



**State Bar of California
Practice Analysis Report**

March 2020

Table of Contents

INTRODUCTION.....	1
Working Group and Its Responsibilities	2
Early Steps in the Practice Analysis	2
Practice Analysis Panel and Its Responsibilities	3
PRACTICE ANALYSIS SURVEYS	6
Survey Instrument Design	6
Sampling Strategy and Data Collection.....	8
Who Participated in the Surveys?	10
ANALYSIS AND FINDINGS.....	14
Reliability	14
Areas of Responsibility	14
Criticality for Areas of Responsibility	14
Frequency for Areas of Responsibility	16
Competencies.....	18
Criticality for Competencies	18
Performance Expectation for Competencies	23
Frequency for Competencies.....	24
Tasks	28
Legal Topics	29
Recommended Content Framework	37
SUMMARY AND CONCLUSIONS.....	39
REFERENCES.....	41

Appendices

Two-way Framework.....	Appendix A
Instructional Materials for Practice Analysis Panel	Appendix B
Task List and Topics and Subtopics List.....	Appendix C
Beta Survey Invitations and Follow-Up Emails	Appendix D
Excerpts from Beta Survey	Appendix E
Survey-Related Correspondence.....	Appendix F
Traditional Survey	Appendix G
ESM Survey	Appendix H
Tasks and Average Ratings from Traditional Survey for Newly Licensed Attorneys.....	Appendix I
Results from ESM Survey	Appendix J
Legal Subtopics Based on Respondents in the First Three Years of Practice, Both Surveys	Appendix K
Findings for Non-Legal Topics	Appendix L

Table of Figures

Table 1. Working Group Members	2
Table 2. Composition of the Practice Analysis Panel.....	3
Table 3. Practice Analysis Panel Members.....	3
Table 4a. Traditional Survey Timeline.....	9
Table 4b. ESM Survey Timeline.....	9
Table 5. Years in Practice	10
Table 6. In which type of the following settings is your primary practice of law?	10
Table 7. Area of Practice	11
Table 8. In which county of California do you work, or do you live outside the state or country?.....	12
Table 9. Number of Attorneys in Your Firm.....	12
Table 10. Gender.....	13
Table 11. Race/Ethnicity.....	13
Table 12. Reliability for Areas of Responsibility	14
Table 13. Reliability for Legal Topics	14
Table 14. Descriptive Statistics for Criticality for Areas of Responsibility by Survey Method	15
Table 15. ESM Means for Criticality for Areas of Responsibility by Years of Experience	15
Table 16. ESM Descriptive Statistics for Criticality for Areas of Responsibility by Experience Group	15
Table 17. Traditional Means for Criticality for Areas of Responsibility by Years of Experience	16
Table 18. Traditional Descriptive Statistics for Criticality for Areas of Responsibility by Experience Group	16
Table 19. Descriptive Statistics for Frequency for Areas of Responsibility by Survey Method.....	17
Table 20. ESM Percentage (Frequency) Areas of Responsibility by Years of Experience	17
Table 21. ESM Proportions (Frequency) for Areas of Responsibility by Experience Group.....	17
Table 22. Traditional Means for Frequency for Areas of Responsibility by Years of Experience	17
Table 23. Traditional Descriptive Statistics for Frequency for Areas of Responsibility by Experience Group	18
Table 24. Descriptive Statistics for Criticality of Competencies, Traditional and ESM Surveys	19
Table 25. Mean ESM Criticality Ratings for Competencies by Years of Experience.....	20
Table 26. Mean ESM Criticality Ratings for Competencies by Experience Group	21
Table 27. Traditional Survey Criticality Ratings for Competencies by Years of Experience.....	22
Table 28. Traditional Survey Criticality Ratings for Competencies by Experience Group	23
Table 29. Performance Expectation for Competencies, ESM Survey	24
Table 30. Descriptive Statistics for Frequency of Competencies, Traditional and ESM Surveys.....	25
Table 31. ESM Percentages (Frequency) for Competencies by Years of Experience	26
Table 32. ESM Proportions (Frequency) for Competencies by Experience Group	26
Table 33. Traditional Survey Frequency Ratings for Competencies by Years of Experience	27
Table 34. Traditional Survey Frequency Ratings for Competencies by Experience Group.....	28
Table 35. Tasks with the Greatest Overall Endorsement Based on Combination of ESM Frequency and Traditional Criticality for Attorneys in the First Three Years of Practice	29
Table 36. Frequency of Legal Topics Selected, Traditional and ESM Surveys	30
Table 37. Criticality and Depth of Knowledge for Legal Topics, ESM Survey	31
Table 38. Depth of Knowledge for Legal Topics by Years of Experience, ESM Survey.....	32
Table 39. Depth of Knowledge Statistics for Legal Topics by Experience Group	33
Table 40. Descriptive Statistics for Frequency and Criticality Ratings, Traditional Survey.....	34
Table 41. Legal Topics Frequency and Criticality Means by Experience Group, Traditional Survey	35
Table 42. Subtopics with the Greatest Overall Endorsement Based on Combination of ESM Frequency and Traditional Criticality for Attorneys in the First Three Years of Practice	36
Table 43. Composites for Competencies	37
Table 44. Composites for Legal Topics.....	37
Table 45. Ranked Composites for Competencies.....	38
Table 46. Ranked Composites for Legal Topics	38
Table 47. Working Group Recommendations for Legal Topics	39
Table 48. Computed Weights Using Composites for Competencies and Legal Topics	39

INTRODUCTION

Created by the Legislature in 1927, the State Bar of California is an arm of the California Supreme Court, protecting the public by licensing and regulating attorneys. It serves the people of California through careful oversight of the legal profession. The State Bar licenses approximately 190,000 active attorneys and investigates approximately 16,000 complaints of attorney misconduct annually.

The State Bar of California's mission is to protect the public and includes the primary functions of licensing, regulation, and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system. The State Bar:

- Licenses attorneys and regulates the profession and practice of law in California,
- Enforces Rules of Professional Conduct for attorneys,
- Disciplines attorneys who violate rules and laws,
- Develops and administers the California Bar Examination,
- Advances access to justice, and
- Promotes diversity and inclusion in the legal system.

In accordance with its mission, the State Bar conducted a practice analysis study as the basis for ensuring a strong linkage between the content of the Bar Examination and the practice of law in California. After performing a national search, the State Bar contracted with Scantron to conduct the study. Scantron is a global technology and services driven company that provides expert assessment and technology solutions. James P. Henderson, PhD, is a senior psychometrician at Scantron and worked closely with the State Bar to conduct the study.

As the primary process for identifying the competency areas and knowledge that attorneys rely on in their work, practice analysis offers a clear and useful basis for determining the appropriate content of any licensing examination. This is because a practice analysis provides evidence of content validity, the most commonly applied and accepted validation strategy for tests used in credentialing programs. Validation through systematic practice analysis helps to document that the competence to be inferred when candidates have passed a professional licensure examination bears a strong linkage to practice. That is, practice analysis documents the relationship between practice and the appropriate content of the test. Practice analysis may also be an important resource for the development of curriculum for the educational programs that prepare individuals to practice a profession as well as for professional continuing education programs. The practice analysis began in late 2018.

The State Bar and Scantron adhered to established standards for the conduct of practice analysis studies. These standards have their foundation in logically sound and legally defensible procedures drawn from psychometric literature and case law. Essential principles and procedures are outlined in federal regulation (*Uniform Guidelines on Employee Selection Procedures*, 1978) and manuals, such as *Standards for Educational and Psychological Testing* (American Educational Research Association, et al., 2014). Scantron staff employed these standards throughout the study.

