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Lawyers' Pro Bono Work in Denmark

Annette Olesen & Ole Hammerslev

Introduction

Voluntary work has always been a part of Danish lawyers' DNA and is an integrated part of their self-understanding.¹ However, to understand the extent and development of legal pro bono work in Denmark, which is the aim of this chapter, it is important to emphasize the duality between the restructuring of the modern universal welfare state and the marketization of legal practice. Denmark has a population of nearly 5.8 million and approximately 15,700 legal professionals. Anyone with a master's degree in law is called a 'jurist' and considered a member of the legal profession. The title qualifies for many career paths and, with further training, also grants access to monopolized positions as lawyers (or advocates), judges (magistrates, high court and supreme court judges) and public prosecutors. Approximately one third of all jurists work in public administration (government departments, counties and municipalities) and one third as lawyers or attorneys-at-law.²

The development of the Danish welfare state escalated after WWII, propelled by the trade union movement and the Social Democratic Party. The development was founded on the principles of solidarity, equality and individual autonomy. This welfare state model placed (and still places) great responsibility on the tax-financed public sector to perform as the main protector of all citizens' rights and as promotor of universal welfare benefits and services within education, health, disability, eldercare, and childcare.³ The strong welfare state aimed to remedy many ills facing the Danish society, including its own failures. A public sector complaints handling system helped citizens resolve their problems with the public administration through complaints commissions, appeal committees and ombudsmen; and even helped to adjust the private market through e.g. consumer councils and housing complaints commissions dealing with landlord-tenant issues.⁴ Even though the Danish welfare state is still based on the 'universalist' welfare paradigm, its founding principles have been challenged since the economic crises ended 'the golden welfare years' in the 1980s.⁵ To improve financial viability and create resources for welfare during the 1980s' austerity policy, the market gained influence on the distribution of wealth, which resulted in partial contracting out of welfare services.⁶ Ever since, the Danish welfare system has undergone fundamental and substantial changes

that have enhanced a more libertarian and individualistic nature of the state.⁷ In continuation of the reconfiguration of the welfare state, free legal advice has gone from being a welfare state responsibility to a ‘service’ mainly provided by legal expenses insurance (LEI) and different third sector suppliers.⁸

Simultaneously with the changing welfare structure, pervasive marketization and globalization changed the structure of law firms on both an organizational and behavioral level. Since the 1980s, the legal market has been liberalized through an unsteady process, which transformed the legal field towards a new capitalistic spirit⁹ and rising marketization. The industry differentiated internally and developed into – to use Heinz and Laumann’s telling metaphor – ‘two hemispheres’¹⁰ with a small number of large law firms (creating a legal elite) and a majority of small law offices. On the one hand, large law firms developed through waves of mergers in the early 1980s, that were heavily inspired by the global Anglo-American law firms’ organizational structures and legal practices. The US sources of inspiration contributed to the large Danish law firms’ focus on corporations and organizations, whilst they downgraded their businesses concerning legal counseling to individuals. The lawyers employed at the large firms became more specialized and the firms developed new strategic business structures to attract and maintain the best clients, which were increasingly price-conscious and not loyal to one firm. In strategic ways, the law firms furthermore sought to recruit the best graduates directly from the law schools. On the other hand, an increasing number of lawyers developed solo practices or small offices, focusing on individual counseling and hence maintaining a more generalist expertise profile.¹¹

Considering the reconfiguration of the Danish welfare state and the changing character of the Danish law firms, the purpose of this article is to outline the evolution of legal voluntary work in Denmark from 1976-2018. Analytically, we operate with two different definitions of lawyers’ commitment to volunteering which mirror the development of the legal industry towards a more global and market-oriented format. *Legal voluntary work* is the umbrella term we use to characterize the often tacit, unsystematic and locally based work performed by lawyers who offer legal expertise for low or no payment to (mainly) citizens in need or small businesses. Contrary to the official Danish judicare legal aid scheme, this kind of legal voluntary work is by default neither state-supported nor subjected to any state restrictions. Another way for lawyers to deliver free legal services is by performing ‘pro bono work’. *Pro bono* as a term and concept was slowly included in the Danish vocabulary and the largest law firms around the early 2000s, which meant that a part of lawyers’

voluntary activities were now defined in a wider sense and significantly more systematized by e.g. pro bono budgets, programs and policies.¹²

In order to draw a comprehensive picture of the changing attitude towards the voluntary endeavor of lawyers and law firms, we will in the following section contextualize the present situation of legal aid activity and the access to justice by examining recent amendments, changing priorities for and cutbacks on legal aid provided by lawyers in relation to reconfigurations of the Danish welfare state. In the ensuing section, we present the methodology of the empirical study. In section three, we empirically analyse the structures and rationales that have dominated and defined the trajectory of Danish lawyers' voluntary work for the last 42 years. The analysis is divided into three subsections. Firstly, it identifies how voluntary work is understood and carried out in many different ways, depending on the size and profile of the law firms. Secondly, it examines how voluntary work underwent a systematization process inspired partly by US firms and lately by linking to global organizations. Thirdly, it discusses how law firms' competitive environment and focus on branding has influenced law student culture and self-branding. Finally, we conclude on our analytical findings.

Contextualizing Danish legal aid

The Danish welfare model of legal aid is based on a judicare scheme, which is regulated in the Danish Administration of Justice Act §§ 323-324 and includes three types of legal aid institutions, namely legal aid offices, private lawyers and 'Lawyers on call'. The 1960s prevalence of legal aid offices was initially considered an alternative to public legal aid provided by private lawyers but over the years, the three traditional legal aid providers have supplemented each other. It is the Department of Civil Affairs which decide whether a legal aid office or 'Lawyers on call' can be licensed as subsidy eligible in legal aid cases. Eligible recipients can annually request government subvention from the Department of Civil Affairs to cover equitable operating costs, such as rent, office supplies, informative work, fees to managers and on special occasions to counselors (e.g. if it in a certain area is particularly difficult to recruit unpaid, voluntary counselors). Government subventions are grants allocated from the National Budget to a specific legal aid fund.¹³ Government subventions are thus limited and 'Lawyers on call' as well as legal aid offices heavily rely on unpaid voluntary work.

