2 hours reported in the 2015 Index. The percentage of fee earners spending 10 or more hours on pro bono work also decreased over the past year, from 31.6 percent in last year's Index to 27.3 percent reported in 2016.

Although fee-earner participation lagged somewhat in UAE-based law offices, partner engagement in the country showed positive growth. Partners averaged 7.1 hours each over the last year, more than the 6.3 hours reported the previous year. In addition, pro bono involvement among partners in general increased from 26.3 percent last year to 33.3 percent reported in 2016.

Pro bono legal activities are not widespread in the UAE, however the presence of many international law firms has introduced the practice in the region and prompted local firms and legal advice services to take notice. Though government legal aid schemes exist, they are often only accessible to UAE citizens. Given the significant number of foreign workers living in the UAE, much of the demand for pro bono advice arises from these groups.

The unmet demand is partially addressed by the Dubai International Finance Centre (DIFC) Academy of Law's pro bono programme, through which locally qualified lawyers are connected with low-income foreign nationals in need of local representation.<sup>5</sup> Often these cases pertain to employment disputes against unfair or illegal employment practices that may have otherwise gone unprosecuted if not for the dedication of the 100 legal practitioners from 43 registered local law firms who participate in the programme.<sup>6</sup>

Given the regulations prohibiting foreign lawyers from representing litigants in local cases, those interested in providing pro bono services in the UAE often choose to work with local charities, NGOs and social enterprises on issues involving foreign laws or compliance with local laws governing corporate affairs, such as registration, employment, cross-border partnerships, and licensing agreements.<sup>7</sup>

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<sup>5</sup> <http://www.thenational.ae/uae/dubai-lawyers-offer-pro-bono-services-to-low-income-workers>

<sup>6</sup> *Ibid*

<sup>7</sup> <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/A-Survey-of-Pro-Bono-Practices-and-Opportunities.pdf>

## UNITED ARAB EMIRATES

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Dechert	45.08	100.00
DLA Piper	24.55	50.75
Freshfields Bruckhaus Deringer LLP	0.25	-
Hogan Lovells	4.95	19.05
K & L Gates LLP	6.65	29.41
Latham & Watkins LLP	29.63	54.17
Linklaters LLP	10.36	17.95
Reed Smith LLP	25.87	60.00
Shearman & Sterling LLP	0.60	0.00
Simmons & Simmons	6.22	-
White and Case	15.29	41.18