The practice analysis study involved two major phases. In the first phase, the State Bar and Scantron collaborated to design the study, do background research, and develop an outline that characterized the practice of law and the essential legal topics. The second phase focused on validating the outline by means of a large-scale survey. The California Practice Analysis Working Group collaborated with State Bar staff and Scantron throughout the project to make decisions about the design and conduct of the study. The Working Group provided expertise in the practice of law to ensure the accuracy of the practice analysis and its usefulness as the potential content framework for the California Bar Examination. The Practice Analysis Panel, a second group, was charged with responsibility for the detailed work of developing the outline by identifying the areas of responsibility, tasks, and legal topics that are essential to the practice of law.

Working Group and Its Responsibilities

To provide oversight and guidance for the practice analysis, the Supreme Court sought nominations for and in October 2018 appointed a Working Group. Members of the Working Group were broadly representative of a number of stakeholders, including the Supreme Court, law schools, and practicing attorneys in a variety of settings. Working Group members came from different regions of the state and were diverse along the basic demographics of attorneys in the state. The Working Group was charged with responsibility for considering information provided at various points in the project and making decisions about the design and conduct of the study, given the goal of maximizing the validity of the practice analysis.

Table 1. Working Group Members

Alan Steinbrecher	State Bar of California Board of Trustees	Chair
Robert Brody	Committee of Bar Examiners	Member
Shanae Buffington	Employment Development Department	Attorney
Sarah Cassady	Young, Minney & Corr, LLP	Associate Attorney
Margie Estrada	California Senate Judiciary Committee	Chief Counsel
Stephen Ferruolo	University of San Diego School of Law	Dean
Jackie Gardina	Santa Barbara and Ventura College of Law	Dean
David George	Geosyntec Consultants, Inc.	Corporate Counsel
Sylvia Kennedy	Senior Adults Legal Assistance (SALA)	Senior Staff Attorney
Judge Cindee Mayfield	Mendocino Superior Court	Judge
Gregory Murphy	National Conference of Bar Examiners	Trustee (former)
John Palmer	Orrick	Partner
Judge Glen M. Reiser	Ventura Superior Court	Judge (Ret.)
Emily Scivoletto	UC Davis School of Law	Associate Dean
Dr. Aaron Taylor	AccessLex Institute	Senior Vice President

Early Steps in the Practice Analysis

To provide leadership for the practice analysis study Scantron staff sought to gain an understanding of the breadth and scope of the practice of law generally, but with a particular focus on of the role and major responsibilities of attorneys in the first few years of practice across the variety of settings and scope of legal practice areas. Among other readings, Scantron staff reviewed documents provided by the State Bar, including the practice analysis conducted by the National Conference of Bar Examiners in 2012, the current Scope of the California Bar Examination (2018), and Summary Results of Five-Year Attorney Survey (2017). These readings, along with conversations with State Bar staff, helped to acquaint Scantron staff with how the practice of law had been characterized prior to the outset of the project as well as the practice settings, practice areas, and basic demographics of licensed attorneys in California.

As Scantron staff considered these readings and conversations, it proposed a two-way framework (Appendix A) for the practice analysis outline. The two-way framework, intended to suggest a way of delineating performance areas and legal topics in combination, listed areas of responsibility and competencies along the horizontal dimension and the legal topics that make up the current content framework for the bar examination along the vertical dimension. This framework was intended to provide a starting point for the Practice Analysis Panel (see below). Further groundwork included gathering the content outlines of several national examinations used for licensure, viz. Medicine (FSMB, 2019), architecture (NCARB, 2012), and law (NCBE, 2012), to serve as examples for review by project

participants. Finally, Scantron staff identified several rating scales that are commonly used in practice analysis studies, leading it to make decisions about the scales to be used in the validation study.

Practice Analysis Panel and Its Responsibilities

The State Bar charged a Practice Analysis Panel (panel), an *ad hoc* group, with responsibility for identifying the major areas of responsibility, competencies, tasks, and legal topics and subtopics that characterize the practice of law. Along with expertise in law, diversity in the panel was valuable as a way of ensuring that the areas of responsibility, competencies, tasks, and legal topics and subtopics would be applicable to as broad a spectrum of practice as possible. The State Bar solicited nominations for the panel in January 2019, with the expectation that its composition should be diverse along such key dimensions as sector, number of attorneys in the practice, years of experience, region of the state, gender, and race and ethnicity.

Table 2. Composition of the Practice Analysis Panel

Sector	Size	Experience	County	Gender	Race	Veteran	Disabled
Non-Profit	6 to 10	6 to 10	Orange	Female	Black, African American	No	No
Government	11 to 25	6 to 10	Sacramento	Female	Black, African American	No	No
Private	Solo	> 10	Fresno	Male	White	No	No
Academia	-----	> 10	San Diego	Male	White	No	No
Private	26-50	> 10	Los Angeles	Male	White	Yes	No
Government	11 to 25	> 10	Alameda	Male	Black, African American	No	No
Private	Solo	> 10	Sacramento	Male	Black, African American, White	No	No
Government	>=51	> 10	Sacramento	Male	White	No	No
Academia	-----	> 10	Santa Clara	Female	White	No	No
Private	Solo	6 to 10	Sacramento	Male	Black, African American	No	No
Academia	-----	> 10	Orange	Female	Hispanic or Latino, White	No	No
Government	6 to 10	> 10	Nevada	Female	Hispanic or Latino, White	No	No
Non-Profit	1 to 5	> 10	Sacramento	Female	Black, African American	No	No
Private	2 to 5	6 to 10	El Dorado	Female	White	No	No
Academia	-----	> 10	Los Angeles	Male	White	No	No

The following individuals were appointed to the Practice Analysis Panel.

Table 3. Practice Analysis Panel Members

Robert Bailey	Keri Klein	Laura Palazzolo
Robert Barrett	Lydia Liberio	Yan Shrayberman
Shanae Buffington	Kwixuan Maloof	Sheniece Smith
Stephen Ferruolo	Sean McCoy	Sabrina Thomas
Dustin Johnson	Laura Nelson	Marcus Wiggins

Key to the success of the panel meeting were the instructional materials used to inform panelists about key concepts (Appendix B). These materials helped to build understanding among panelists about essential principles and terms and to orient participants to the various activities expected of them during the meeting. The instruction booklet included an agenda for the meeting, a description of the target audience for the bar examination, and definitions for terms such as performance domain, task statement,

content domain, and subdomain, as well as examples for each. Although the instruction booklet defined these terms, it was decided that other terminology was preferable:

Areas of responsibility (performance domains) are the major responsibilities or duties that characterize the practice of law. They are denoted as major headings in an outline format and may include *competencies (subdomains)*, which are more focused responsibilities that may be carried out within a domain.

A *task statement* defines an activity that elaborates on a performance domain. The set of task statements for a performance domain offers a comprehensive and detailed description of the domain.

Legal topics (content domains) are major subject areas in law. They may be augmented with more specific topics, or *subtopics (subdomains)*, that offer detail about the legal topics.

The panel met with State Bar and Scantron staff for three days, on March 8, 9, and 10, 2019, in the San Francisco offices of the State Bar. The meeting began with direction provided by Scantron staff about expectations for panelists' participation, including the point that they should think broadly about the practice of law and not confine their reasoning only to their own practice or areas of expertise. This orientation was followed by a discussion of changes that had taken place in practice during recent years.

