



The State Bar *of California*

California Attorney Practice Analysis (CAPA)

**Law School Council and the Committee of
State Bar Accredited and Registered
Schools**

October 17, 2019



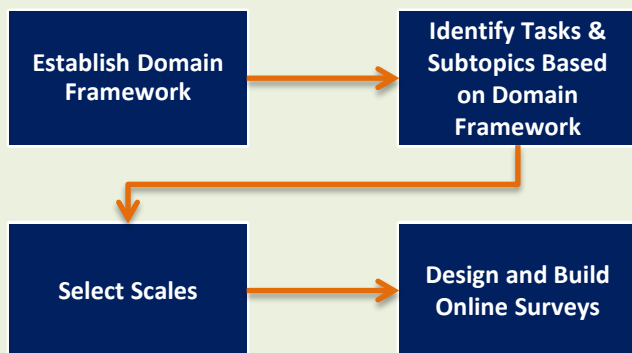
Purpose of CAPA Study

- **Learn what new attorneys need**
 - Legal knowledge and skills
 - Depth and breadth of each
- **Use results to develop a “new attorney” minimum competency definition based on years of practice**

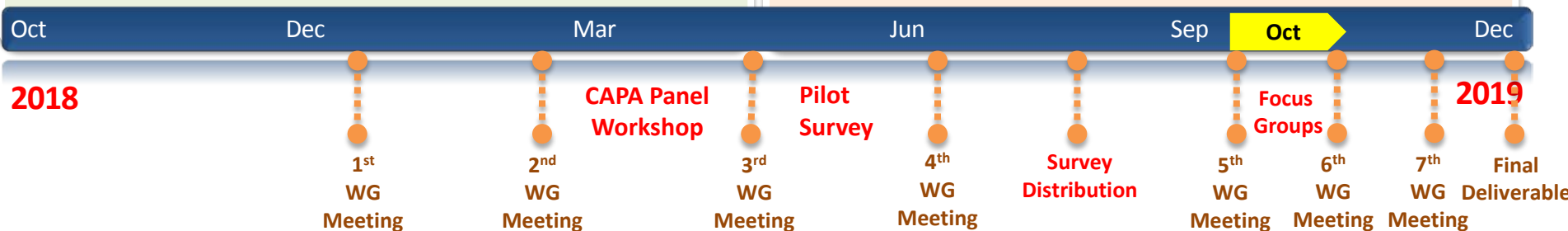
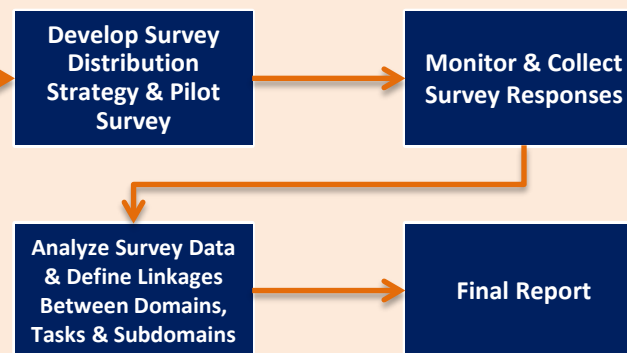


Where are we and what's next?