The current legal aid scheme is founded on a unified set of rules based on three stages: Stage 1 consists of basic oral legal advice. It is free of charge to all citizens and performed voluntarily by lawyers without any state allowance; stage 2 consists of extended legal advice (beyond oral advice) which includes drawing up simple complaints or applications in writing e.g. summons; and stage 3

also consists of extended legal advice, including e.g. settlement negotiations. Contrary to stage 1, clients applying for legal aid on stage 2 and 3 must meet the financial eligibility criteria. While ‘Lawyers on call’, staffed by voluntary, unpaid lawyers and assistant attorneys-at-law, offer free basic oral legal advice (stage 1), private lawyers and legal aid offices, staffed by primarily unpaid, voluntary law students, offer legal aid at all three stages. Private lawyers undertaking legal aid work on stage 2 and 3 require a fixed time rate paid partly by the client and partly by the state.¹⁴ To receive subvention, lawyers nevertheless face a highly bureaucratized reimbursement process, which includes having to request that the client’s insurance company or the district court cover that aspect. The regulation of legal aid and of litigation aid refers to civil matters only. Criminal cases, on the contrary, are regulated by the rules concerning appointed attorneys.¹⁵

The position of the Danish Bar and Law Society

The Danish Bar and Law Society has always argued ‘...for a prudent legal aid scheme supported by lawyers and to some extent supporting lawyers’.¹⁶ Their proposal for a delivery model for legal aid was and is still today centered on lawyers being paid a reasonable fee for legal aid cases. In 1976, lawyers’ fixed fee for legal aid cases was considered so low that it was characterized as a ‘poverty rate’, which ‘caused giggles and pleasantries’ among members of the Bar.¹⁷ Today, the fixed fee for legal aid cases is still considered unreasonable low and reimbursement unnecessarily bureaucratic.¹⁸ The Danish Bar and Law Society which refers to itself as ‘an independent, self-governing and self-funding public law institution comprising all lawyers [in Denmark]’¹⁹ has repeatedly engaged in discussions on government abdication regarding public legal aid and lawyers’ legal aid work. The Head of Council of the Danish Bar and Law Society has e.g. underlined:

‘It was never the intension that legal aid provided by [private] lawyers should have an element of charity. And it is obviously unfair when the state and insurance companies force lawyers to work far below the market price and claim it is for the sake of clients’ rule of law. This gives rise to frustrations that in a rash moment may cause a lawyer to question whether they should at all perform pro bono work’²⁰

The Danish Bar and Law Society thus continues to stir up the debate and fight for taxpayer-subsidized legal aid that mirrors market prices and is provided by private lawyers.

Previous legal aid changes

Since 2007 comprehensive amendments have been launched which has changed the priority list for legal aid suppliers, the infrastructure of the legal aid field and the role of lawyers. Public expenditure on legal aid provided by lawyers has been cut more than 75 per cent since 2006.²¹ Litigation aid provided by private lawyers has also recently faced a tightening of the financial eligibility criteria and user charges.²² Simultaneously with the financial downgrading of private lawyers, expenses to legal aid offices staffed by mainly voluntary law students have increased by more than 50 per cent. In line with this development, LEI was approved to overrule the Danish legal aid scheme in 2007. This means that citizens who have a LEI by default are excluded from litigation aid. Instead they must fill out an application to their insurance company to get (part of) their lawyer or court expenses covered. LEI mainly covers assistance in court cases and arbitration cases. It was introduced to the Danish market in 1970, but unlike many other countries, it is not possible to take out a Danish subscription for an independent LEI. Instead, household insurance and all-risk insurance are prescribed to include LEI, which is why LEI presently is the primary source of legal assistance, as it is included in more than 90 per cent of the Danes' household insurance. The minority without a LEI have the opportunity to apply for litigation aid. However, many concerns regarding LEI has been raised, e.g. that this kind of legal assistance almost never cover the pre-trial processes,²³ entire areas of law are without or insufficiently covered by the LEI scheme, and co-payment can be so comprehensive that underprivileged policyholders lack the financial means to claim their rights.²⁴ Moreover, poor payment and burdensome administration are tantamount to few law firms conducting LEI complaints and even fewer perform their obligations under the LEI scheme.²⁵

Changes in the legal aid field are not only mirrored in new supplier priorities and a changing money flow, they are also reflected by areas of law being removed from the scope of the legal aid scheme and a tightening of the eligibility criteria for legal aid clients.²⁶ To mention an important area of law excluded from the scheme, legal aid assistance in administrative matters regarding claims against or processed by public authorities and cases processed by boards of appeal was ruled out in 2007 as part of a larger reform aiming to modernize and simplify legal aid. Based on a general assessment of the administration of justice, the Committee on the Administration of Justice argued that regarding public administrative cases it was neither necessary nor desirable for citizens to team up with private lawyers offering public legal aid to address public authorities, when public authorities were (already) obligated to assist citizens with justiciable welfare rights.²⁷ Thus, a citizen cannot seek legal aid until the public authorities have made their decision and the citizen decides to file a

complaint against the public authorities' decision. However, Danish legal aid offices have argued that vulnerable citizens with claims against or claims processed by public authorities and cases processed by boards of appeal are often in need of legal aid because they consider public authorities to be untrustworthy advice-givers and struggle to understand the advice they are given. The Council of the Danish Bar and Law Society has furthermore problematized the public authorities' superiority towards citizens in claims handling situations.²⁸ In addition, legal aid is no longer provided in small-claim cases. Aiming at ensuring simpler, more efficient and less expensive court operations, a small-claim court procedure based on citizens' self-representation was introduced in 2008 as a comprehensive reform of the Danish police and court system.²⁹

Meanwhile, the legal aid field becomes still more absorbed by conflicting interests. The reconfiguration of the Danish legal aid scheme led to a more formalized collaboration with and responsibility to the third sector, i.e. to membership organizations and Not-for-Profit organizations some of which rely on volunteer work of law students.³⁰ This, in turn, has resulted in a shift in the role of lawyers in providing access to justice. Firstly, they now provide limited services for low or no payment and in circumstances which are administratively burdensome; and, secondly, they now share the legal aid field with other providers who are not supported by the Department of Civil Affairs and therefore are not constrained by the Government's bureaucratic and restrictive subsidy eligibility requirements.

The Danish government has not made an explicit link between less investment in lawyers offering legal aid and more voluntary legal aid work. Nevertheless, the Danish government has explicitly encouraged collaboration between the public and third sector (including volunteer organizations) to relieve the public sector of some of its traditional welfare responsibilities.³¹ This encouragement, of course, also goes to legal professionals. To serve as an example, the National Council for Volunteering held a conference in 2006 where it was discussed how the third sector in collaboration with the corporate sector could undertake welfare responsibilities. One way to assume responsibility was discussed by the manager of LawWorks, who illustrated how UK lawyers conducted pro bono work in different settings for the benefit of society.³² The take home message concerning the importance of pro bono awareness and encouragement was passed on to most Danish lawyers via the Danish Bar and Law Society's trade magazine 'The Lawyer' [Advokaten]. The fundamental challenges caused by the reduced legal aid scheme has nevertheless been left unstated and Danish citizens are facing a new reality where they to a greater extent must rely on either insurances or voluntariness from legal professionals and law students to ensure their access to justice.

The need for legal aid should be related to the following discussion about how legal expertise via pro bono programs are increasingly allocated to other areas and 'purchasers'. Pro bono has become a supplement to the legal aid scheme.

Material and method

Legal voluntary work in Denmark has received very little academic attention. Several studies have, however, examined the need of legal aid in Scandinavian welfare societies and the legal profession's role in providing legal aid.³³ Recent studies from Denmark and Norway have further discussed legal aid in relation to the welfare state.³⁴ Yet, these studies do not address pro bono legal work. Because of the literature gap regarding lawyers' pro bono work and because only sporadic data on the subject exists, we include relevant data from Norway and Sweden. Considered as 'the Nordic legal family',³⁵ the development of the Danish, Norwegian and Swedish legal professions and their historical relationship to the States and the law had similar characteristics and has since the 1980s developed interdependently towards marketization and internationalization.³⁶ Therefore, data of Scandinavian Bars and legal institutions (and states in general) can be related because their legal professions in relation to the reconfiguration of the welfare states have undergone comparable and interlinked historically developments.