The panel then reviewed the target audience statement and the eligibility criteria for admission to the Bar, both of which are included below. For the purpose of the practice analysis, the target audience statement describes the basic characteristics of newly licensed attorneys and what is meant by the practice of law. In the absence of consensus about what constitutes newly licensed, the Working Group chose to use the definition as established in the California Business and Professions Code, Division 3 (CA Bus & Prof Code § 6180.14), as follows:

"Attorney" means a member or former member of the State Bar; "law practice" means (a) a law practice conducted by an individual; (b) a law practice conducted by a partnership, if Section 6180 applies to all partners; and (c) a law practice conducted by a law corporation, if Section 6180 applies to all shareholders of the corporation or if the corporation is described in subdivision (b) of Section 13406 of the Corporations Code.

Applicants to the State Bar must demonstrate an acceptable legal education through one of the following:

- Three or four years of study at a law school accredited by the American Bar Association (ABA),
- Four years of study at a State Bar-registered, fixed-facility law school,
- Four years of study with a minimum of 864 hours of preparation at a registered unaccredited distance-learning or correspondence law school,
- Four years of study under the supervision of a state judge or attorney, or
- A combination of these programs.

With these definitions and the target audience in mind, panel discussions began with a brainstorming session about the current responsibilities of practicing attorneys. The listing developed through the brainstorming activity served as a checkpoint for currency and comprehensiveness throughout all of the meeting, as did other sources provided at appropriate points in the discussion, including the NCBE content outline, Litigation Code Set (ABA, accessed March 5, 2019), and a list of attorney practice areas (State Bar of California survey, 2017). Through small group work and facilitated discussion, the panel then consensus on four areas of responsibility and a set of competencies for each. The panel believed that the areas of responsibility and competencies are appropriate for attorneys working in different settings, areas of law, and types of clients. The areas of responsibility, in bold, and competencies, shown as bullet points, are as follows:

Establishing and Maintaining Relationships

- Establishing the client relationship

- Maintaining the client relationship
- Communicating with others

Practice Management and Administration

- Practice management
- Case or matter management
- Supervision and collaboration

Factual and Legal Analysis

- Issue spotting and fact gathering
- Research and investigation
- Drafting and writing

Resolutions

- Counsel/advice (oral, in-person or by telephone)
- Negotiation and closing
- Alternative Dispute Resolution (ADR)
- Litigation

The Practice Analysis Panel then worked in small groups to draft tasks for each of the competencies listed above. When the small groups had completed this assignment, Scantron staff facilitated whole group discussion and review, recording changes as the panel reached consensus on them. The tasks as developed by the Practice Analysis Panel are listed in Appendix C.

The next phase of the Practice Analysis Panel meeting focused on legal topics. After drafting a preliminary list, panelists worked in small groups to propose a small number of subtopics for each legal topic. Through this activity members of the panel came to realize that it was necessary to consider the list of legal topics again in order to ensure it was comprehensive. As part of this process they developed a list of attorney practice areas. Then, using this list, the panel refined the topics and subtopics developed in their small groups and reached consensus on the list that is required in the identified practice areas and found in Appendix C. Finally, for each subtopic, the panel listed the primary resources that provide the most authoritative foundation for it. These resources are included in the listing in Appendix C. For several of the legal topics and subtopics, the panel suggested that follow-up interviews be conducted with attorneys who have deep expertise in those areas, and those reviews were conducted by conference calls supported by file-sharing software in the weeks following the panel meeting.

At this stage of the project, Scantron staff conducted a crosswalk analysis of the outline of areas of responsibility, competencies, tasks, legal topics, and subtopics written by the panel using three outlines that had been developed independently: the National Conference of Bar Examiners (NCBE) Job Analysis (2012), the 2019 Multistate Bar Examination (MBE) Subject Matter Outline, and the American Bar Association (ABA) Uniform Task-Based Management System Litigation Code Set (LCS) (1995). The goal of this analysis was to identify potential gaps in the areas of responsibility and competencies established by the panel. The crosswalk analysis was designed to err on the side of false negatives (i.e., uncertainties about whether a given domain in one of the three comparative frameworks matched an area of responsibility in the State Bar's new framework). The number of matches identified in the crosswalk analysis indicates that the State Bar outline is at least as comprehensive as the comparison outlines and is well synthesized. It is reasonable to conclude from the crosswalk analysis that the State Bar's new framework addresses the gamut of responsibilities and knowledge bases that the comparison outlines include. The Working Group reviewed and approved the outline of areas of responsibility, competencies, tasks, and legal topics and subtopics as well as the crosswalk in April 2019.

PRACTICE ANALYSIS SURVEYS

The purpose of the survey phase of the practice analysis was to collect ratings from practicing attorneys about the areas of responsibilities, competencies, tasks, legal topics, and subtopics that had been developed by the panel. Practice analysis methodology holds that members of a profession are the best source of information about the work they do, and the standards that pertain to practice analysis in the credentialing industry require that practitioners should have input into the delineation of their field. Such input is critical because the panel, although highly qualified and representative in many key ways, constituted only a small sample from the population. Input from the larger professional community is essential in order to make well-founded generalizations about practice. To the extent that data collected in the surveys endorsed the elements of the outline, survey results provide evidence of validity, or validation, for the outline.

Survey Instrument Design

Using the outline developed the Practice Analysis Panel and building on the Working Group's input, State Bar and Scantron staff collaborated on the design of two electronic validation survey instruments, one following generally accepted traditional survey methodology that has been thoroughly documented in the practice analysis literature, and one employing the Experience Sampling Method (ESM) which, while newly applied to practice analysis, is well documented in recent psychological research. The two approaches were used because they offered different ways of looking at how the elements of the outline relate to practice. The traditional survey (Appendix G) asked respondents to look back over the past year of their practice when evaluating the areas of responsibility, competencies, tasks, and areas of knowledge and subtopics. In contrast, the ESM survey (Appendix H) asked respondents to focus on their current activity. The survey provided daily emails, or pings, to participants at random times of the day to prompt their recall of the activity they were performing at the time the email was sent. The survey then provided a number of follow-up questions about the competency and the knowledge area that pertained to it. In addition to information about how often attorneys perform the various components of practice and use knowledge of the legal topics, the surveys were both designed to solicit demographic information that would help in understanding if the respondents were adequately representative of the population.

Survey instrument development involved the preparation of survey mock-up files that were reviewed in detail before being built in the two survey drivers, the traditional survey by the Survey Services division of Scantron and the ESM survey by Qualtrics. An important part of the process was a beta test, conducted for the purpose of assessing the clarity of directions, functionality of the survey drivers, and the rate of completion that might be anticipated for the survey instruments. After building the surveys, Scantron staff sent invitations to 537 randomly selected practicing attorneys in California, requesting they complete the traditional pilot survey. The ESM sample included 538 practicing attorneys. The State Bar and Scantron issued the invitations to the identified participants using email invitations sent on June 5, 2019, and managed data collection using reminder emails to boost participation by the deadline of June 13, 2019. The invitations and reminder emails may be found in Appendix D. Excerpts from the pilot survey may be found in Appendix E. Analysis of the data and comments collected in the beta test informed changes to improve the study. Of the traditional sample, 134 respondents answered at least some of the survey, and 115 provided ratings for the areas of responsibility. There were 94 responses to the ESM survey, and 68 of these continued with the daily follow-up pings.