PHASE I Survey Preparation



PHASE II Survey Deployment & Analysis





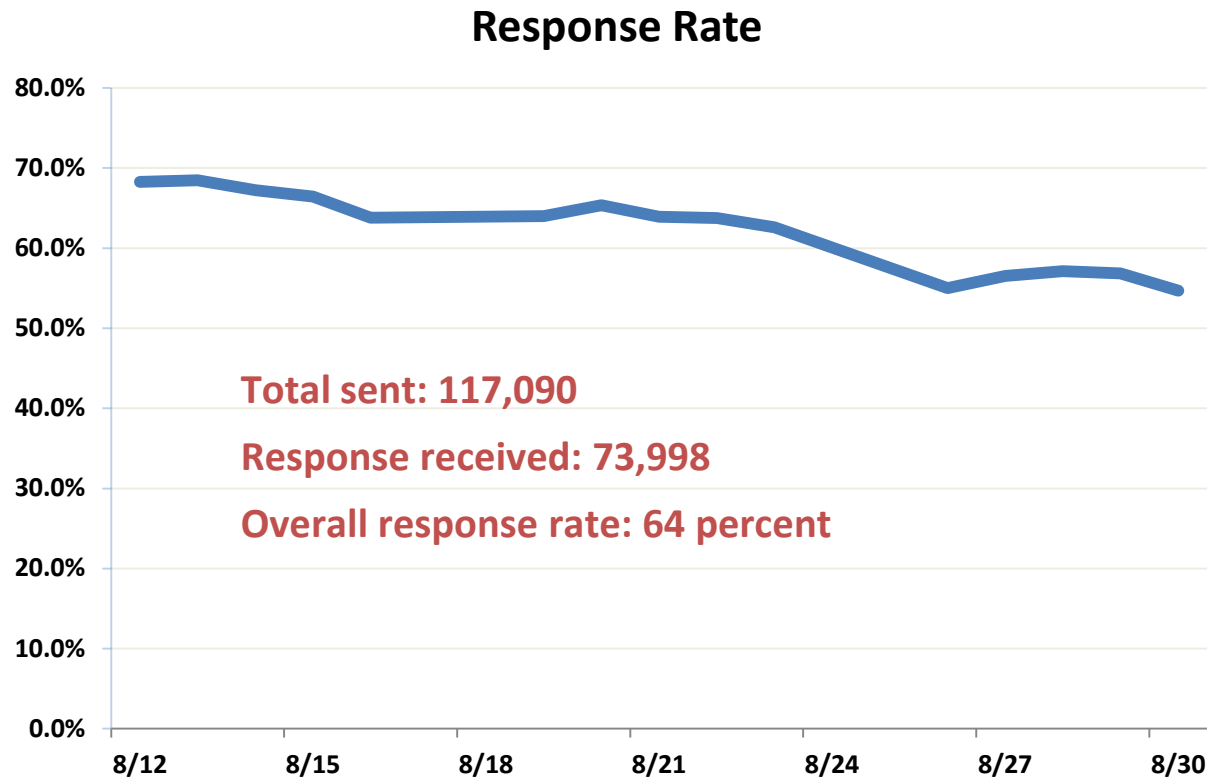
Traditional Survey Responses

Invited	63,300
Bounced back	511
Actual sample	62,789
Participated	15,029
Percent	23.9%
Percent completion	8.3%



ESM Survey Results

Survey Distribution and Responses





The State Bar of California

ESM Survey Results

Respondent Profile – Experience and Practice Setting

Years in Practice	Freq.	%
One	410	4
Two	334	3.3
Three	396	3.9
Four-Five	663	6.5
Six-Ten	1,305	12.9
More Than Ten	6,882	67.8
No Data	157	1.5
Total	10,147	100.0

Practice Setting	Freq.	%
Private	5,947	58.6
Gov't	1,224	12.1
In-house	1,168	11.5
DA/PD	340	3.4
