



The State Bar *of California*

OPEN SESSION

AGENDA ITEM

MAY 2019

PROGRAMS COMMITTEE III.G

DATE: May 16, 2019

TO: Members, Programs Committee

FROM: Donna S. Hershkowitz, Chief of Programs

SUBJECT: Review of Selected Strategic Plan Objectives

The Programs Committee (Programs) periodically receives updates regarding the progress of State Bar 2017-2022 Strategic Plan (Plan or Strategic Plan) implementation as related to Plan objectives that fall under Programs purview. This update focuses on an objective that is delayed in implementation, as outlined below.

DELAYED STRATEGIC PLAN OBJECTIVE

Goal 2, Objective g: No later than January 1, 2019, require all attorneys to report firm size and practice type to the State Bar and to maintain and update that information.

The objective to require reporting of firm size and practice type was initially envisioned as a preventative approach to provide attorneys with information and tools they need when they switch firm types, especially when switching to a solo practice or a small firm. The Office of Chief Trial Counsel posited that attorney misconduct can often arise out of simple lack of knowledge of one's responsibilities. Although attorneys are expected to be aware of their obligations, and, as the saying goes, ignorance of the law is no excuse, that ignorance may result in client harm or other misconduct. An attorney who transitions from government or a large firm, for example, may have never had access to a client trust account, and may be unaware of the requirements. The goal of this objective was to have a means of identifying when an attorney newly became a solo practitioner or went to a small firm, so the State Bar could provide the attorney with resources to aid in the transition. The Office of Chief Trial Counsel envisioned emailing a welcome or congratulatory letter to attorney, noting their recent transition and, for example, providing links to the State Bar Client Trust Accounting Handbook, information about State Bar Ethics School or State Bar Client Trust Accounting School, a list of the most common types of misconduct, etc.

ACTIVITIES TO DATE

Shortly after staff began talking about implementing this objective, we started to think about the other information that it would be useful to capture about California attorneys. We discussed this broader scope at the Diversity Summit conducted in August 2018, and solicited volunteers from the summit to help identify questions demographic data that would assist the State Bar and affinity bars in focusing their programming and understanding the makeup of the State Bar of California. This objective got subsumed within the broader demographic survey that the State Bar conducted beginning late January 2019. (See Attachment A) The survey does inquire the about the type of practice in which the attorney works (private, government, nonprofit, academic, etc.). For attorneys in private practice, the survey asks about the size of the firm. However, completion of this information is not mandatory. Attorneys are permitted to skip any question in the survey that they wish not to answer.

CHALLENGES EXPERIENCED

There were no challenges, per se, in implementing the objective. Rather, the work was subsumed within the broader, voluntary survey, as noted above; the expansion of the survey focus did ultimately delay implementation of the more narrow objective regarding firm size alone.

PLANNED NEXT STEPS

Staff will develop the Information Technology infrastructure to require the updating of law firm size and practice type in every attorney's profile and propose rule changes to mandate the reporting of these categories. However, the Committee may decide that additional categories included in the voluntary demographic survey should also be made mandatory. For example, the report of the Malpractice Insurance Working Group included the following recommendation, supported by a majority of the working group: "Information about an individual attorney's lack of insurance should be included as publicly available information on the State Bar's website." The demographic survey did inquire if the responding attorney has malpractice insurance, and if not, why. But, as noted above, attorneys were permitted to skip these questions.

If the Committee wishes to explore this approach of expanding the data that will be required of all attorneys, staff can bring the issue to the Programs Committee at the July 2019 meeting.

ATTACHMENT LIST

- A.** State Bar Demographic Survey



Step 1: Log in

Please participate in the State Bar's *new* Demographic Survey! After entering your login you will be directed to the survey. The data you provide will allow the State Bar to understand changes in the attorney population, career trajectories, and experience working in the legal profession.

This provision information will assist the Bar in complying with California Rule of Court rule 9.9 and California Business & Professions Code sections 6002.1 and 6009.5. This survey is voluntary. If you have questions regarding the collection or use of this data, contact surveydata@calbar.ca.gov or visit MSBP Survey Frequently Asked Questions.

Returning Users

Enter your State Bar Licensee number or MJP number, then enter your password:

State Bar Number

Password

(Reminder: Your password is at least 7 characters long, including at least 1 number.)

Log In

[Forgot password?](#)

New Users

If you have not used *My State Bar Profile* before, you will need to register before you can access the system. Enter your State Bar Licensee number or MJP number below to get started.

State Bar Number

Register

[Law students and exam applicants log in](#)

[Frequently Asked Questions about Account Lockout](#)



Step 2: Survey Instructions

Welcome to My State Bar Profile

Please participate in a short survey before accessing your profile.

Business and Professions Code Section [6001.1](#) was amended in 2018 to clarify that protection of the public, the highest priority for the State Bar, "includes support for greater access to, and inclusion in, the legal system." To fulfill this mandate and ensure the legal profession continues to thrive, the Bar is seeking more accurate and comprehensive information about attorneys licensed in California.