The traditional survey used rating scales for Frequency and Criticality to collect respondents' evaluation of the areas of responsibility and competencies, with a third scale for Performance Expectation for the tasks. After respondents had rated the areas of responsibility, competencies, and tasks, the survey driver presented a list of 19 legal topics, asking respondents to identify the ones that pertain to their practice. Based on this information, the survey driver employed branching technology so that respondents were asked to apply the Frequency and Criticality scales only to the legal topics and subtopics that they had identified. The Working Group decided on the specific language to be used in the rating scales during its February 2019 meeting but modified them slightly as a result of the beta surveys. The scales used in the traditional survey were as follows:

Frequency: On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?

- 0 = Not applicable in my practice
- 1 = Never
- 2 = Rarely (once per year)
- 3 = Sometimes (once per month)
- 4 = Often (once per week)
- 5 = Repeatedly (daily)

NOTE: If the respondent marked 0 (not applicable) for the Frequency scale, the survey driver automatically recorded the same response for the Criticality scale.

Criticality: What degree of harm may result for clients and/or the general public if an attorney is *not* proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? [Harm may be legal, financial, psychological, or emotional]

- 0 = Not applicable in my practice
- 1 = No harm at all will result
- 2 = Minimal harm will result
- 3 = Moderate harm will result
- 4 = Substantial harm will result
- 5 = Extreme harm will result

Performance Expectation: When were you first expected to perform the task?

- 0 = Not applicable in my practice
- 1 = 0 to 6 months of practice
- 2 = 7 to 12 months of practice
- 3 = Years 2 to 3 of practice
- 4 = Years 4 to 5 of practice
- 5 = After the fifth year of practice

The ESM survey functioned somewhat differently. Instead of using a Frequency scale, the ESM survey viewed Frequency as the number of instances that respondents indicated they were performing each competency or using a knowledge area, and Frequency statistics for the areas of responsibility were then computed as the total number of instances in which competencies in the area were performed. The ESM survey used the same scale for Criticality as the traditional survey did. The ESM survey also used the Performance Expectation scale for tasks, and it asked respondents to rate the depth of knowledge required for the knowledge area that pertained to the competency indicated. This scale was:

Depth of Knowledge: What level of knowledge is required when performing the task?

- 1 = Recall from memory
- 2 = Understand
- 3 = Apply
- 4 = Analyze
- 5 = Synthesize/Evaluate

The demographic portion of the survey instruments employed 12 questions, almost all of which the State Bar had used in previous studies. There were several reasons for collecting and analyzing demographic data. One was to determine the degree of diversity among respondents along dimensions that may

influence practice and to compare ratings based on the responses obtained. Another reason was to assess the degree to which respondents as a group account for the general characteristics of licensed attorneys in California.

Following the implementation of revisions identified in the pilot survey, the final validation survey was launched with data collection taking place over a one-month period. Scantron offered the option of a paper-based survey for individuals who did not have Internet access or for some other reason might request one, although no one did.

Sampling Strategy and Data Collection

The goal of the practice analysis surveys was to determine the amount of respondents' endorsement for the areas of responsibility, competencies, tasks, and areas of knowledge and subtopics as a delineation of the practice of licensed attorneys in California, with a particular focus on the practice of newly licensed attorneys. Coincidental to the two surveys developed for the State Bar's practice analysis study was the practice analysis survey being conducted by NCBE, which the State Bar desired to support. Consequently, there was need for three separate samples. As the first step in the sampling strategy, the State Bar sent an email to all licensees explaining that there were three practice analysis surveys with data collection during the month of August 2019 and asking recipients to click on a link to a webpage where they could register to complete a survey. Approximately 7,500 attorneys did this, and they were randomly assigned to one of the three surveys. In registering for a survey, participants could provide an alternative email address or correct the one on file with the State Bar. When the State Bar assembled the contact information for the samples, it provided the alternative email address for these individuals in addition to the one in its master database.

The second element of the sampling strategy was to use random assignment of the remaining licensed attorneys, such that there were three distinct groups of approximately 63,330, one for the State Bar's traditional survey, one for the State Bar's ESM survey, and one for the NCBE survey. In this way, all attorneys in active status with the State Bar would be invited to complete a survey and no attorney was assigned to more than one group. With random assignment to the three groups, there is reason to think that they were each essentially representative of the population, which promotes the belief that data collected from the groups would permit the necessary generalization.

The State Bar and Scantron staff collaborated in the development of survey-related correspondence for the traditional and ESM survey groups. This correspondence included a detailed invitation that was sent to the two survey groups on August 1, 2019. The invitations provided general background information about the purpose of the practice analysis, how survey data would be used, the amount of time required to complete the survey, and the free Minimum Continuing Legal Education (MCLE) credit offered as an incentive. The traditional survey invitation included a personalized uniform resource locator (PURL), with information about using it to gain access to the survey and re-enter it to resume work if the respondent could not complete it in a single sitting. The ESM survey invitation also included login information, a description of the onboarding process and daily pings. Both survey invitations included the deadline of August 26, 2019.

Of critical importance to the collection of data was an intensive information campaign implemented by the State Bar. This campaign used various mediums to encourage participation in the surveys, especially among new attorneys. It used social media through all of the major platforms, and it included several videos that were designed to provide essential information and motivate participation in the surveys. Other videos included interviews with members of the Working Group and Practice Analysis Panel about their involvement and the integrity that the State Bar had invested in the process. The campaign also included a series of emails that the State Bar sent in advance of the survey start date and at several points during the data collection period.

An important aspect of managing practice analysis surveys is monitoring participation and taking steps to maximize completion and reduce attrition. The survey tools permitted constant, real-time information

about completion rates. Scantron and the State Bar coordinated efforts in sending a series of reminder emails at various points during the data collection window. Additionally, the deadline was extended through September 2 to ensure the greatest possible access to the survey and incentive. If a survey invitation was returned as undeliverable, the State Bar and Scantron staff used the alternative address, if there was one, to resend the invitation and any subsequent reminders. All survey-related correspondence is provided in Appendix F.

Table 4a. Traditional Survey Timeline

Date	Action
August 1, 2019	Initial email deployment (63,300 attorneys)
August 5, 2019	If the initial email was returned as undeliverable, it was resent using the alternative address
August 8, 2019	First reminder sent to non-responders
August 15, 2019	Second reminder sent to non-responders
August 21, 2019	State Bar sent a reminder notice to all non-responders from its domain
August 26, 2019	Reminder sent to non-responders extending date to 9/2/2019
August 30, 2019	Final reminder sent to non-responders
September 2, 2019	Survey closed

Table 4b. ESM Survey Timeline

Date	Action
July 29, 2019	Initial email deployment (63,300 attorneys)
August 1, 2019	First reminder sent to non-responders
August 8, 2019	Second reminder sent to non-responders
August 12, 2019 to August 16, 2019	Group 1 daily ping emails
August 19, 2019 to August 23, 2019	Group 2 daily ping emails
August 26, 2019 to August 30, 2019	Group 3 daily ping emails
August 30, 2019	Survey closed

The traditional survey instrument requested 364 ratings in the competency section. For the section addressing legal topics, the number of ratings requested varied because the survey asked participants to identify which of the 19 legal topics pertained to their practice and then branched to collect ratings for the topics identified as well as the subtopics within them. Consequently, the number of ratings requested in the legal topics section varied from person to person. Given the length of the survey and the amount of time required to complete it, there was attrition as respondents progressed through the ratings. When the data collection closed and the data were downloaded from the survey driver, it was determined that a total of 15,029 individuals had participated in the traditional survey. Since all of them were qualified to participate, all data were kept, yielding a 23.9% response rate, given that 511 invitations sent to this group were returned as undeliverable. The percent of participants who reached the end of the survey was 8.3%, which compares favorably to the 7% rate of participation in other State Bar surveys in the past several years.