Nonprofit	437	4.3
Academia	114	1.1
Other	745	7.3
No Data	172	1.7
Total	10,147	100.0



ESM Survey Results

Respondent Profile – Practice Area and Firm Size

Practice Area (More Than One Selection)

	Freq.	%
Civil Litigation	2,934	16.4
Business	2,053	11.5
Other	1,603	9.0
Employment	1,292	7.2
Criminal	1,212	6.8
Estate	1,054	5.9
Intellectual Property	913	5.1
Family Law	801	4.5
Landlord	682	3.8
Appellate	639	3.6
Insurance	617	3.4
Total	17,898	100.0

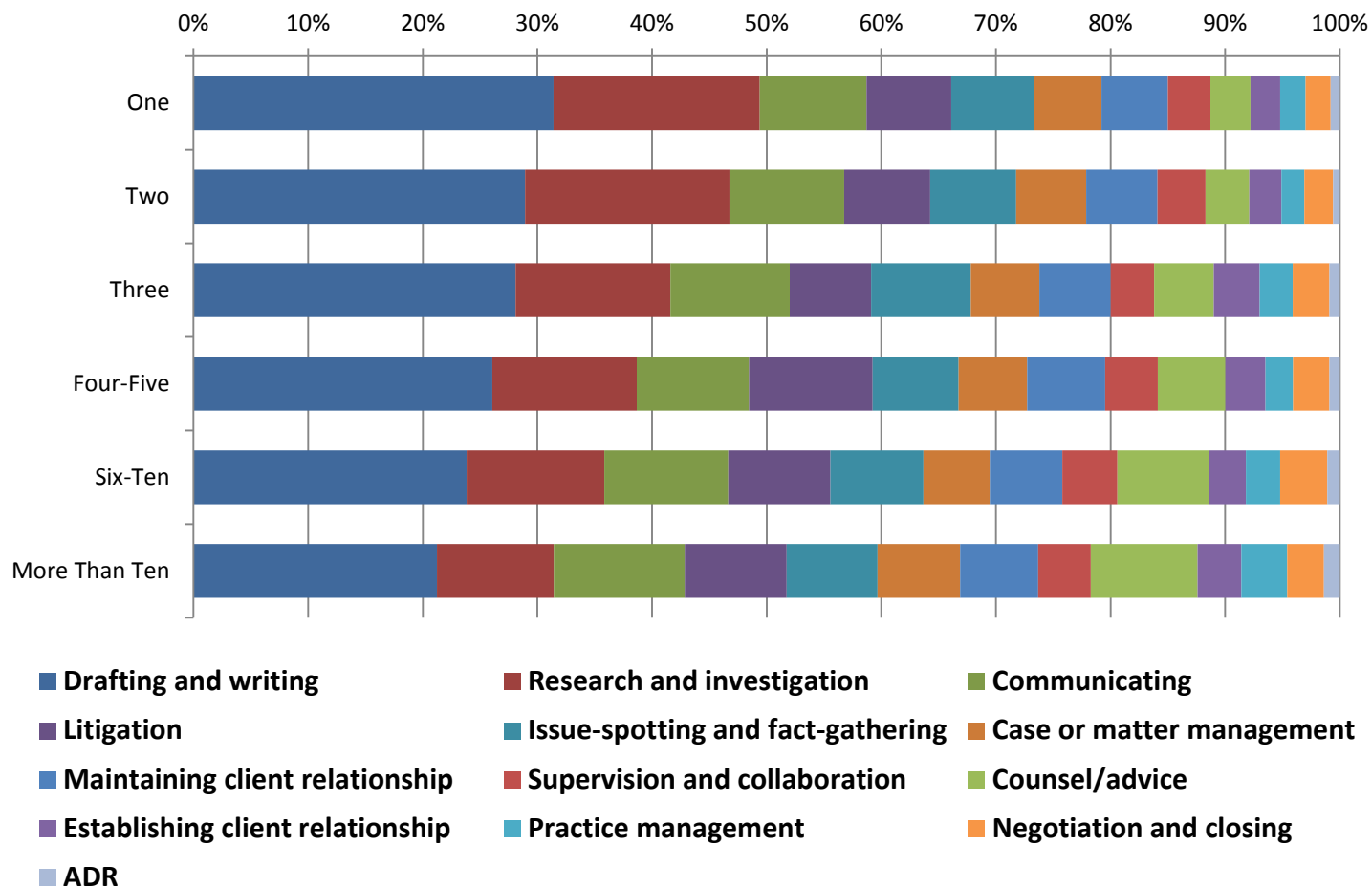
Firm/Org Size	Freq.	%
1	2,930	28.9
2-5	2,182	21.5
6-10	898	8.8
11-25	1,003	9.9
26-50	613	6.0
50-100	570	5.6
101-200	448	4.4
>200	1,272	12.5
No Data	231	2.3
Total	10,147	100.0