Your participation in this survey will allow the Bar to collect and analyze a rich dataset representing one of the largest and most diverse State Bars in the nation. In addition, the provision of demographic and employment information will assist the Bar in complying with the following: California Rule of Court [rule 9.9](#) and California Business & Professions Code sections [6002.1](#) and [6009.5](#).


The survey is voluntary. Please skip through any responses you choose not to answer. Any information you provide is confidential. No personally identifiable information will be reported or shared outside of the Bar. If you have questions regarding the collection or use of this data, contact surveydata@calbar.ca.gov or visit [MSBP Survey Frequently Asked Questions](#).

The State Bar thanks you for your participation! The survey will begin on the next screen.

Next



Race and Ethnicity

With which racial and ethnic group(s) do you identify? 

☐ Hispanic/Latino/ or Spanish☐ White☐ Black or African American☐ Asian☐ Middle Eastern or North African☐ American Indian or Alaska Native☐ Native Hawaiian or Other Pacific Islander

☐ Other race, ethnicity, or origin (please specify):

Next

Skip



Gender

[illegible]

☐ Female

☐ Male

☐ Transgender

☐ Gender Variant/Non-conforming/Non-binary

☐ Two Spirit

☐ Not listed (please specify):

Next

Skip



Sexual Orientation

[illegible]☐ Not listed (please specify):

Next

Skip



Step 6: Enter Disability

Disability

Please follow the steps and answer the questions.

I identify as a person with a disability ⓘ

Choose one

☒ Yes

Select all that apply:

- ☐ A vision impairment
- ☐ A hearing impairment
- ☐ A mobility impairment
- ☐ A learning disability
- ☐ A disability or impairment not listed above

☐ No

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Skip



Step 7a: Enter Employment

Which of the following best describes your current primary employment? ⓘ

Choose one

- ☐ Private
- ☐ Government
- ☐ Nonprofit
- ☐ Academic
- ☐ Consultant
- ☐ Retired
- ☐ Not employed as an attorney
- ☐ Unemployed
- ☒ Other (please specify):

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Which of the following best describes your current primary employment? ⓘ

Choose one

☒ Private

Choose one:

- ☐ Solo practitioner
- ☐ Corporate In-house Counsel
- ☐ Law firm
- ☐ Other (please specify):

Which of the following best describes your current primary employment? ⓘ

Choose one

☐ Private

☒ Government

Choose one:

- ☐ Federal
- ☐ State
- ☐ County
- ☐ City
- ☐ Other (please specify):

☒ Academic

Choose one:

- ☐ Tenured/Tenure-track
- ☐ Non-tenured
- ☐ Adjunct faculty
- ☐ Other (please specify):



Step 7b 1 : When selecting law firm the attorney will be asked firm size, job level and and pro bono questions

Which of the following best describes your current primary employment? ⓘ

Choose one

☒ Private

Choose one:

☐ Solo practitioner

☐ Corporate In-house Counsel

☒ Law firm

☐ Other (please specify):

Which of the following best describes your current primary employment? ⓘ

Choose one

☒ Private

Choose one:

☐ Solo practitioner

☐ Corporate In-house Counsel

☒ Law firm

Firm size:

☐ 2 - 5

☒ 6 - 10

☐ 11 - 25

☐ 26 - 50

☐ 51 - 100

☐ 101 - 200

☐ 200+

☐ Do not know

☐ Other (please specify):

What is your current job level? ⓘ

Choose one

☐ Partner (please specify):

☐ Counsel (please specify):

☐ Associate (please specify):

☐ Staff Attorney (please specify):

☐ Law Clerk

☐ Manager/Administrator

☒ Non-Attorney Position

☐ Other (please specify):

Pro Bono service ⓘ

Choose one for each

How many hours per month do you provided reduced cost/low bono work?

☐ 1 - 5

☐ 6 - 10

☐ 11 - 25

☐ 26 - 50

☐ 51 or more

☒ I do not provide reduced cost/low bono services

How many hours per month do you provide pro bono work?

☐ 1 - 5

☐ 6 - 10

☐ 11 - 25

☐ 26 - 50

☐ 51 or more

☐ I do not provide pro bono services



Step 7b 2 : When selecting Solo Practitioner the attorney will be asked firm size and pro bono questions

Which of the following best describes your current primary employment? [i](#)

Choose one

☒ Private

Choose one:

☒ Solo practitioner

☐ Corporate in-house Counsel

☐ Law firm

☐ Other (please specify):

Which of the following best describes your current primary employment? [i](#)

Choose one

☒ Private

Choose one:

☐ Solo practitioner

☐ Corporate In-house Counsel

☒ Law firm

Firm size:

☐ 2 - 5

☒ 6 - 10

☐ 11 - 25

☐ 26 - 50

☐ 51 - 100

☐ 101 - 200

☐ 200+

☐ Do not know

☐ Other (please specify):

Pro Bono service [i](#)

Choose one for each

How many hours per month do you provided reduced cost/low bono work?