The core of the following analysis is based on two original data sources: First, a qualitative document analysis of 632 issues of the Danish Bar and Law Society's trade magazine 'The Lawyer' was conducted for the period from 1976 to 2018. The period was selected in order to cover the development leading up to the important initiative 'Lawyers on call' which was launched in 1978. 'The Lawyer' is today printed in 8,000 copies 10 times annually.³⁷ All lawyers in Denmark are obligated to register as a member of The Danish Bar and Law Society, which makes 'The Lawyer' the only trade magazine to reach all lawyers while also addressing relevant stakeholders, journalists, etc. The trade magazine consists of articles covering topical themes written by external experts and specialized lawyers in various legal fields, the Disciplinary Boards' most essential decisions regarding complaints against lawyers, and general information from The Danish Bar and Law Society to their members. Each magazine was manually examined to identify the content and contextual setting of discussions about and invitations to do any form of legal voluntary work. No pre-definition of legal voluntary work was used. Sections about legal voluntary work were recorded by document title, author(s)/year, key words, and a summary of the specific discussion based on a who-what-when-where-why-how template.³⁸ The template facilitated a deeper understanding of the context in which

legal voluntary work was discussed. Based on the structured summaries, data was both chronologically and thematically organized and analyzed. The aim was to develop empirical knowledge about the structures and rationale which have dominated and defined the trajectory of lawyers' voluntary work over the last 42 years. The chronological and thematic structure of the document analysis substantiates the following findings and references will thus only be made when direct statements from a specific magazine is included.

The second data source consists of an interview study, conducted to strengthen the validity of the document analysis and to make a stronger argument for the interpretation of the diversification of voluntary legal work.³⁹ Thus, after having emphasized the structures that historically have constituted the framework for lawyers' voluntary work, we conducted semi-structured interviews with legal professionals and law students to provide thorough, first-hand knowledge about the changing phenomenon of legal voluntary work. We conducted 16 interviews in total with legal professionals who represented different positions in the field in terms of different career stages as well as size and location of firms and organizations. The interviewees are divided as follows: Four managers from lawyer's organizations, three heads of legal aid offices, one solo-practitioner in Copenhagen, one from a small law office in Stockholm, two from a small mid-sized law firm placed in a mid-sized Danish town, five practitioners from the top-five law firms in Copenhagen, Stockholm and Oslo. The interviews had a retrospective focus aiming to outline how trends, structures and rationales of legal practice and culture had emerged and how these developments had framed legal voluntary work in Denmark. The majority of the interviewees had many years of experience and two interviewees had even been with their firms since the beginning of the mergers and were now retired but still counseling. The data collection's retrospective focus nevertheless did not support an analysis identifying specific agents and intermediaries crucial to the development and import of pro bono programs. Furthermore, we conducted 10 interviews with Master students of law with practical experience in the field of legal voluntary work. The interviews were carried out in 2017-2018 in Denmark, Norway and Sweden. They lasted between half an hour to two hours, were digitally recorded, transcribed for analyses and translated from Danish, Norwegian or Swedish to English when quoted. The names of the interviewees and the involved law firms and organizations are anonymous.

Lawyers' voluntary work

Legal voluntary work is not a new phenomenon in Denmark. In 1638, the Danish King Christian IV required attorneys to take cases for widows, the insane, the poor and defenseless people without a fee. The first attempt to systematize voluntary legal aid work may be the establishment of *Studentersamfundets Retshjælp for Ubemidlede* (The Student Association for Securing Legal Aid for the Poor) from 1885, which was related to the University of Copenhagen. In this organization, which later was renamed Copenhagen Legal Aid, publicly employed legal professionals, private lawyers and law students offered voluntary legal assistance to citizens without means.⁴⁰ In 1906, this legal aid initiative was followed by legal requirements that prescribed appointed lawyers outside Copenhagen to provide legal aid to necessitous citizens against a remuneration from the state. The second legal aid office was founded in 1936 in Denmark's second largest city, Aarhus, following the establishment of a legal degree at the University of Aarhus.⁴¹ The budding of lawyers' different voluntary initiatives started to gain momentum in the 1960s when another eight legal aid offices were established in cities scattered across Denmark.

In this section we will examine the development of voluntary legal work in Denmark and discuss lawyers' previous tacit and unsystematic approach to voluntary work. The discussion will be followed by our analysis of how branches of legal voluntary work over time has become more strategic and systematized.

A tacit and unsystematic approach to legal voluntary work

Even though the legal aid field blossomed in the 1960s, legal voluntary work independent from government's intrusion and support was still undertaken tacitly without any systematizing or professionalizing efforts. The body of lawyers grew continuously over the years, cf. table 1, which provided a supply side that needed new counseling markets.⁴²

Table 1. Number of lawyers and assistant attorneys-at-law 1928-2014.⁴³

Year	1928	1952	1985	2000	2014
Lawyers and assistant attorneys-at-law	1,304	2,170	3,400	4,153	5,337

Unlike today where two thirds of the Danish Bar is situated in the two largest cities and larger law firms occupy a significant proportion of the lawyers, the Bar was until the 1980s made up of smaller firms and solo-practitioners' offices situated across the country with relatively close relations to the community. However, from the 1980s mergers between law firms have taken place with the effect of creating a division of labor, where solo practitioners and small law firms mainly council individuals and small businesses while the few large law firms council the corporate sector and large institutions. Thus, in 1998 no law firms had more than 100 employees whereas eight law firms had more than 100 employees in 2017.⁴⁴

The data concerning this geographic dispersal of the lawyers and their roots in the local community suggested that local lawyers were thoroughly versed in their clients' living conditions and familiar with their unique needs which may involve sensitive legal matters. Legal voluntary work was therefore often provided because lawyers recognized the issue faced by the client/or acquaintance, the aid was customized to deal with that exact issue and carried out as a private affair between the local lawyer and the client or acquaintance.⁴⁵ In line with the lawyers' multifaceted approaches to voluntary work, a knowing senior lawyer from one of the largest Danish law firms expressed how, back in the 1970s, he had experienced an unspoken code of ethics permeating the Bar and local lawyers' approach to low-income clients:

'You may say that running a law firm was previously more like running a Robin Hood business ...you did not charge too much. You would charge the important clients in the big cases, so you could keep the prices down thus Mr. and Mrs. Sørensen could afford to draw up a will. What I am saying is that everybody should be able to afford a lawyer, to draw up a will and they would not be able to afford that if you charged them your hourly wage. So, in that sense there has always been a sort of pro bono element in it.'

Among many different aid measures, one way to contribute to 'charity' was through an unsystematic and unspoken 'low bono', i.e. a redistribution of lawyer's fees benefitting those in need and to the detriment of the well off – not the lawyer him/herself. Thus, legal voluntary work was in this period closely linked with the local community, dependent on personal relations and permeated with irregularity.