The ESM survey followed a slightly different distribution schedule. In the first phase during a two-week period in early August 2019, invitations were sent to more than 63,000 attorneys to participate in the study. More than 10,000 agreed to participate, at a participation rate of 16%, and continued with the second phase in responding to the daily email pings through the end of August 2019. During the second phase, 117,090 pings were sent, from which 73,998 responses were received, for an overall response rate of 64%.

Who Participated in the Surveys?

The traditional and ESM surveys both asked respondents to indicate how long they had practiced law. The findings from the two groups were similar, with just over two-thirds (69.8%) reporting more than 10 years in practice. In comparison, in the Five-Year Attorney Survey conducted in 2017, 74.8% of respondents had been practicing for more than 10 years. Of particular interest in the study were respondents in the first three years of practice. There were 1,580 (10.6%) traditional survey participants in years 1 through 3. ESM survey participants in this experience range totaled 1,140 (11.4%). Combined, there were 2,720, or 11.0%.

Table 5. Years in Practice

Year in Practice	Traditional		ESM		Combined	
	Count	Percent	Count	Percent	Count	Percent
Year 1	705	4.7%	410	4.1%	1,115	4.5%
Years 2 and 3	875	5.9%	730	7.3%	1,605	6.5%
Years 4 and 5	936	6.3%	663	6.6%	1,599	6.4%
Years 6 through 10	1,886	12.7%	1,305	13.1%	3,191	12.8%
More than 10 years	10,493	70.4%	6,882	68.9%	17,375	69.8%
Total	14,895	100.0%	9,990	100.0%	24,885	100.0%

The next question asked respondents to indicate their practice setting. Overall, more than three-fifths work in a private law firm. Just over half (51.8%) of the respondents to the Five-Year Attorney Survey reported working in a private law firm.

Table 6. In which type of the following settings is your primary practice of law?

Practice Setting	Traditional		ESM		Combined	
	Count	Percent	Count	Percent	Count	Percent
Private law firm	8,588	63.0%	5,947	59.6%	14,535	61.5%
Government (federal, state, local)	1,416	10.4%	1,224	12.3%	2,640	11.2%
In-house counsel	1,811	13.3%	1,168	11.7%	2,979	12.6%
District attorney, public defender, legal services, or public interest	814	6.0%	340	3.4%	1,154	4.9%
Judiciary (including clerkships)	179	1.3%	437	4.4%	616	2.6%
Academia	171	1.3%	114	1.1%	285	1.2%
Other	661	4.8%	745	7.5%	1,406	6.0%
Total	13,640	100.0%	9,975	100.0%	23,615	100.0%

The surveys presented 26 areas of practice, asking respondents to identify all that applied. Of the areas of practice listed in the surveys, the largest number of respondents reports working in civil litigation, followed by business. However, respondents could mark *other*, and many did, and they were invited to enter information about their practice area. About 700 of the *other* responses used terminology that matched one of the listed areas or could reasonably be interpreted as one of them; however, the information listed in Table 7 is based on the non-*other* responses provided by respondents. While the Five-Year Attorney Survey presented slightly different practice areas, the largest number of respondents in that study reported working in business (43.2%) followed by other (30.4%) and real estate (22.6%).

Table 7. Area of Practice

Area of Practice	Traditional		ESM		Combined	
	Count	Percent	Count	Percent	Count	Percent
Admiralty and Maritime	96	0.2%	50	0.3%	146	0.3%
Appellate	1,303	3.2%	639	3.6%	1,942	3.3%
Bankruptcy	643	1.6%	309	1.7%	952	1.6%
Business	3,605	8.9%	2,053	11.5%	5,658	9.7%
Civil Litigation	4,684	11.6%	2,934	16.4%	7,618	13.0%
Civil Rights	943	2.3%	492	2.7%	1,435	2.5%
Construction	923	2.3%	485	2.7%	1,408	2.4%
Criminal	2,018	5.0%	1,212	6.8%	3,230	5.5%
Disability Rights	539	1.3%	221	1.2%	760	1.3%
Education	447	1.1%	199	1.1%	646	1.1%
Elder Abuse	590	1.4%	242	1.3%	832	1.4%
Employment	2,639	6.5%	1,292	7.2%	3,931	6.7%
Environment	665	1.6%	347	1.9%	1,012	1.7%
Estate Planning, Trusts, Probate	1,890	4.7%	1,054	5.9%	2,944	5.0%
Family Law	1,458	3.6%	801	4.5%	2,259	3.9%
Franchise and Distribution	140	0.3%	52	0.3%	192	0.3%
Health Care	638	1.6%	388	2.2%	1,026	1.8%
Immigration	833	2.1%	379	2.1%	1,212	2.1%
Insurance	1,085	2.7%	617	3.4%	1,702	2.9%
Intellectual Property	1,809	4.5%	913	5.1%	2,722	4.7%
Juvenile Delinquency	276	0.7%	130	0.7%	406	0.7%
Juvenile Dependency	321	0.8%	158	0.9%	479	0.8%
Labor Relations	666	1.6%	263	1.5%	929	1.6%
Landlord and Tenant	1,402	3.5%	682	3.8%	2,084	3.6%
Media, Sports, and Entertainment	653	1.6%	319	1.8%	972	1.7%
Military Law and Veterans	132	0.3%	64	0.4%	196	0.3%
Other	10,119	25.0%	1,603	9.0%	11,722	20.1%
Total	40,517	100.0%	17,898	100.0%	58,415	100.0%

The largest portion of respondents works in Los Angeles County, with the Bay Area as the second most common location. A relatively small portion of the respondents live outside the state.

Table 8. In which county of California do you work, or do you live outside the state or country?

Region	Traditional		ESM		Combined	
	Count	Percent	Count	Percent	Count	Percent
Bay Area	1,181	23.7%	2,353	23.2%	3,534	25.6%
Central Coast	202	4.1%	394	3.9%	596	4.3%
Central Valley and Sierra	200	4.0%	361	3.6%	561	4.1%
Inland Empire	195	3.9%	386	3.8%	581	4.2%
Los Angeles County	1,403	28.2%	2,622	25.8%	4,025	29.1%
Northern Region	77	1.5%	155	1.5%	232	1.7%
Orange County	448	9.0%	922	9.1%	1,370	9.9%
Sacramento Area	321	6.4%	831	8.2%	1,152	8.3%
San Diego County	429	8.6%	702	6.9%	1,131	8.2%
Out of state	526	10.6%	105	1.0%	631	4.6%
Total	4,982	100.0%	8,831	100.0%	13,813	100.0%

Close to one-third of the respondents work alone, and more than half work in firms with one to five attorneys on staff. Just over 12% work in firms with more than 200 attorneys. In the Five-Year Attorney Survey, 20.8% of respondents work in solo practice, 18.4% of respondents work in small firms, and 8.3% of respondents work in large firms.