* Display limited to those over 3 percent of total.



ESM Survey Results

Frequency Distribution of Task Areas

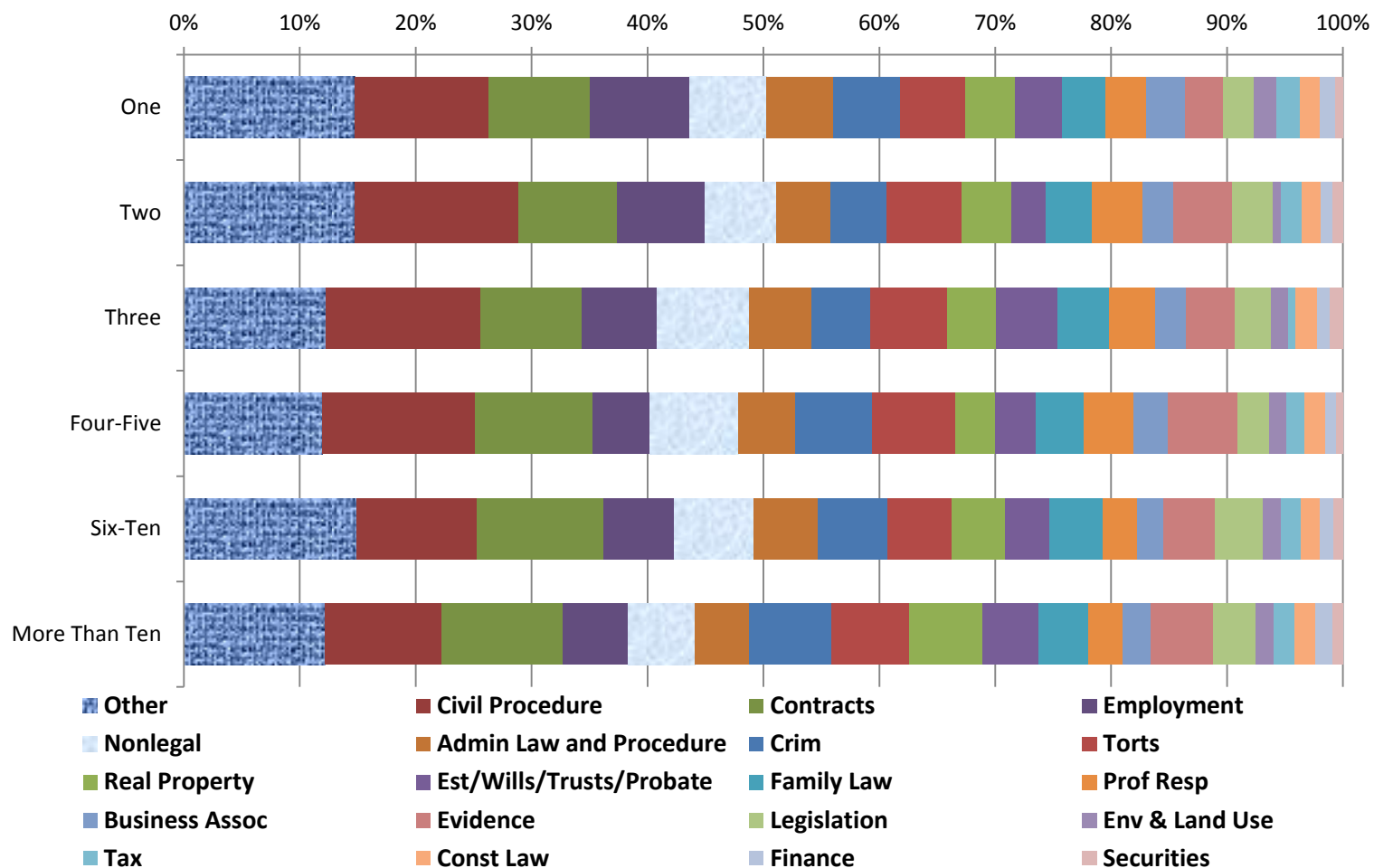




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ESM Survey Results

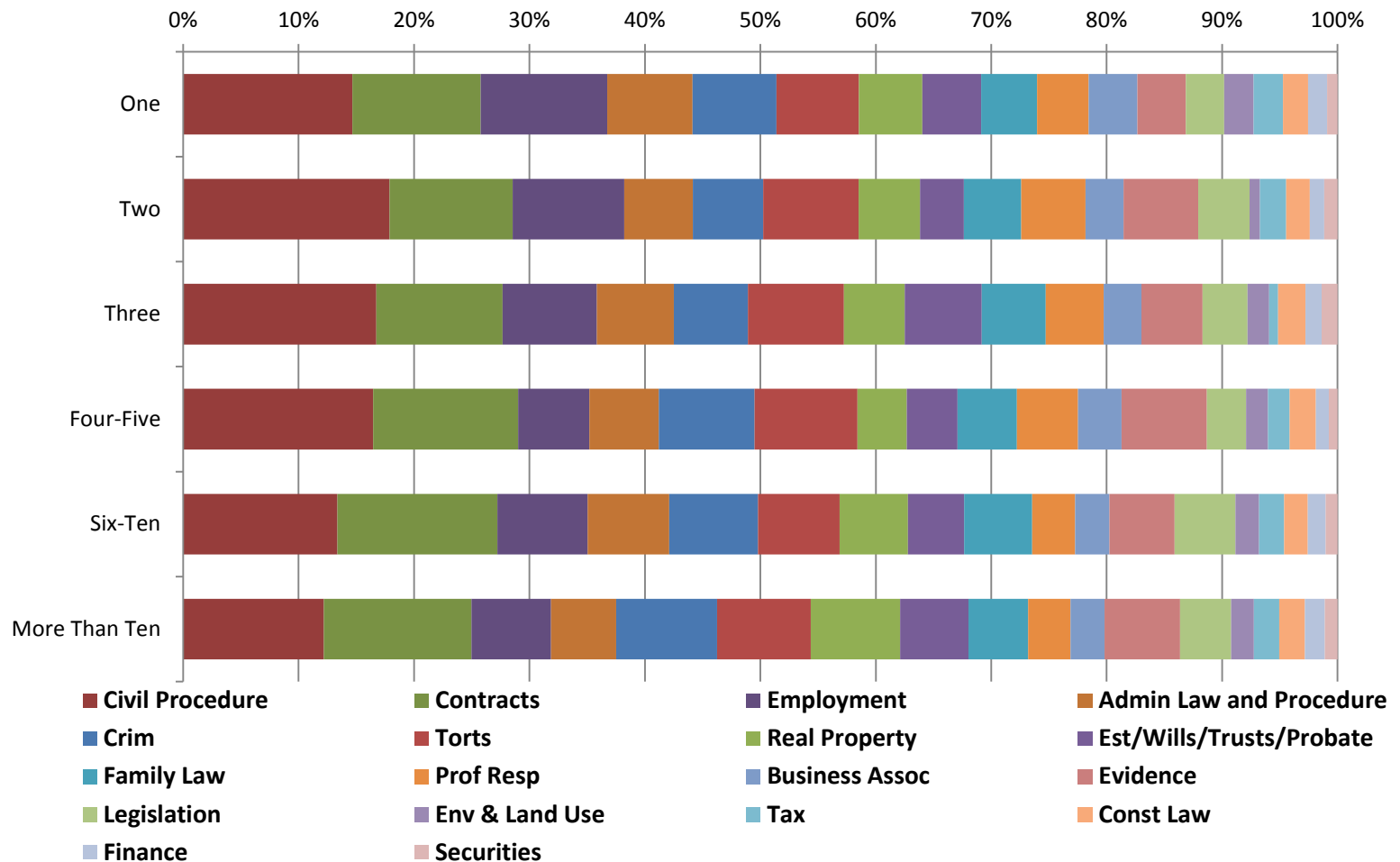
Frequency Distribution of Legal Topics





ESM Survey Results

Frequency Distribution of Legal Topics (w/o Other & Non-legal)





ESM Survey Results

Sample of Other Legal Topics (>3%)

Other Legal Topics	%	Cumulative %
Intellectual Property	12.2%	12.2%
Immigration	9.9%	22.1%
Workers' Compensation	7.8%	29.9%
Bankruptcy Law	5.4%	35.3%
Insurance law	4.8%	40.1%
Patent Law	4.5%	44.6%
Juvenile Law	4.2%	48.8%
Health Care Law	3.4%	52.2%