‘Lawyers on call’

During the 1970s, the Bar had gained a tarnished reputation for poor lawyering and were accused of being ‘... unable to speak to ordinary people, being greedy and only think of money...’.⁴⁶ This occurred simultaneously with the Danish welfare state facing economic pressure, which challenged the distribution of welfare services. Ordinary people’s need for legal assistance was furthermore identified in several studies during this period,⁴⁷ and unmet need for legal aid turned out to be the pivot to improve the Bar’s reputation. A group of progressive lawyers and the Danish Bar and Law Society each developed their own respective initiative to improve the Bar’s low reputation and ensure access to justice for people in need. The Danish Bar and Law Society’s proposal focused on reforming and systematizing legal aid. In 1978, they put forward a legal aid model developed with support from the Ministry of Justice, which was based on lawyers providing basic oral legal aid for a fixed fee (3/4 state-funded, 1/4 client co-payment). Contrary to this, a group of lawyers wanted to position Danish lawyers and law offices as independent, qualified and progressive counselors and protectors of the rule of law who cared for all citizens’ access to justice without demanding payment for basic oral legal advice. As a result, ‘Lawyers on call’ was launched in 1978. This initiative added a new systematization to legal voluntary work independent from the government’s interference and subsidy⁴⁸ and independent of the Danish Bar and Law Society. The first ‘Lawyers on call’ was established in Copenhagen and more than 50 lawyers wanted to volunteer for the project. The idea was that lawyers and assistant attorneys-at-law should be at any citizens’ disposal who personally sought aid. The aid should be provided without payment and lawyers should be available for a few hours weekly in which they in all legal matters assisted citizens with basic oral legal advice.⁴⁹ Our data shows how the initiative gained foothold during the 1980s and became a lawyers’ grassroots movement in the rest of the country, as it extended to local practicing lawyers who met the citizens at public libraries, in court buildings and occasionally at law offices around the country. Annually, however, basic financial public support to ‘Lawyers on call’ has been allocated since the 1980s to cover equitable operating costs. One of the founders of the initiative stated the following when interviewed on the occasion of the 25th anniversary for ‘Lawyers on call’:

“Not only did my colleagues turn up and offered help without payment. The first six months, each lawyer also paid 100 DKK [approx. 15 USD] monthly to cover the offices’ expenses to light, heat and cleaning until the Ministry of Justice started paying the operating costs,” she continues ... ‘No! The initiative had nothing to do with party policy. It was the grassroots that rose and established this

initiative without asking permission from the Danish Bar and Law Society. It was people driven by public spirit”, she says and remembers how the volunteer lawyers during the first years – in the spirit of the time – met up after counseling and had a beer and went out to dinner while discussing the inquires of the day and the legal issues of the time. Today, 25 years later, volunteer lawyers no longer hang out ... after having finished counseling, and the beer crate at the back of the office is long gone. “Today young lawyers hurry back to their family or they have to go back to the office. They are extremely purposeful [or goal oriented rational acting, to use Weber’s notion⁵⁰].’⁵¹

Since ‘Lawyers on call’ was not providing extended legal assistance but only offered basic oral advice and sketchy information, the initiative has been referred to as a ‘legal emergency room’ which provided ‘legal first aid’ but did not cope with the citizens’ legal problems in detail. Regardless of certain limitations, our data shows that the services provided by ‘Lawyers on call’ were the pivot of the legal voluntary work debate in the 1980s and 1990s.

The commencing of pro bono work

In the early 2000s, new trends reshaped the legal industry and the way large law firms interpreted and undertook voluntary work. A good example of the transformation of voluntary work and how lawyers and law firms reconsidered the potential thereof is the Swedish Bar’s approach to the Tsunami catastrophe in South East Asia in 2004, where more than 500 Swedish citizens died or went missing. The Swedish Bar Association established a project which helped the victims and their families. The project became the largest Swedish legal pro bono project ever with 275 law firms of all sizes participating and collaborating. The lawyers spent 24,400 pro bono hours on cases related to different fields of law, such as foundation law, corporate law, family law, estate law and insurance law.⁵² After the catastrophe, Swedish lawyers (re)defined their social responsibility and slowly raised their pro bono awareness. A lawyer from a top five firm noted:

‘After the tsunami [in 2004] the Bar Association urged law firms to spend hours in a form of time bank. We wanted to take part in that [project] just like many other firms did. Subsequently, I think that many firms, instead of giving Christmas presents and the like, have started to spend not only money but also time and engagement and the like ... on sustainable efforts.’

The term *pro bono* was included in the Danish vocabulary in the beginning of the 2000s,⁵³ and our analysis of ‘The Lawyer’ shows how the *pro bono* concept, like in the Swedish case, slowly seized a prominent position in the large Danish law firms’ reestablishment and in their branding profiles. Until the 2000s, Denmark and the other Scandinavian countries had limited experiences with systematized legal *pro bono* work.⁵⁴ However, the large law firms had slowly gained foothold and they adopted the *pro bono* concept. According to our document analysis, the inspiration came primarily from global Anglo-American law firms, through American experts who supervised the industry and via Danish lawyers who had spent time in the US.

Large law firms began to systematize and professionalize their *pro bono* work, which has resulted in specific lawyers being heads of *pro bono* programs.⁵⁵ A senior lawyer from one of the Danish top five law firms exemplifies:

‘[O]ur company has an arrangement; we assist a number of charitable associations with aid without payment. I do not know the scale of it but it is definitely quite a few [associations] and according to my knowledge, it is quite a lot of effort we are putting into it. (...) I think it [pro bono work] has always been there, it is not unusual for our industry, it has just become more systematized.’

The systematization of *pro bono* work mentioned by the senior lawyer recurs in the interviews with lawyers from the large law firms several times. It reflects why a company policy is necessary, as market considerations permeate the largest law firms and call for consistent invoicing and time recording in order for lawyers to justify their actions and to make sure that the tasks they have spent their time on stand out distinctly. When the individual lawyer undertakes *pro bono* work, it requires understanding from the employer, who should be able to see that *pro bono* work also benefits the firm. In that connection, another senior lawyer stresses that it is of vital importance ‘(...) *to undertake pro bono work in orderly conditions*’ when the firm’s business model is founded on profit sharing and ‘True partnership.’⁵⁶ As an example, another top five law firm places *pro bono* hours as equal with debiting hours when it comes to paying bonuses to lawyers and assistant attorneys-at-law. The firms’ organization of *pro bono* work can thus take different forms and have different impact. In 2011, for example, the first Danish law firm became affiliated with TrustLaw Connect, which helps NGO’s transnationally, while other firms have worked *pro bono* for transnational NGOs without the affiliation of transnational intermediary organizations.