Table 9. Number of Attorneys in Your Firm

	Traditional		ESM		Combined	
	Count	Percent	Count	Percent	Count	Percent
1	4,950	34.1%	2,930	29.5%	7,880	32.3%
2 to 5	3,105	21.4%	2,182	22.0%	5,287	21.7%
6 to 10	1,115	7.7%	898	9.1%	2,013	8.2%
11 to 25	1,259	8.7%	1,003	10.1%	2,262	9.3%
26 to 50	897	6.2%	613	6.2%	1,510	6.2%
51 to 100	812	5.6%	570	5.7%	1,382	5.7%
101 to 200	624	4.3%	448	4.5%	1,072	4.4%
More than 200	1,740	12.0%	1,272	12.8%	3,012	12.3%
Total	14,502	100.0%	9,916	100.0%	24,418	100.0%

Just over half of the respondents are male. In the Five-Year Attorney Survey, 56.5% of respondents were male.

Table 10. Gender

Gender	Traditional		ESM		Combined	
	Count	Percent	Count	Percent	Count	Percent
Male	2,732	53.4%	5,105	51.4%	7,837	52.1%
Female	2,094	41.0%	4,571	46.0%	6,665	44.3%
Other	21	0.1%	41	0.4%	62	0.4%
Prefer not to answer	266	5.2%	220	2.2%	486	3.2%
Total	5,113	100.0%	9,937	100.0%	15,050	100.0%

Regarding race and ethnicity, not quite two-thirds of the respondents classify themselves as being white, and the next largest group are Asian. In the Five-Year Attorney Survey, 80.3% of respondents classified themselves as being white, and the next largest group (5.9%) classified themselves as Asian.

Table 11. Race/Ethnicity

Race/Ethnicity	Traditional		ESM		Combined	
	Count	Percent	Count	Percent	Count	Percent
Asian	545	10.0%	1,006	10.1%	1,551	10.1%
Black or African American	156	2.9%	254	2.6%	410	2.7%
Hispanic, Latino or Spanish	358	6.6%	525	5.3%	883	5.8%
White	3,621	66.6%	6,498	65.5%	10,119	65.9%
Other	248	4.6%	1,064	10.7%	1,312	8.5%
Prefer Not to Answer	505	9.3%	571	5.8%	1,076	7.0%
Total	5,433	100.0%	9,918	100.0%	15,351	100.0%

ANALYSIS AND FINDINGS

Reliability

Reliability refers to consistency in the data collected; that is, how well survey items worked together to measure endorsement for the major elements of the outline. For a survey project that uses rating scales, coefficient alpha is an appropriate estimation strategy. The outline includes four areas of responsibility, each made up a set of competencies, and each of the 19 legal topics in the outline comprises a set of subtopics. Scantron staff computed coefficient alpha statistics for each area of responsibility based on the competencies that comprise it and for the legal topics based on the subtopics within them. Coefficient alpha statistics can range from 0 to 1, and the closer to 1 they are, the more reliable the measure is said to be. When coefficient alpha statistics equal or exceed 0.70, the measure is considered to be sufficiently reliable for general purposes. The statistics obtained for the traditional and EMS surveys all exceeded the 0.70 threshold, as may be seen in Tables 12 and 13.

Table 12. Reliability for Areas of Responsibility

Area of Responsibility	Traditional		ESM Criticality
	Criticality	Frequency	
Establishing and Maintaining Relationships	0.96	0.96	0.88
Practice Management and Administration	0.94	0.93	0.88
Factual and Legal Analysis	0.96	0.95	0.87
Resolutions	0.98	0.98	0.88

Table 13. Reliability for Legal Topics

Legal Topic	Traditional		ESM Depth of Knowledge
	Criticality	Frequency	
Administrative Law and Procedure	0.81	0.80	0.93
Business Associations	0.94	0.94	0.93
Civil Procedure	0.89	0.88	0.92
Constitutional Law	0.88	0.86	0.93
Contracts	0.96	0.95	0.92
Criminal Law and Procedure	0.92	0.91	0.92
Employment	0.86	0.86	0.93
Environment and Land Use	0.87	0.84	0.93
Estate Planning, Trusts, and Probate	0.85	0.86	0.93
Evidence	0.92	0.89	0.92
Family Law	0.86	0.87	0.93
Finance (includes bankruptcy)	0.88	0.87	0.93
Legislation	0.85	0.83	0.93
Professional Responsibility	0.81	0.80	0.93
Real Property	0.83	0.80	0.92
Secured Transactions	0.85	0.83	0.93
Securities	0.86	0.87	0.93
Tax	0.80	0.79	0.93
Torts	0.85	0.84	0.92
Non-legal Topics	0.85	0.81	0.93

In the next pages, findings related to the areas of responsibility are presented for both the traditional and EMS surveys, followed by the findings for competencies, and finally by legal topics. Ratings for Criticality and Frequency are presented, and where appropriate for Performance Expectation.

Areas of Responsibility

Criticality for Areas of Responsibility

Respondents evaluated the degree to which harmful events could result to clients and other stakeholders in the event an attorney was not proficient in the areas of responsibility. The rating scale, Criticality, was the same for respondents in the traditional survey and the ESM survey.

Table 14 provides general descriptive statistics for the areas of responsibility for respondents in the two survey methods. It is evident when comparing the means for each survey method that respondents in the traditional survey viewed the areas of responsibility as having greater potential for harm than ESM survey participants did.

Table 14. Descriptive Statistics for Criticality for Areas of Responsibility by Survey Method

Area of Responsibility	Traditional			ESM		
	N	Mean	SD	N	Mean	SD
Establishing and Maintaining Relationships	9,439	3.6	1.2	10,906	3.0	1.05
Practice Management and Administration	8,901	3.6	1.2	7,581	3.1	1.07
Factual and Legal Analysis	9,724	4.4	0.8	21,829	3.5	0.93
Resolutions	9,236	4.0	1.0	10,987	3.6	0.97

The next two tables focus only on the means resulting from ratings for Criticality provided by ESM respondents. Table 15 shows that views about the potential for harm for the areas of responsibility increase with experience. This is the case for all four areas of responsibility.

Table 15. ESM Means for Criticality for Areas of Responsibility by Years of Experience

Area of Responsibility	One	Two	Three	4 to 5	6 to 10	> Ten
Establishing and Maintaining Relationships	2.8	2.8	2.9	3.0	3.0	3.1
Practice Management and Administration	3.0	2.9	2.9	3.0	3.0	3.2
Factual and Legal Analysis	3.2	3.2	3.2	3.4	3.4	3.5
Resolutions	3.3	3.5	3.4	3.6	3.6	3.6

The Working Group defined newly licensed respondents as those in the first three years of practice. This demarcation is based partly on the staged entry to practice for many new attorneys who work closely with experienced attorneys during the first years of practice. It is also based on the observation that differences in ratings for criticality and frequency become apparent at this point. The demarcation was chosen also because the experience categories presented in the traditional survey and ESM survey aligned at that point. Comparing newly licensed attorneys with those who have four or more years of experience shows that ESM respondents in the more experienced group perceive a greater potential for harm for the areas of responsibility than respondents who are in the recently licensed group.

