

# Disparities in Response Rates: An Investigation

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During DataFest 2023, our team investigated disparities in response rates across states within the American Bar Association's Free Legal Answer Program (ABA FLA). In order to calculate rates of attorney response, we used the "TakenByAttorneyUno" column from the questions dataset. If the column value was NULL, we counted that as a nonresponse. This is surely an undercounting of questions that were unresolved, as this column indicates whether or not an attorney responded to the original question. This fails to account for nonresponse cases in which a conversation occurs between client and attorney before an attorney stops responding.

We noticed a large discrepancy between response rates of the two states with the largest number of questions: Texas and Florida. These states appeared to have begun the FLA program at a similar time, had a similar number of active attorneys, number of attorney hours, and questions asked. However, response rates in Florida were 87%, as opposed to 47% in Texas. This led to our research question: what accounts for the differences in response rates among states?

We narrowed down the states to investigate by limiting our time scale to Jan 1st, 2020 to January 24, 2022. We then grabbed the states with roughly over 100 questions per month, or 2400 questions in total over two years. These were, in descending order of response rates: Tennessee, Wisconsin, Florida, North Carolina, Missouri, Virginia, New York, South Carolina, Illinois, Massachusetts, Indiana, Texas, Oklahoma, Arizona, and Georgia.

To answer this, we calculated the number of unique attorneys per state that logged any time on the website within our 2 year time scale. We also calculated the total number of hours per state. This allowed us to calculate the average time spent per attorney by state. We compared this against the response rate and created a scatter plot. We also plotted the average number of questions per active attorney over the response rate. This allowed us to better explain the disparities found within Georgia, Oklahoma, and Arizona. All had a low number of hours logged by the attorney, as well as had a high number of questions per attorney. This is especially true in Arizona, with almost 160 questions per attorney. It is clear that demand far outweighs supply in these states. Texas was not as straightforward. They had a similar number of questions per attorney as Florida, but with a much lower response rate. Even more strangely, they had an exorbitant amount of hours spent per question. We looked to see if there was a higher number of average posts per question, but Texas didn't seem to be any different than other states.

We turned to outside research to make sense of response variation. We researched pro bono policies for states. Four of the states (FL, NY, IN, IL) required attorneys to report the number of pro bono hours per year. Six states (TN, NC, VA, TX, AZ, GA) allowed attorneys to voluntarily report the number of pro

bono hours per year. The remaining 5 (WI, MO, SC, MA, OK) had no policy around reporting. There were other interesting externalities that could be impacting response rates. New York state requires 50 hours of pro bono work for admission to the Bar. Florida, Tennessee, and Wisconsin have more of a culture of doing pro bono work than other states. A 2018 report by the ABA found that Tennessee ranked 2nd in a survey of attorneys in 24 states, with 67% reporting having done some pro bono work. This is similar to the 57% found in a 2016 pro bono survey in Wisconsin and the 52% found in a 2006 study of Florida attorneys. This contrasts greatly with the 38.4% of Texas attorneys that completed pro bono work found in a 2019 report by the Texas State Bar. Without access to the surveys that these reports drew upon, it was hard for us to draw conclusions about the ways in which the culture of pro bono work differs across states and could affect response rates.

We also investigated how accessible each state's ABA FLA was from each state's bar association website. For some states, such as Tennessee and Florida, we found the link to Free Legal Answers featured on the list of pro bono opportunities for members. For others, such as Oklahoma and Georgia, the link was hidden among a myriad of in person and remote pro bono opportunities. We found it difficult to create a metric for this disparity. We attempted a number of clicks but this was difficult to standardize among the vastly different website layouts. We finally decided we would create a boolean variable for whether or not the FLA link was featured and easily noticeable on the pro bono opportunity website for lawyers who were not searching outright for the website. Then, we plotted it. This appeared to have an effect on response rates.

We would recommend that the ABA ask state bar associations to list the FLA link among pro bono opportunities for members. We also encourage the ABA to continue their work with the Baylor University School of Law and the Stanford Legal Design Lab creating auto emails for users waiting for an attorney to take their question. These emails containing answers to frequently asked questions could make a real difference in states with low response rates. We also urge the ABA to provide more surveys to Texas attorneys to make sense of the low response rate and large amount of time spent per question. We want to ensure that this trend does not continue in other states as this program expands.

- [https://www.tncourts.gov/sites/default/files/docs/atj\\_2016\\_pro\\_bono\\_report.pdf](https://www.tncourts.gov/sites/default/files/docs/atj_2016_pro_bono_report.pdf)
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