Differentiated pro bono work

There is no statistical data on the amount of pro bono work in Denmark, but two Norwegian business surveys of lawyers and law firms indicate that employees' awareness about the firms' pro bono activities has raised from approximately 65 per cent to 90 per cent between 2013 and 2015, and with the surge in awareness an increase in pro bono hours simultaneously occurred. 25 per cent of the Norwegian law firms with more than 50 lawyers undertook pro bono work in 2013, which on average amounted to 150 pro bono hours annually. Two years later, 92 per cent of the firms with more than 50 lawyers worked pro bono and had increased their average annual pro bono hours to 850.⁵⁷ However, the surveys neither establish a precise definition of pro bono work nor clarify what kind of pro bono work the Norwegian lawyers undertake. The development of Norwegian law firms' amount of pro bono work is most likely comparable to the situation in Denmark. Thus, a 2018-CSR report from one of the top five law firms in Denmark reported that more than 50 assistant attorneys-at-law, lawyers and partners spent more than 1,000 working hours on their pro bono programs.⁵⁸ The increased awareness and undertaking of pro bono work coincided with an enhanced focus in 'the Lawyer' on pro bono work and a discussion about whether law firms should be required to do pro bono work.

Like in the Norwegian surveys, no clear definition of pro bono work exists in Denmark. Nevertheless, according to the Association of Danish Law Firms' code of social responsibility, pro bono work may consist of a range of different services supporting e.g. disadvantaged groups in society with individual legal aid, national or international organizations and associations, and local communities.⁵⁹ For example, pro bono work can consist of providing legal advice to sports associations, cultural and religious institutions, or to teach or disseminate professional knowledge.⁶⁰ The diverse understanding of pro bono work is also reflected in our interviews in which the lawyers included various forms of voluntary work as pro bono work, such as collegial work in the Bar Association, disciplinary councils, teaching, and legal advice to national and international organizations. The interviews also showed how pro bono work was considered in relation to – or at the same level as – giving grants to specific communities or purposes. As a senior partner in one of the Swedish top five law firms noted:

'We receive a lot of applications from individuals, organizations and local communities who want money or legal advices ... We meet young students in disadvantaged areas to tell them about how it is to work in the judicial system ... we have internships, we give money to those schools.'

Even though ‘pro bono work’ as a term has taken precedent for ‘legal voluntary work’ in the legal field’s vocabulary, our data suggests, that the field’s differentiated positions of lawyers from the elite law firms on the one hand, and solo practitioners or lawyers from small law offices on the other understood and approached their commitment to volunteering very differently.⁶¹ Lawyers in smaller law offices did not have the financial capacity to carry out highly systematized programs and therefore favored a more flexible approach which focused on supporting individuals and local communities, which included ‘Lawyers on call’ work. When smaller law firms occasionally organized their voluntary involvement, the limited amount of inquiries to support community-based activities meant that they did not have to target their initiatives and make sure they reflected the company’s policy and core values.

Pro bono strategies included in CSR programs

Elasticity of the pro bono concept was further illustrated in its combination with law firms’ CSR programs.⁶² The first law firms included pro bono work in their CSR in 2009 and other large law firms have followed suit. The merging of CSR and pro bono programs emphasized how earnings, recruitment, branding and charity are interknitted elements strategically contemplated through a ‘win-win perspective’. In that regard, a senior partner notes that *‘It [pro bono work] is important. (...) When we have meetings with clients they also ask which type of pro bono work we do. We find it very important, it is important for us just like it is very important for society.’*

The Scandinavian Bar Associations have regularly encouraged law firms to incorporate social justice values into their practices and strategies since it strengthens the law firm’s relationship with its clients, its reputation, recruitment and retention.⁶³ The largest law firms’ pro bono work has de-emphasized legal advice to individuals including traditional ‘Lawyers on call’ work at the expense of collaborations or even partnerships with NGOs, local communities, educational institutions, etc. The largest law firms’ systematization of pro bono work is equally important when it comes to graduate and client recruitment, i.e. a form of business case for pro bono work.⁶⁴ The newest tendencies are that some of the largest law firms have joined the UN Global Compact’s governance framework and in accordance with this publish their CSR program yearly. The Association of Danish Law Firms has recently implemented a specific code of conduct, which includes social responsibility and pro bono work to demarcate lawyers’ work from other professions and counselors. They not only give online

advice, examples on CSR and pro bono work, and discuss ethical and societal issues relevant to lawyers; they also give step-by-step guidance on how to conduct pro bono work.⁶⁵

Competitive or on the prowl?

Our data illustrates that there are two sides of the same coin between the reformed legal industry with its intensified competition and the new requirements of CSR. On the one hand, large law firms manage to engage in specific third sector organizations and local communities who assisted various people with different needs. On the other hand, law firms started to compete with each other to attract the most beneficial organizations to support. As a solo practitioner who is strongly engaged in pro bono work noted:

'Suddenly it became mightily modern to do pro bono work. The large law firms had entire branches of pro bono work. And they went on the prowl in our territories.'

The solo practitioner's statement suggests that with the enhanced focus on CSR, law firms increasingly competed for the most relevant and significant organizations and initiatives to offer their legal assistance to as pro bono.

Large Danish law firms' enhanced focus on CSR reflected the reconfiguration of the legal industry. The Danish legal industry competes in a new market structure with critical, less loyal clients and strategic competitors. At the same time, the welfare state withdrew from a number of social areas that previously had been considered a state responsibility. This abdication left room for third sector organizations and civil society to take on more social responsibility. The shift in social welfare providers also influenced the legal industry and expanded its areas of responsibility. However, the competition to find the most suitable organizations to support has also been met with skepticism among more traditional lawyers with exhaustive experience from work on a voluntary basis. These lawyers problematized the differentiation of the knowledge profile which since the early 2000s slowly had developed amongst lawyers and had led specialized lawyers employed at the large law firms with legal skills relevant for organizations and companies, and generalist lawyers from smaller law offices or solo practitioners to work with counseling of individuals. As the large firms still groped for a clear strategy for their pro bono work, a few unfortunate misfits between law firms and organizations did not help the organizations as intended if at all. A lawyer stressed such a view by noting that *'It is obvious that the statutes in an ecclesiastical organization are different than the statutes in Novo*

Nordisk. The law firm had advised the organization wrongly, so the organization ended up paying a fortune on lawyers' fees. So, then I said, "that is not pro bono."'

After the preliminaries and after having committed slip-ups when assuming the role of 'pro bono command' of some attractive organizations, law firms started to focus their efforts and target their competence profiles strategically to benefit the collaborating organizations, NGOs, etc. Thus, lawyers with a specialized profile often argued that their daily training and orientation towards business law and global markets hindered them in adopting a legal generalist perspective and in handling citizens' ordinary cases. As a lawyer from a top firm noted on a question about giving legal advice directly to citizens:

'If you work in one of the largest firms, you are good at business law, but not good at family law, criminal law, or asylum law. You do not know anything about that. Therefore, if you want to give advices to the really needy, it has to be in an indirect way. To start to devote time to asylum law as a lawyer would be too difficult and do no good.'

Acknowledging the limitations of specialized profiles, the strategic approach to pro bono work was even further strengthened in the large firms. Thus, they focused on helping mainly organizations and associations which to a certain extent corresponded in size and profile to the firms' paying client groups. In that way, the firms' utilized their specific knowledge profile.