- This work would be done by a paralegal if I had one
- Spell check, grammar
- Sociology of homelessness
- Math



ESM Survey Results

Reliability of Ratings (Cronbach's alpha)

Degree of Harm = .89

Depth of Knowledge = .93



The State Bar of California

ESM Survey Results

Degree of Harm by Experience

Task area	One	Two	Three	Four-Five	Six-Ten	More Than Ten	Total
Establishing client relationship	2.72	2.95	2.99	3.09	3.11	3.17	3.14
Maintaining client relationship	2.95	2.88	2.85	3.06	3.17	3.06	3.06
Communicating	2.80	2.68	2.82	2.99	2.90	3.00	2.97
Practice management	3.02	2.50	3.04	3.01	2.82	3.08	3.03
Case or matter management	3.18	3.04	2.88	3.13	3.16	3.19	3.17
Supervision and collaboration	2.80	2.86	2.87	2.85	2.99	3.20	3.11
Issue-spotting and fact-gathering	3.24	3.26	3.23	3.31	3.31	3.47	3.42
Research and investigation	3.11	3.05	3.11	3.35	3.36	3.39	3.34
Drafting and writing	3.32	3.31	3.26	3.39	3.49	3.58	3.51
Counsel/advice	3.17	3.38	3.33	3.36	3.40	3.34	3.35
Negotiation and closing	3.25	3.29	3.51	3.54	3.54	3.55	3.54
ADR	3.17	4.17	3.04	3.28	3.46	3.42	3.42
Litigation	3.29	3.59	3.51	3.71	3.79	3.80	3.76
Total	3.15	3.13	3.14	3.29	3.32	3.36	3.33
N	2,635	2,279	2,622	3,644	6,767	33,899	51,846



The State Bar of California

ESM Survey Results

Depth of Knowledge by Experience

Knowledge Domain	One	Two	Three	Four-Five	Six-Ten	More Than Ten	Total
Constitutional Law	3.72	4.18	3.14	3.75	3.63	4.12	3.98
Env & Land Use	3.07	3.95	3.06	4.13	3.77	3.99	3.90
Employment	3.21	3.55	3.45	3.50	3.82	3.86	3.78
Evidence	3.40	3.65	3.28	3.54	3.72	3.85	3.78
Admin Law and Procedure	3.40	3.69	3.32	3.51	3.66	3.87	3.76
Legislation	3.60	3.64	3.46	3.70	3.69	3.79	3.75
Securities	3.48	2.86	4.08	3.55	3.82	3.78	3.75
Contracts	3.60	3.45	3.47	3.56	3.66	3.80	3.74
Criminal Law & Procedures	3.35	3.22	3.77	3.57	3.55	3.81	3.74
Tax	3.96	3.49	3.18	3.22	3.69	3.78	3.72
Other	3.45	3.40	3.33	3.63	3.71	3.77	3.71
Secured Trans	3.57	2.85	3.89	3.73	3.80	3.65	3.66
Torts	3.17	3.57	3.63	3.58	3.49	3.64	3.60
Real Property	3.20	3.29	3.49	3.28	3.54	3.64	3.59
Civil Procedure	3.30	3.51	3.45	3.42	3.57	3.63	3.58
Finance	4.31	3.06	3.65	3.06	3.34	3.61	3.56
Family Law	2.95	3.49	3.33	3.37	3.56	3.61	3.55
Business Assoc	3.60	3.14	3.19	3.58	3.42	3.57	3.53
Est/Wills/Trusts/Probate	2.86	3.55	3.26	3.05	3.43	3.46	3.41
Prof Resp	3.02	3.42	3.08	3.11	3.36	3.50	3.40
Nonlegal	2.66	2.99	2.85	2.88	3.02	3.04	3.00
Total	3.31	3.45	3.37	3.45	3.58	3.69	3.63
N	3,432	3,125	3,498	5,247	9,262	48,126	72,690



ESM Survey Results

Frequency, Criticality, and Depth of Knowledge

[Changes in ratings on tasks by experience](#)

[Changes in ratings on legal topics by experience](#)



ESM Survey Results

Factors Affecting Ratings

Criticality

- Higher ratings associated with later stages of case/matter process
- Higher rating by DA/PD,
- Higher rating from attorneys practicing criminal law, immigration, and dependency
- Lower rating by in-house attorneys
- No difference by firm size