Table 16. ESM Descriptive Statistics for Criticality for Areas of Responsibility by Experience Group

Area of Responsibility	0-3 Years			4 and Above Years		
	N	Mean	SD	N	Mean	SD
Establishing and Maintaining Relationships	7,536	2.8	1.0	44,310	3.0	1.0
Practice Management and Administration	7,536	2.9	1.1	44,311	3.1	1.0
Factual and Legal Analysis	7,536	3.2	1.0	44,312	3.4	0.9
Resolutions	7,536	3.4	1.0	44,313	3.6	1.0

Views of respondents in the traditional survey about Criticality for the areas of responsibility do not follow as clear a pattern as did the ESM participants, although the means are very slightly higher for traditional survey participants.

Table 17. Traditional Means for Criticality for Areas of Responsibility by Years of Experience

Area of Responsibility	One	2 to 3	4 to 5	6 to 10	> 10
Establishing and Maintaining Relationships	3.5	3.5	3.5	3.6	3.6
Practice Management and Administration	3.6	3.6	3.5	3.6	3.6
Factual and Legal Analysis	4.2	4.4	4.5	4.5	4.4
Resolutions	3.9	4.0	4.0	4.0	4.0

Grouping traditional survey respondents into newly licensed (0 to 3 years) and more experienced attorneys (4 or more years), it is evident in the means reported in Table 18 that newly licensed attorneys view the areas of responsibility as having about the same degree of harm as more experienced attorneys.

Table 18. Traditional Descriptive Statistics for Criticality for Areas of Responsibility by Experience Group

Area of Responsibility	0-3 Years			4 and Above Years		
	N	Mean	SD	N	Mean	SD
Establishing and Maintaining Relationships	1,069	3.5	1.2	9,615	3.6	1.2
Practice Management and Administration	962	3.6	1.2	9,091	3.6	1.2
Factual and Legal Analysis	1,094	4.3	0.9	9,916	4.4	0.8
Resolutions	1,020	4.0	1.1	9,420	4.0	1.0

It is reasonable to think that the differences observed in the mean ratings from the two different survey methods are to some degree the result of differences in how the participants were asked to respond. In the traditional survey, respondents were asked to consider the past year of their practice, where ESM participants were asked to consider the specific matter they were working on at the time they received the ping. Thus, for traditional survey respondents, the rating was somewhat more abstract than for ESM participants, who may have allowed the likelihood that something might go wrong with the matter they were focusing on to influence their assessment of the potential for harm.

Frequency for Areas of Responsibility

Respondents in the traditional survey used the frequency scale to indicate how often they performed work in each of the areas of responsibility. The descriptive statistics shown for this survey are provided in Table 19 based on the rating scale used in the traditional survey; however, the ESM survey approached the question of how often work is performed in the areas of responsibility differently. ESM survey participants received pings at different times of the day throughout the data collection period, and when responding they indicated which task they were performing at the time. The resulting counts for the tasks within the areas of responsibility were added together to provide the percentages reported for the areas of responsibility for the ESM survey. This procedure provided a direct assessment of frequency for the areas of responsibility, given the classification of tasks within them. The percentage classified in each area is provided in Table 19. It is evident from the data collected in both the traditional and ESM surveys that attorneys spend the most time in Factual and Legal Analysis and the least time in Practice Management and Administration. The ESM percentages suggest respondents work about as often in Establishing and Maintaining Relationships as they do in Resolutions.

Table 19. Descriptive Statistics for Frequency for Areas of Responsibility by Survey Method

Area of Responsibility	Traditional			ESM	
	N	Mean	SD	N	Percentage
Establishing and Maintaining Relationships	11,033	4.3	1.0	11,043	21.3
Practice Management and Administration	10,333	3.9	1.2	7,725	14.9
Factual and Legal Analysis	11,215	4.6	0.8	21,775	42.0
Resolutions	10,626	4.1	1.0	11,302	21.8

Evaluating the percentages calculated from the ESM respondents for each level of experience shows that new attorneys perform tasks in Factual and Legal Analysis considerably more than more experienced ones do, and that as the years progress, they spend gradually increasing amounts of time in the other areas, with the greatest increase being in Resolutions.

Table 20. ESM Percentage (Frequency) Areas of Responsibility by Years of Experience

Area of Responsibility	One	Two	Three	4 to 5	6 to 10	> Ten
Establishing and Maintaining Relationships	17.6	19.0	20.6	20.1	20.3	22.0
Practice Management and Administration	11.8	12.3	12.7	13.0	13.6	15.8
Factual and Legal Analysis	56.7	54.2	50.4	46.2	43.9	39.4
Resolutions	13.9	14.4	16.4	20.7	22.1	22.8

The comparison of frequency percentages for newly licensed attorneys and more experienced makes the shift in responsibility from Factual and Legal Analysis into other areas of responsibility more noticeable.

Table 21. ESM Proportions (Frequency) for Areas of Responsibility by Experience Group

Area of Responsibility	0 to 3 Years	4 and Above Years
	Proportion	Proportion
Establishing and Maintaining Relationships	19.1	21.6
Practice Management and Administration	12.3	15.2
Factual and Legal Analysis	53.8	40.6
Resolutions	14.9	22.5

Table 22 summarizes the ratings collected from traditional survey participants, with the focus on the most recent year of the respondent's practice. While it is clear that respondents in each experience grouping spend the most time in Factual and Legal Analysis, the trend observed in the ESM data does not appear to hold for the traditional survey respondents.

Table 22. Traditional Means for Frequency for Areas of Responsibility by Years of Experience

Area of Responsibility	One	2 to 3	4 to 5	6 to 10	> 10
Establishing and Maintaining Relationships	4.1	4.1	4.2	4.4	4.4
Practice Management and Administration	3.6	3.6	3.7	3.9	4.0
Factual and Legal Analysis	4.4	4.5	4.7	4.6	4.6
Resolutions	3.8	3.9	3.9	4.1	4.1

The ratings provided by the more experienced respondents are higher for every area of responsibility, including Factual and Legal Analysis, than those of respondents who are in the first three years of practice. This indicates that the more experienced respondent work in these areas more often.

Table 23. Traditional Descriptive Statistics for Frequency for Areas of Responsibility by Experience Group

Area of Responsibility	0-3 Years			4 and Above Years		
	N	Mean	SD	N	Mean	SD
Establishing and Maintaining Relationships	1,102	4.1	1.1	9,905	4.4	0.9
Practice Management and Administration	995	3.6	1.3	9,314	4.0	1.2
Factual and Legal Analysis	1,111	4.5	0.9	10,076	4.6	0.7
Resolutions	1,040	3.8	1.1	9,561	4.1	1.0

Competencies

Each area of responsibility includes a set of competencies, and each competency includes tasks. Together, the competencies and tasks represent the gamut of work that is done in the area. Respondents for the traditional survey were asked to evaluate competencies using scales for criticality and frequency. For tasks they were asked to use the same scales as well as the performance expectation scale. Respondents for the ESM survey were asked to rate the potential for harm for the competencies using the same scales as the traditional survey.

Criticality for Competencies

Comparison of the mean rating for each survey method (Table 24) shows that traditional survey participants reported a greater potential for harm than ESM survey participants did. There was also a wider spread among the ratings given by traditional survey participants than ESM respondents. It is clear that participants view the competencies as resulting in at least moderate harm if performed incorrectly, with traditional survey respondents trending somewhat higher, closer to substantial harm.