'Lawyers on call' facing hardships

As a part of the reconfiguration of the welfare state, and its focus on effectiveness, the judicial system was also reformed in order to make large and more professional entities. This led to a reform of the Danish judicial system from 2007, merging 82 jurisdictions into 24 larger district courts. This structural change gave rise to a large relocation of law firms and lawyers moved from provinces to cities where district courts were now situated, and furthermore contributed to closure-threats or shutdowns of a large number of 'Lawyers on call' in peripheral regions.⁶⁶ The availability of initial legal assistance has thus dropped dramatically, as 'Lawyers on call' were only located in 63 places in Denmark in 2017 compared to 100 places in 2004.⁶⁷ Statistical data on enquiries to the 'Lawyers on call' from 1985 to 2001 likewise show that the number of inquiries increased until the middle of

1990s after which it dropped and returned to roughly 20,000 inquiries annually, which is comparable to the number of inquiries in 1985,⁶⁸ despite the fact that citizens still have unmet legal needs.⁶⁹

A senior lawyer from a mid-sized law firm implicitly touch upon ‘Lawyers on call’s’ downturn when he, during an interview, recalled memories from his activities as a lawyer in the 1980s. On these grounds he emphasized: *‘What is interesting is that... back in the days, all lawyers took their share, you agreed on providing voluntary legal work (...) Today, I presume that 95 % of the lawyers in this country never have offered legal assistance without payment.’* The critical statement from the senior lawyer should be considered in the light of the technical and geographical distances between lawyers and the local population which have slowly gained shape and challenged the grassroots tradition of ‘Lawyers on call’. In continuation hereof, new working conditions and procedures following the marketization characterizing the Bar have influenced the understanding and performing of volunteering commitments.

A head of a ‘Lawyers on call’ working group under the Danish Bar and Law Society’s Council emphasizes that ‘...it is the same lawyers who are doing the hard [Lawyers on call] work and when they get older there is a need for the next generation to take over’.⁷⁰ Some of the main barriers to maintain the grassroots tradition is however that young lawyers are driven away from idealistic, voluntary work, which challenge the recruitment of lawyers and attorneys-at-law to the ‘Lawyers on call’. To cope with the recruitment challenge, the Danish Bar and Law Society formed a Committee on ‘Lawyers on call’ in 2011 to promote that ‘Lawyers on call’ are competitive and among the opportunities that lawyers and law firms prioritize when determining a pro bono program. The Committee’s intention was, among others, to draw attention to lawyers’ social responsibility to society in providing legal aid to marginalized groups who otherwise were prevented from free legal advice. Moreover, the Committee stressed that ‘Lawyers on call’ experiences are rewarding and of great personal and professional value to the lawyers who offer this service. Nevertheless, when the Committee asked lawyers with ‘Lawyers on call’ experience whether there were any measures that could be put in place to support their voluntary work, the lawyers’ common suggestions did not focus on the moral obligation of lawyers to serve society. On the contrary, they advocated for structuring ‘Lawyers on call’ work so they could brand themselves as committed members of the community through e.g. a specific ‘Lawyers on call’ labelling solution. In addition, they suggested ‘Lawyers on call’ work to be included in their (private) businesses’ CSR program, and they would furthermore like to use the opportunity of drawing in new clients when providing voluntary work.⁷¹ Another working group under the Association of Danish Law Firms⁷² and the Danish Bar and Law Society

came up with recommendations about how to attract more lawyers to the ‘Lawyers on call’.⁷³ The working group suggested that the Association of Danish Law Firms and the Danish Bar and Law Society should offer free of charge courses relevant for assistant attorneys-at-law and lawyers, who should get credit for taking these courses as a part of mandatory postgraduate training. Another suggestion was to endorse voluntary work in ‘Lawyers on call’ as a postgraduate course. Thus, the working groups’ strategies serve as an example of how the nature of traditional voluntary legal work is transformed and commoditized. To recruit lawyers to take part in ‘Lawyers on call’ work, the working group recommendations focused on how lawyers could benefit financially or educationally from working pro bono rather than relying on a moral ethos of social responsibility to facilitate and enhance access to justice. Regardless of these points of criticism, ‘Lawyers on call’ work is still of great importance in providing basic oral legal advice to people in need.

Law students’ personal branding

It is not only among law firms that competition has increased over the years and strategic branding cannot only be attributed to lawyers, a comparable development (in a smaller scale) has also taken place among law students.

The reconfiguration of the welfare state and the marketization of the legal industry have influenced the way law students approach and take part in voluntary work. Firstly, law firms and other employers of law students have professionalized their recruitment processes to get the best graduates, which, among other places, is emphasized at the universities’ career fairs.⁷⁴ Secondly, the students’ scramble for higher grades is today combined with so-called individual branding strategies. Social ethos and moral engagement of lawyers is not (yet) highly promoted at the universities’ curricula and approaches.⁷⁵ Instead, the universities’ career counsellors and Law Schools’ recruitment panels urge students to market themselves and to consider student related activities which can provide them with both practical experience, network and a compelling CV. In short, the students are encouraged to strategically consider whether and how activities can contribute to a personal and academic profile that may help them land their dream job after their graduation. Thirdly, the welfare state’s reconfigurations have made it possible for legal aid offices and third sector organizations to expand their domains of legal advice. Law students are therefore recruited to these volunteer positions. Voluntary work and entrepreneurship may provide a positive impact on students’ personal brand, strengthen their CV and arouse interest in their LinkedIn profile. Our data suggests, that voluntary tasks, including legal aid work, is not only run by students with a predominant desire to

ensure effective access to justice for people in need but is also driven by the students' objectives of providing key components in order to land a future job. Legal aid offices are dependent on law students working on a voluntary basis but many law students' professional approach to personal branding and short-lived interest in voluntary work, combined with the law firms' early recruitment of the most talented students, challenged the offices' day-to-day management. As a head of a legal aid office explained:

'We need to recruit the students as early as possible to be able to keep them as long as possible, but they still need some legal knowledge. When they have worked here [at the legal aid office] for a while and they start their masters' degree, the law firms recruit them and we can start training new candidates all over again. And that demands considerable resources which we do not have. But we have no other choice.'

Thus, competitive vibes and professional approaches to CSR and pro bono programs related to branding strategies do not only permeate the legal industry but also, to a great extent, characterize the culture of law students and their self-image.

Final remarks

For more than a century, Danish lawyers have been engaged in voluntary work. Our empirical findings concerning the structures and rationales that have dominated and defined the trajectory of lawyers' voluntary work for the last four decades, suggests that carrying out voluntary work targeted at those most in need has always been included in Danish lawyers' narratives. Lawyers have further compared their working methods with a 'Robin Hood approach' – or low bono – when redistributing the billing to the richest clients and leaving the financially unprivileged with cheaper counseling. Lawyers have, furthermore, fought to maintain a reputation as heralds of the rule of law and defenders of access to justice.

In the late 1970s, the reputation of lawyers was challenged. Simultaneously, the welfare state struggled from being incapable of fully meeting the obligations of the universalist paradigm. The devaluation of the profession's status and the fact that citizens in need were unable to claim their rights, despite a strong welfare state, influenced progressive lawyers to establish a grassroots movement that launched the 'Lawyers on call' initiative during the late 1970s and 1980s. While the

volunteer work of this period (and before) can be characterized as unsystematic and carried out tacitly as private affairs between local lawyers and clients or acquaintances, voluntary work slowly transformed into an enterprise with a relatively clear division of labor between the lawyers from the large law firms and lawyers from smaller offices or solo practitioners.