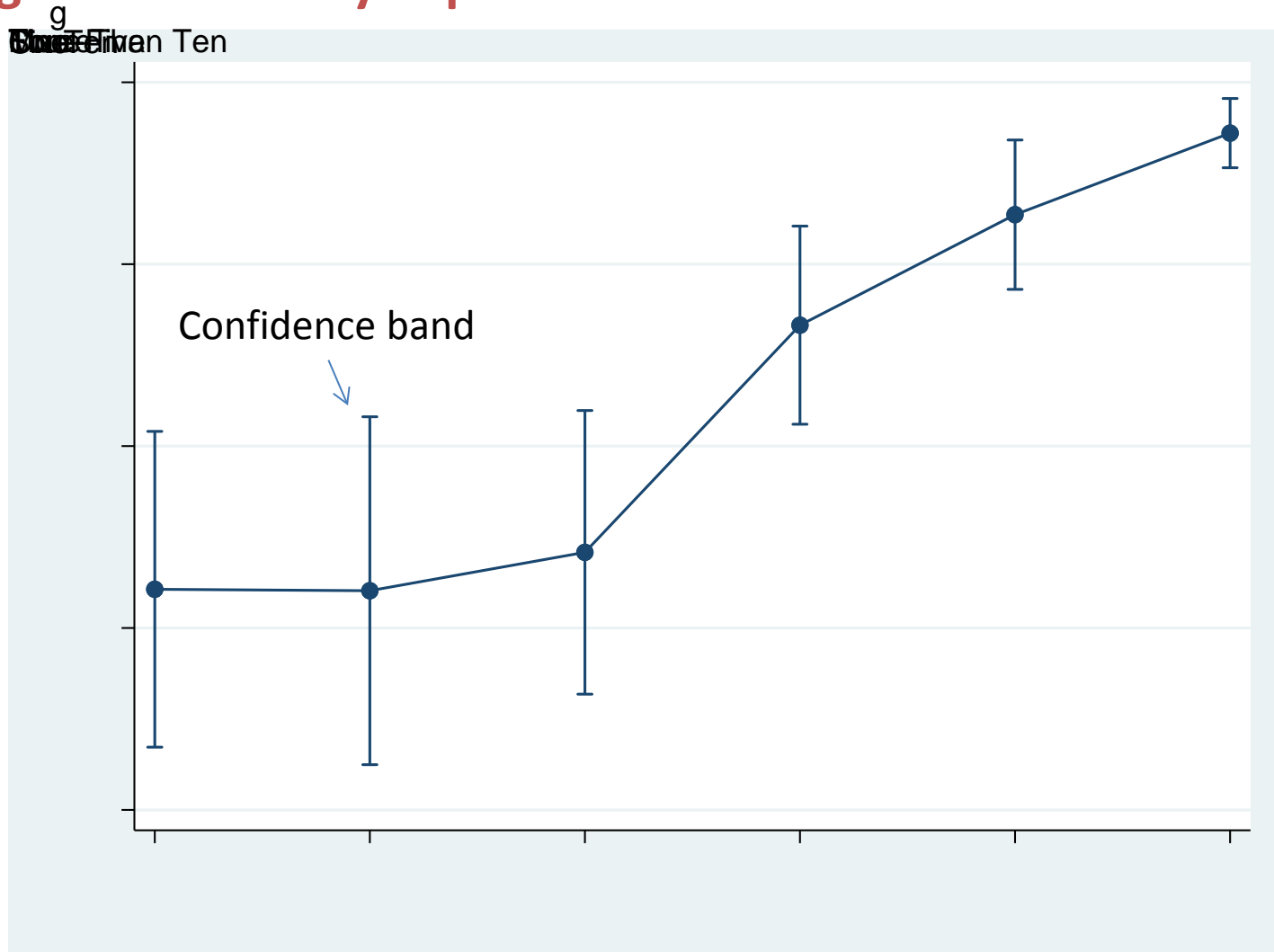
Depth of Knowledge

- Higher ratings associated with later stages of case/matter process
- Higher rating by DA/PD
- Higher rating associated with firm size > 10
- Higher rating by attorneys practicing environmental law, IP, professional malpractice, and taxation