☐ 1 - 5

☐ 6 - 10

☐ 11 - 25

☐ 26 - 50

☐ 51 or more

☐ I do not provide reduced cost/low bono services

How many hours per month do you provide pro bono work?

☐ 1 - 5

☐ 6 - 10

☐ 11 - 25

☐ 26 - 50

☐ 51 or more

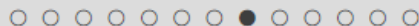
☐ I do not provide pro bono services



Step 7c

Malpractice Insurance

Please follow the steps and answer the questions.



Do you have malpractice insurance? [i](#)

Choose one

- ☒ Yes
- ☐ No
- ☐ Not sure

Do you have malpractice insurance? [i](#)

Choose one

- ☐ Yes
- ☒ No

Why don't you have malpractice insurance?

- ☐ It's too expensive/I can't afford it
- ☒ It is not required for my area of practice
- ☐ I don't believe I will be sued
- ☐ My assets are protected from a malpractice judgment
- ☐ I don't practice enough to make it worthwhile
- ☐ I am retired
- ☐ I am unable to obtain coverage
- ☐ Other (please specify):
- ☐ Not sure



Step 8: Job level options for attorneys who select Government, Nonprofit, or Corporate In-house Counsel

Government

○ ○ ○ ○ ● ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

Which of the following best describes your current primary employment? ⓘ

Choose one

☐ Private

☐ Government

☐ Nonprofit

Which of the following best describes your current primary employment? ⓘ

Choose one

☐ Private

☒ Government

Choose one:

☐ Federal

☐ State

☐ County

☐ City

☐ Other (please specify):

Nonprofit

○ ○ ○ ○ ● ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

Which of the following best describes your current primary employment? ⓘ

Choose one

☐ Private

☐ Government

☐ Nonprofit

○ ○ ○ ○ ○ ● ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

What is your current job level? ⓘ

Choose one

☐ Executive Management

☐ Middle Management

☐ Staff Attorney

☐ Other (please specify):

○ ○ ○ ○ ○ ● ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

What is your current job level? ⓘ

Choose one

☐ Executive Management

☐ Middle Management

☐ Staff Attorney

☐ Other (please specify):

Corporate In-house Counsel

Choose one

☒ Private

Choose one:

☐ Solo practitioner

☒ Corporate In-house Counsel

○ ○ ○ ○ ○ ● ○ ○ ○ ○ ○ ○ ○ ○ ○ ○

What is your current job level? ⓘ

Choose one

☐ Executive Management

☐ Middle Management

☐ Staff Attorney

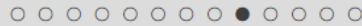
☐ Other (please specify):




Step 9: Enter Job Satisfaction

Job Satisfaction

Please follow the steps and answer the questions.



How satisfied are you with your legal career? 

Choose one

- ☐ Very satisfied
- ☐ Somewhat satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Somewhat dissatisfied
- ☐ Very dissatisfied

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Step 10: Job Satisfaction

Job Satisfaction

Please follow the steps and answer the questions.



What would make your legal career more satisfying? [i](#)

Choose all that apply

- ☐ Ability to work for yourself
- ☐ Alternative work schedule/flexible hours
- ☐ Potential for advancement
- ☐ Better salary and benefits
- ☐ Diverse work environment
- ☐ Inclusive work environment
- ☐ Job training
- ☐ Mentoring support
- ☐ More responsive and supportive employer
- ☐ Feeling like you are making a difference
- ☐ Opportunities to build networks

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Step 11: Job Satisfaction

○ ○ ○ ○ ○ ○ ○ ○ ○ ○ ● ○ ○

How satisfied are you with each of the following aspects of your current legal position? ⓘ

Choose all that apply

Category	Satisfied	Neutral	Dissatisfied	Not Applicable
Advancement opportunities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Career development support (i.e., training)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mentoring	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Challenging responsibilities/job assignments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Number of hours worked	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Flexibility in work schedule	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Relationships with co-workers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Relationships with leadership	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Respect and prestige	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Salary	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maternity leave	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Paternity leave	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Family medical leave	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Child-friendly work environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Diverse work environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inclusive work environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Performance evaluations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Application of sexual harassment/discrimination policy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Back **Next**

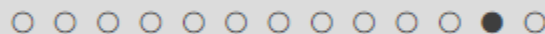
Skip



Step 12: Your Responses

Review

Please follow the steps and answer the questions.



Your Responses

Review your responses. To change a response use the Back button to navigate to that page. Confirm your responses by clicking next.



Step 13: Your Responses

Demographic Information

Please follow the steps and answer the questions.

Thank You

You have completed all of the questions.

Click Next to return to My State Bar Profile.

[Back](#)[Next](#)