Heavily inspired by Anglo-American law firms, a long-termed restructuring of the legal industry slowly began in the 1980s with mergers of law offices. Parallel with the changing lawyers' market, the universal welfare state also reconfigured. The Danish welfare state abdicated from several welfare areas, which placed a greater responsibility on the third sector. These developments encouraged the large Danish law firms to reconsider how to comprehend, structure and perform voluntary work. Based on these new trends and the changing market conditions, the form and content of legal counselling transformed; slowly, voluntary work and voluntariness was translated into pro bono work and became an important aspect in the way the largest law firms organized and performed voluntary work in close relation to the firms' branding strategies and CSR programs. Large law firms therefore tailored pro bono work towards organizations, communities and the like at the expense of individual citizens, a strategy reflecting the firms' specialized knowledge and market segments in the form of companies and large organizations. These organizations may (or may not) give individual legal advice to their members and/or nonmembers, but the larger law firms mainly gave advice to organizations. Thus, the very change in how large law firms addressed work for a small consideration or free of charge – whether they call it voluntary or pro bono work – has further changed the connotations, audiences and forms of practices, and it has been strategically developed by systematically considering the firms' brand, values and expertise. The changing division of voluntary labor indirectly placed the responsibility of performing 'Lawyers on call' work upon lawyers from the other side of the hemisphere, namely lawyers from smaller law offices and solo-practitioners who had a more generalized legal profile and mainly focused on private clients. Yet, it became increasingly difficult to recruit lawyers and assistant attorneys-at-law to 'Lawyers on call'.

One question which remains unanswered is whether or not the narrative among lawyers concerning their so-called 'Robin Hood enterprise' and their undertaking of pro bono work is solely based on a social ethos. Our study illustrates, that lawyers adopt a win-win approach to voluntary work. The initiative of 'Lawyers on call' was launched in 1978 to improve on the reputation of the legal industry which was aggravated at the time. This and the recruitment strategies which were introduced in 2011 to maintain this endangered service is not only echoing a social ethos but also permeated by financial and educational bait. Meanwhile, large law firms prefer to interlink branding,

social responsibility, and ‘charity’ and direct this service to partners with similar profiles as the firms’ paying clientele; all supported by the Association of Danish Law Firms. One good turn deserves another seems to be the Danish legal industry’s approach to voluntary work – also through history.

¹ We want to thank Tue Schmidt Schack for great assistance with the data collection.

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⁴ MADS BRYDE ANDERSEN, *ADVOKATRETTE* (Advokaternes Serviceselskab. 2005).

⁵ KLAUS PETERSEN, et al., *THE NORDIC MODEL OF WELFARE: A HISTORICAL REAPPRAISAL* (Museum Tusculanum Press. 2006); ROBERT ERIKSON, *THE SCANDINAVIAN MODEL: WELFARE STATES AND WELFARE RESEARCH* (ME Sharpe. 1987).

⁶ Giuliano Bonoli & David Natali, *The Politics of the New Welfare State* (Oxford University Press 2012).

⁷ CHRISTOFFER GREEN-PEDERSEN, *THE POLITICS OF JUSTIFICATION. PARTY COMPETITION AND WELFARE-STATE RETRENCHMENT IN DENMARK AND THE NETHERLANDS FROM 1982 TO 1998* (Amsterdam University Press. 2002).

⁸ Ole Hammerslev & Olaf Halvorsen Rønning, *Outsourcing Legal Aid in the Nordic Welfare States*, in *OUTSOURCING LEGAL AID IN THE NORDIC WELFARE STATES* (Ole Hammerslev & Olaf Halvorsen Rønning eds., 2018); Rosemary Hunter, et al., *Lawyers and access to justice*, in *LAWYERS IN 21ST-CENTURY SOCIETIES: COMPARISONS AND THEORIES* (Richard L. Abel, et al. eds., Forthcoming).

⁹ LUC BOLTANSKI & EVE CHIAPELLO, *THE NEW SPIRIT OF CAPITALISM* (Verso. 2007).

¹⁰ JOHN P. HEINZ & EDWARD O. LAUMANN, *CHICAGO LAWYERS: THE SOCIAL STRUCTURE OF THE BAR* (Northwestern University Press. 1994).

¹¹ Hammerslev. Forthcoming.

¹² We acknowledge that the pro bono concept in many occasions has replaced the term legal voluntary work in Danish language, however we maintain the two concepts for analytical purposes.

¹³ Beretning om tilskud til retshjælpsinstitutioner (2016).

¹⁴ Danske Advokater & Advokatsamfundet, *Retshjælpen i nød? En analyse af udviklingen siden 2007 og dens konsekvenser*, (2012).

¹⁵ The Danish Administration of Justice Act, chap. 66.

¹⁶ Advokaten 1976: 226.

¹⁷ Ibid.

¹⁸ Danske Advokater & Advokatsamfundet, *Rapport om retshjælp*, (2016).

¹⁹ The Danish Bar and Law Society. (2009): 4

²⁰ Sys Rovsing Koch, *Adgangen til domstolene – hvis ansvar er det?*, ADVOKATEN (2004).

²¹ Den danske retshjælpsmodel - er der lige adgang til hjælp? (2017); Retshjælpen i nød? En analyse af udviklingen siden 2007 og dens konsekvenser. (2012).

²² Fri proces – har danskerne reelt adgang til domstolene? (2016).

²³ Advokater & Advokatsamfundet, (2016).

²⁴ Retshjælpsforsikringer – en reel tryghed? (2017).

²⁵ Association of Danish Law Firms and the Danish Bar and Law Society 2011.

²⁶ Hammerslev & Rønning. 2018; Bettina Lehmann Kristiansen, *Legal Aid in Denmark*.

²⁷ White Paper 1436/2004.

²⁸ Retssikkerhed i forvaltningen. (2015).

²⁹ Danske Advokater & Advokatsamfundet. 2012.