ESM Survey Results

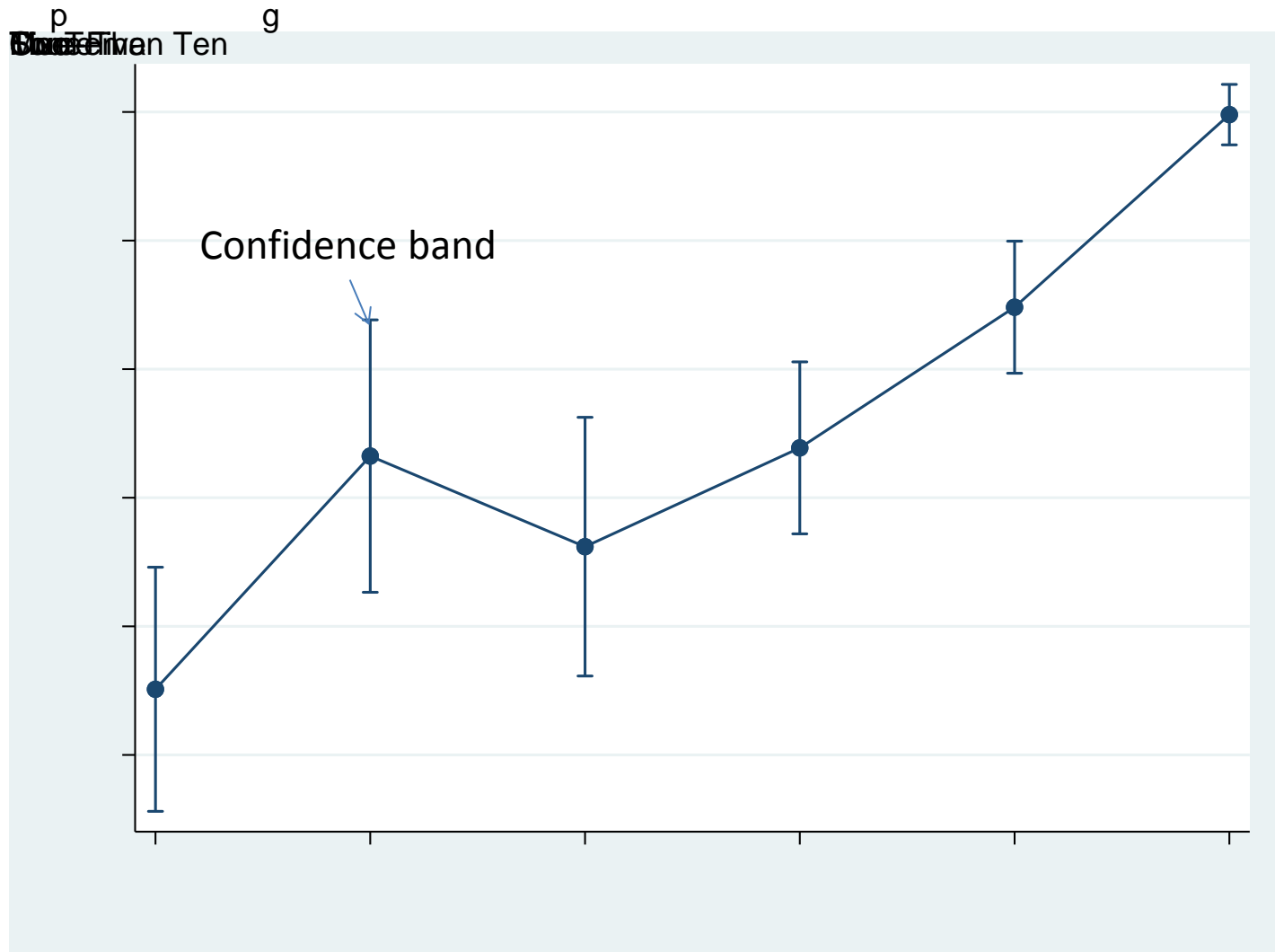
Degree of Harm by Experience – All Other Factors Controlled





ESM Survey Results

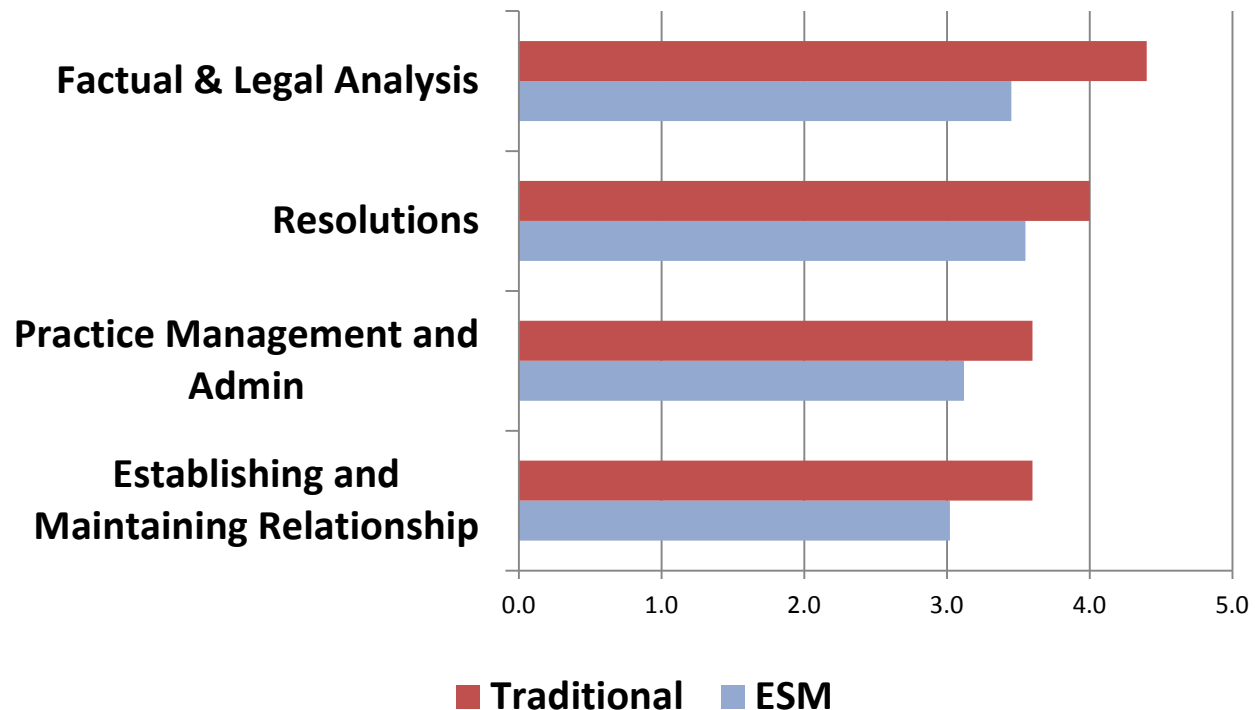
Depth of Knowledge by Experience – All Other Factors Controlled





