

AGENDA ITEM

704 DECEMBER 2016

DATE: December 6, 2016

TO: Members, Board of Trustees

FROM: Michael Colantuono and Janet Brewer, Chair and Vice Chair,
Committee on Stakeholders, Access to Justice and Appointments

SUBJECT: Five-Year Survey of Licensed Attorneys

EXECUTIVE SUMMARY

This item seeks board approval to conduct a demographic survey of the State Bar's membership. The Board of Trustees Policy Manual Book, Tab 2.1, Section 6 [Public Communications by Officers and Agents], provides that any "poll" of the State Bar's membership by the State Bar requires advance Board approval. Every five years since 2001 the State Bar has conducted a survey of licensed attorneys in California. The 2016 survey will be the fourth of these and can provide valuable information on the legal profession and guidance to the Bar for planning, policy development and program evaluation. The Committee on Stakeholders, Access to Justice and Appointments has been working with State Bar staff to finalize the survey questions and ensure that they focus on the Bar's overriding priority: public protection. This year's survey differs from previous surveys in that it has been developed entirely in-house by Bar staff and will be sent to *all* licensed attorneys, active and inactive, in California. Findings from the survey will be compiled, analyzed and presented to the Board of Trustees at their January planning meeting.

As part of its charge in the State Bar Board Book, the Committee on Stakeholders, Access to Justice and Appointments is tasked with overseeing "the administration of member / customer / constituency services and surveys, reviewing such surveys, and reporting results to the Board as appropriate."¹ This agenda item comes to the Board for discussion and requesting the approval of the full Board to launch the survey.

PREVIOUS SURVEYS

Surveys of the State Bar's membership were conducted in 1990's by SRI International and Rand. Since 2001, the Bar has contracted with Hertz Consulting to conduct these surveys of licensed attorneys. The introduction to the report on the 2001 survey offers valuable insight into the focus of the survey at that time:

¹ Board of Trustees Policy Manual, Article 6.

The primary research goal of the survey was to obtain a precise demographic profile of the State Bar membership in order to provide advertisers in the Bar Journal with accurate information to enable them to offer products and services that would be most useful to bar members.

Another main research goal was to query members about their knowledge and usage of group insurance programs endorsed by the State Bar and to determine what if any, additional types of insurance programs they would like to see offered to members. In addition to these goals, the survey was designed to measure member sentiment about technical and administrative matters such as their use of the Internet and the State Bar ethics hotline.

When the survey was conducted in 2006 and again in 2011, the stated purpose of the survey, and the questions contained in it changed, as did the methods employed for collecting the data. In 2006, the stated purpose of the survey focuses less on providing advertisers with information about the members and more on member utilization of services and benefits. By 2011, the stated purpose moves even further away from the 2001 survey and focuses more on tracking “the current demographic makeup of the State Bar” and to measure “sentiment about a number of other topics including MCLE, State Bar benefit programs, the State Bar website and the California Bar Journal.”

In 2001 the survey was conducted almost exclusively through phone interviews. By 2006, internet technologies and use of the web had developed to the extent that most of the surveys were conducted online, either through direct solicitation by e-mail or through a link on the State Bar web site. The cost of the initial 2006 survey and the follow-up work to recalculate the data into sections/non-sections and legal specialists/non-specialist totaled \$71,500. In 2011, the data as also collected almost exclusively by e-mail solicitation and a link on the State Bar web site and was produced at a cost of \$38,500.

REORIENTATION OF THE 2016 SURVEY

The Chair and Vice Chair of the Committee on Stakeholders, Access to Justice and Appointments (SAA) have met with State Bar staff in the Office of Research and Institutional Accountability (ORIA) to review previous surveys, evaluate the purpose of the survey, and develop a plan for collecting, compiling and evaluating the data.

To begin the process, the Chair and Vice Chair of SAA directed ORIA staff to focus on the public protection mission of the Bar and eliminate questions that do not advance that mission. ORIA staff then met with representatives of all of the Bar's major departments, solicited input regarding questions that would help them in doing their work more effectively. ORIA staff then reviewed these questions, eliminated redundant questions and questions that did not appear to advance the public protection mission, and refined the language of the questions and the structure of the survey (for example, establishing the skip logic for questions that apply only if an attorney answers a previous question in a particular way).

The draft has been reviewed by the Chair and Vice Chair of SAA and will be distributed to the Supreme Court and representatives of the Legislature for comment and input before being sent to members sometime shortly before the winter holidays. The survey will remain open through early January and the results will be compiled and evaluated in time to present the findings at the Board of Trustees' January planning meeting.

ORIA staff plan to introduce one important methodological difference into the 2016 survey. Rather than selecting a random sample of attorneys from the entire list of licensed attorneys in California, the 2016 survey will be distributed to all attorneys for which the Bar has e-mail addresses. Typically a sample is drawn randomly with the goal of resembling as closely as possible the universe from which it is drawn. Because the Bar has the ability at no additional cost to send the survey to all members, there is no benefit to be gained from sampling. Moreover, there is a strong likelihood that by sending the survey to all members of the Bar, the number of respondents and the reliability of their responses should both increase.

The 2016 survey is organized into the following primary categories:

- Legal Practice – organization type, practice area, legal entity structure, hours and business billing practices
- Pro Bono – amounts and types of volunteer services offered, willingness to support
- Diversity – firm/clients types and career opportunities
- Lawyer Assistance Program – opinions, awareness and use of similar
- Continuing Legal Education – types of education, ease of meeting requirements, payment for
- Professional Competence – method of and awareness of new rules study
- Client Security Fund – opinions, support and funding
- Service Satisfaction – experience with complaints against another attorney
- Demographic – member status, location, personal statistics, disabilities, income, etc.

RECOMMENDATION

The Chair and Vice Chairs from the Committee on Stakeholders, Access to Justice and Appointments recommend that the Office of Research and Institutional Accountability conduct the Five-Year Membership Survey and compile the results for use at the Board January Planning meeting.

FISCAL/PERSONNEL IMPACT

Savings of \$38,500 estimated due to eliminating external consultant contracting.

RULE AMENDMENTS

None.

BOARD BOOK IMPACT

None.

BOARD GOALS & OBJECTIVES

Protecting the public and enhancing the Administration of justice by proactively educating stakeholders about the State Bar's responsibilities, initiatives and accomplishments. Improve the fiscal and operational management, emphasizing integrity, transparency and accountability.