- ³⁰ Hammerslev & Rønning. 2018; Annette Olesen & Ole Hammerslev, *Nye udbydere af retshjælp i Danmark*, in FESTSKRIFT TIL HÅKAN HYDÉN (Reza Banakar, et al. eds., 2018).
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- ³⁴ Hammerslev & Rønning. 2018; Ole Hammerslev, *Retshjælpsforskning*, in JURIDISKE EMNER VED SYDDANSK UNIVERSITET 2015 (Hans Viggo Godsk Pedersen ed. 2016); Annette Olesen, et al., *Gadejura – kunsten at fremelske gadefolkets oplevelse af at bære rettigheder*, in FESTSKRIFT TIL HANS VIGGO GODSK PEDERSEN (Nis Jul Clausen ed. 2017); Hunter, et al. Forthcoming; JON T JOHNSEN, RETTEN TIL JURIDISK BISTAND (Tano. 1987); CAMILLA LIED, GATEJURISTER: OPPSØKENDE RETTSHJÆLP TIL FOLK MED RUSRELATERTE PROBLEMER (Akademika forlag. 2013); Bettina Lehmann Kristiansen, *Retshjælp - fortsat et udækket behov?*, in PROTECTING THE RIGHTS OF OTHERS (Thomas Gammeltoft-Hansen, et al. eds., 2013); Børre Lid, Fangers retshjælpsbehov (Universitetet i Oslo 1981).
- ³⁵ KONRAD ZWIEGERT & HEIN KÖTZ, AN INTRODUCTION TO COMPARATIVE LAW (Clarendon Press. 1998).
- ³⁶ Vilhelm Aubert, *The Changing Role of Law and Lawyers in Nineteenth- and Twentieth-Century Norwegian Society*, in LAWYERS IN THEIR SOCIAL SETTING (Donald Niel MacCormick ed. 1976); Margareta Bertilsson, Rätten i Förvandling. Jurister mellan stat och marknad (Nerenius & Santerus Förlag 1995); OLE HAMMERSLEV, DANISH JUDGES IN THE 20TH CENTURY: A SOCIO-LEGAL STUDY (DJØF Publishing. 2003); Hammerslev, Lawyers in Denmark, Sweden & Norway: Liberalisation, differentiation and the emergence of a market for legal services. Forthcoming; Ole Hammerslev, *Convergence and conflict perspectives in Scandinavian studies of the legal profession*, 17 INTERNATIONAL JOURNAL OF THE LEGAL PROFESSION (2010).
- ³⁷ The publication tradition has however varied significantly over the years: From 1976-1990 'The Lawyer' was published 24 times annually; in 1991 it was published 17 times; in 1992 it was published 11 times; from 1993-2007 it was published 12 times annually; and from 2008 until today it has been published 10 times annually.
- ³⁸ Nigel King, *Using templates in the thematic analysis of texts*, in ESSENTIAL GUIDE TO QUALITATIVE METHODS IN ORGANIZATIONAL RESEARCH (Catherine Cassell & Gillian Symon eds., 2004).
- ³⁹ Glenn A. Bowen, *Document Analysis as a Qualitative Research Method*, 9 QUALITATIVE RESEARCH JOURNAL (2009).
- ⁴⁰ Copenhagen Legal Aid was a source of inspiration for legal clinical work in the USA . Richard J. Wilson, *Legal Aid and Clinical Legal Education in Europe and the USA: Are They Compatible?*, in OUTSOURCING LEGAL AID IN THE NORDIC WELFARE STATES (Ole Hammerslev & Olaf Halvorsen Rønning eds., 2018). Law students from University of Copenhagen have been crucial in running the Copenhagen Legal Aid.
- ⁴¹ Thus, setting up legal aid offices and institutions dependent on a certain volume of voluntary work, which was and is still to some extent today dependent on the location of universities with legal degrees. Justitia, Den danske retshjælpsmodel - er der lige adgang til hjælp? 2017.
- ⁴² On lawyers' constructions of new markets, see e.g. Abel 1988; 1989.
- ⁴³ Hammerslev, Lawyers in Denmark, Sweden & Norway: Liberalisation, differentiation and the emergence of a market for legal services. Forthcoming.
- ⁴⁴ Id. at.
- ⁴⁵ Scott L. Cummings, The Politics of Pro Bono § 52 (2004).
- ⁴⁶ Advokaten 1978: 149.
- ⁴⁷ See e.g. ESKELAND & FINNE. 1973; EIDEN, et al. 1975; SEJR. 1977.
- ⁴⁸ Act no. 637/2014.
- ⁴⁹ Rapport om Advokatvagter i Danmark. (2011).
- ⁵⁰ MAX WEBER, ECONOMY AND SOCIETY (University of California Press. 1978).
- ⁵¹ Anne Meiniche, *Her er gode råd gratis*, BERLINGSKE, 16. august 2003. 2003.
- ⁵² <https://www.advokaten.se/Tidningsnummer/2012/Nr-3-2012-Argang-78/Advokater-i-det-godas-tjanst/> (accessed 2 September 2018).
- ⁵³ An Infomedia (i.e. a media monitoring company) search of the term pro bono underlined a precipitous rise in the use of the term. The search included 17 national-, 85 regional-, and 457 local newspapers, 587 magazines, 13 news agencies, 1548 web sources, 31 television features, 46 radio features, and 3 other Danish media sources. It showed that pro bono

had not been used as term between 1980-1989; it appeared 26 times between 1990-1999; 167 times between 2000-2009; and 860 times between 2010-2018 (1 September 2018).

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⁵⁵ Scott L. Cummings & Deborah L. Rhode, *Managing pro bono: doing well by doing better*, 78 FORDHAM LAW REVIEW (2010).

⁵⁶ True partnership means that every assignment is treated as an assignment for the firm not as an individual assignment, and the firm's earnings are divided equally with a basis of distribution determined by level of experience.

⁵⁷ Rapport fra Bransjeundersøkelsen 2016. (2016); Rapport fra Bransjeundersøkelsen 2014. (2014).

⁵⁸ http://epaper.dantryk.dk/Plesner/Plesner_CSR_2018/mobile/index.html#p=1 (accessed 27 September 2018).

⁵⁹ <http://advokatkodeks.dk/cases/socialt-ansvar/> (accessed 1 September 2018).

⁶⁰ <http://advokatkodeks.dk/cases/socialt-ansvar/dedikeret-tid-til-frivilligt-og-pro-bono-arbejde/> (accessed 1 September 2018).

⁶¹ See also Scott L. Cummings & Rebecca L. Sandefur, *Beyond the Numbers: What We Know—and Should Know—About American Pro Bono*, 7 HARVARD LAW & POLICY REVIEW (2013); Cummings. 2004.

⁶² See also Steven Vaughan, et al., *Symbolism over substance? Large law firms and corporate social responsibility*, 18 LEGAL ETHICS (2015).

⁶³ Brandberg & Knutson, ADVOKATEN. TIDSSKRIFT FÖR SVERIGES ADVOKATSAMFUND. 2012; Virksomheders Pro bono arbejde. (2013).

⁶⁴ Cummings. 2004.

⁶⁵ See <http://advokatkodeks.dk/> (accessed 15 September 2018).

⁶⁶ Society]. 2015.

⁶⁷ Advokater & Advokatsamfundet, (2016); Justitia, Fri proces – har danskerne reelt adgang til domstolene? 2016.

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⁶⁹ Lehmann Kristiansen, Legal Aid in Denmark. 2018.

⁷⁰ Advokaten 16-08-2011.

⁷¹ Society]. 2011.

⁷² The Association of Danish Law Firms (Danske Advokater) is a trade organization established in 2008. They represent three quarters of all lawyers and attorneys-at-law in Denmark and aim to further the interests of Danish law firms by e.g. promoting the practice of law and the use of lawyers in society. See also Hammerslev, Lawyers in Denmark, Sweden & Norway: Liberalisation, differentiation and the emergence of a market for legal services. Forthcoming.

⁷³ Advokater & Advokatsamfundet, (2016).

⁷⁴ Hammerslev, Lawyers in Denmark, Sweden & Norway: Liberalisation, differentiation and the emergence of a market for legal services. Forthcoming.

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