Comparison of Two Surveys

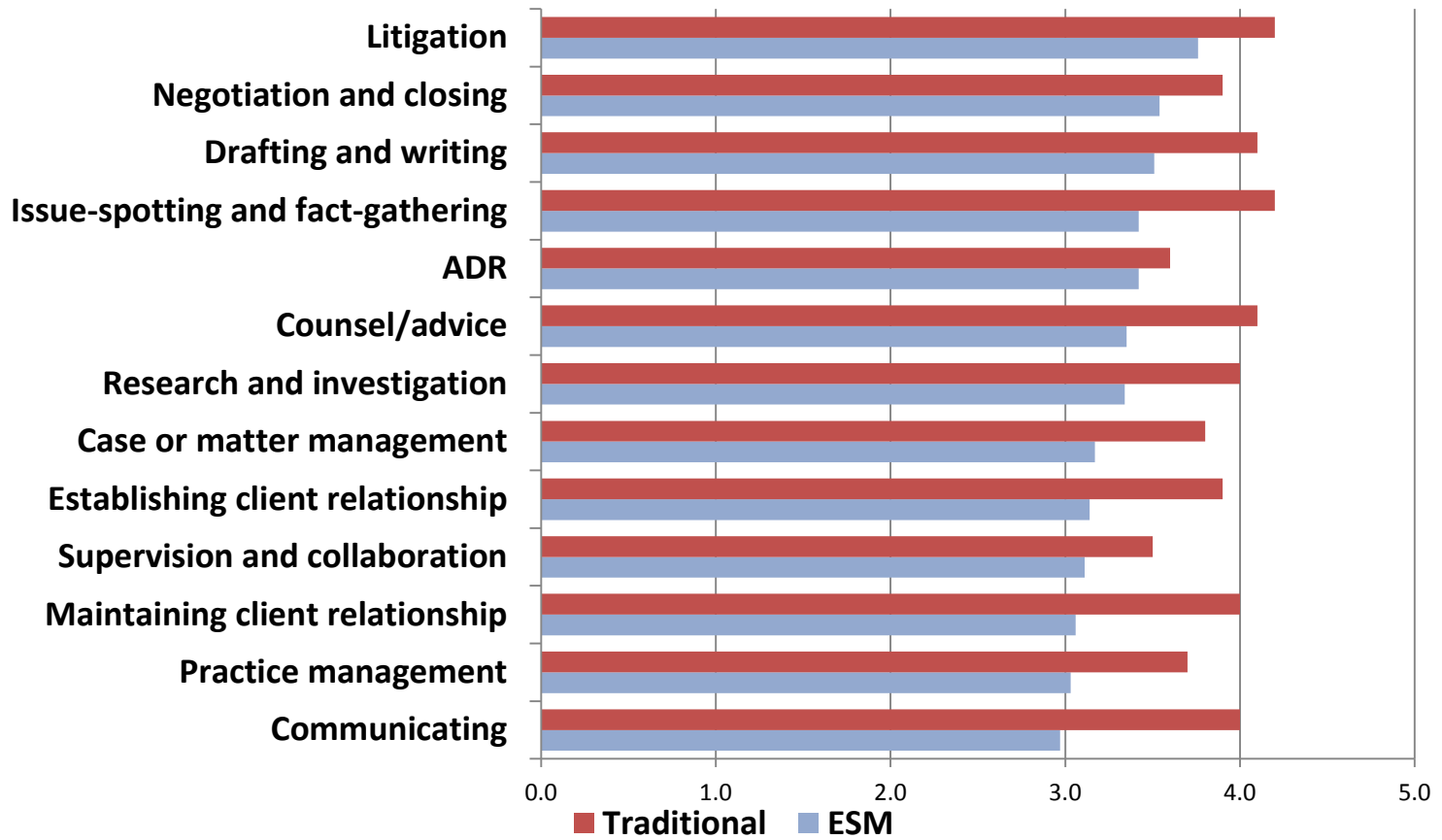
Criticality Ratings





Comparison of Two Surveys

Criticality Ratings





Focus Groups

% Distribution of Legal Topics on Bar Exam

Legal Topics	Newly Licensed	
	(%)	Experienced (%)
Civil Procedure	12	17
Evidence	11	14
Contracts	11	12
Professional Responsibility	13	10
Constitutional Law	9	9
Torts	8	9
Criminal Law and Procedures	10	9
Business Association	3	6
Real Property	6	5
Admin Law and Procedure	5	5
Labor and Employment	2	2
Legislation and Government	2	1
Estate Planning, Trusts, and Probate	4	1
Securities	0	1
Environment & Land Use	2	0
Family Law	3	0
Finance	1	0
Secured Transactions	0	0
Tax	1	0
Total	100	100



Next Steps

- Further review of survey data with Working Group
- Working Group meetings in November and December
- Final Report in December