Table 24. Descriptive Statistics for Criticality of Competencies, Traditional and ESM Surveys

	Traditional			ESM		
	N	Mean	SD	N	Mean	SD
Establishing and Maintaining Relationships						
Establishing or declining a Client Relationship	6,581	3.9	1.2	2,564	3.1	1.1
Maintaining the Client Relationship	6,855	4.0	1.2	4,628	3.1	1.0
Communicating with others	6,475	4.0	1.1	7,804	3.0	1.1
Practice Management and Administration						
Practice Management	5,492	3.7	1.2	2,369	3.0	1.1
Case or Matter Management	5,409	3.8	1.2	4,775	3.2	1.1
Supervision and Collaboration	5,092	3.5	1.2	3,395	3.1	1.0
Factual and Legal Analysis						
Issue-Spotting and Fact-Gathering	5,504	4.2	1.0	5,915	3.4	0.9
Research and Investigation	5,384	4.0	1.1	8,271	3.3	1.0
Drafting and writing	5,229	4.1	1.0	17,691	3.5	0.9
Resolutions						
Counsel/Advice	4,832	4.1	1.1	6,081	3.4	0.9
Negotiation and Closing	4,281	3.9	1.1	2,486	3.5	0.9
Alternative Dispute Resolution	3,069	3.6	1.2	1,060	3.4	1.0
Litigation	3,466	4.2	1.1	6,953	3.8	1.0

Differences in the degree to which potential harm is perceived may be observed between the survey methods, as seen above, and among the respondents with different levels of experience, in the next several tables. In general, respondents with more experience perceive higher Criticality than those who are early in their career.

Table 25. Mean ESM Criticality Ratings for Competencies by Years of Experience

Area of Responsibility	One	Two	Three	4 to 5	6 to 10	> Ten
Establishing and Maintaining Relationships						
Establishing client relationship	2.7	3.0	3.0	3.1	3.1	3.2
Maintaining client relationship	3.0	2.9	2.9	3.1	3.2	3.1
Communicating	2.8	2.7	2.8	3.0	2.9	3.0
Practice Management and Administration						
Practice management	3.0	2.5	3.0	3.0	2.8	3.1
Case or matter management	3.2	3.0	2.9	3.1	3.2	3.2
Supervision and collaboration	2.8	2.9	2.9	2.9	3.0	3.2
Factual and Legal Analysis						
Issue-spotting and fact-gathering	3.2	3.3	3.2	3.3	3.3	3.5
Research and investigation	3.1	3.1	3.1	3.4	3.4	3.4
Drafting and writing	3.3	3.3	3.3	3.4	3.5	3.6
Resolutions						
Counsel/advice	3.2	3.4	3.3	3.4	3.4	3.3
Negotiation and closing	3.3	3.3	3.5	3.5	3.5	3.6
ADR	3.2	4.2	3.0	3.3	3.5	3.4
Litigation	3.3	3.6	3.5	3.7	3.8	3.8

Newly licensed attorneys are compared with the more experienced group in Table 26. Respondents to the ESM survey in their first three years of practice spend more time in the competencies in Factual and Legal Analysis than more experienced respondents. In all competencies except for ADR, the mean rating for harm given by the experienced attorney group is higher for the newly licensed group, but the differences are slight.

Table 26. Mean ESM Criticality Ratings for Competencies by Experience Group

Area of Responsibility	0 to 3 Years	4 and Above Years
	Mean	Mean
Establishing and Maintaining Relationships		
Establishing client relationship	2.9	3.1
Maintaining client relationship	2.9	3.1
Communicating	2.8	3.0
Practice Management and Administration		
Practice management	2.9	3.0
Case or matter management	3.0	3.2
Supervision and collaboration	2.8	3.0
Factual and Legal Analysis		
Issue-spotting and fact-gathering	3.2	3.4
Research and investigation	3.1	3.4
Drafting and writing	3.3	3.5
Resolutions		
Counsel/advice	3.3	3.4
Negotiation and closing	3.4	3.5
ADR	3.5	3.4
Litigation	3.5	3.8

Views about the harm that may result if an attorney performs poorly in the competencies tend to increase with experience, on average, but the trend is less clear than for ESM respondents. The ratings are higher overall for traditional survey participants than was observed in the ESM respondent group.

Table 27. Traditional Survey Criticality Ratings for Competencies by Years of Experience

Area of Responsibility	One	2 to 3	4 to 5	6 to 10	> Ten
Establishing and Maintaining Relationships					
Establishing client relationship	3.6	3.7	3.7	3.8	4.0
Maintaining client relationship	3.8	4.0	3.8	4.0	4.0
Communicating	3.8	4.0	3.9	4.0	4.0
Practice Management and Administration					
Practice management	3.5	3.5	3.6	3.7	3.8
Case or matter management	3.7	3.7	3.7	3.7	3.8
Supervision and collaboration	3.3	3.5	3.4	3.4	3.6
Factual and Legal Analysis					
Issue-spotting and fact-gathering	4.0	4.2	4.2	4.2	4.2
Research and investigation	3.8	4.1	4.1	4.1	4.0
Drafting and writing	4.0	4.3	4.2	4.1	4.1
Resolutions					
Counsel/advice	3.9	4.1	4.1	4.2	4.1
Negotiation and closing	3.8	3.9	3.9	3.9	3.9
ADR	3.6	3.6	3.6	3.5	3.7
Litigation	4.1	4.3	4.3	4.3	4.2

Newly licensed attorneys and the more experienced group are compared for average ratings for harm in Table 28. As may be seen, both groups have similar view about the degree of harm that may result if attorneys lack proficiency in the competencies.

Table 28. Traditional Survey Criticality Ratings for Competencies by Experience Group

Area of Responsibility	0 to 3 Years	4 and Above Years
	Mean	Mean
Establishing and Maintaining Relationships		
Establishing client relationship	3.7	3.9
Maintaining client relationship	3.9	4.0
Communicating	3.9	4.0
Practice Management and Administration		
Practice management	3.5	3.7
Case or matter management	3.7	3.8
Supervision and collaboration	3.4	3.5
Factual and Legal Analysis		
Issue-spotting and fact-gathering	4.1	4.2
Research and investigation	4.0	4.0
Drafting and writing	4.1	4.1
Resolutions		
Counsel/advice	4.0	4.1
Negotiation and closing	3.8	3.9
ADR	3.6	3.6
Litigation	4.2	4.2

Performance Expectation for Competencies

ESM respondents rated the competencies for Performance Expectation, or the year in their practice they were first expected to perform them. (The traditional survey did not ask respondents to evaluate Performance Expectation for competencies.) The scale was

At what point during your legal career were you expected to first perform this task?

- 1 = First year
- 2 = Second year
- 3 = Third year
- 4 = After third year

The mean Performance Expectation ratings indicate the respondents were expected to perform most competencies in their second year of practice, but mean ratings for practice management, supervision and collaboration, counsel and advice, and ADR indicate that a little more experience is expected before attorneys are responsible for those competencies.

Table 29. Performance Expectation for Competencies, ESM Survey

Area of Responsibility	N	Mean	SD
Establishing and Maintaining Relationships			
Establishing client relationship	2,564	2.2	1.3
Maintaining client relationship	4,628	1.9	1.2
Communicating	7,804	2.0	1.3
Practice Management and Administration			
Practice management	2,369	2.5	1.4
Case or matter management	4,775	1.9	1.3
Supervision and collaboration	3,395	2.9	1.3
Factual and Legal Analysis			
Issue-spotting and fact-gathering	5,915	2.0	1.3
Research and investigation	8,271	1.8	1.2
Drafting and writing	17,691	2.0	1.3
Resolutions			
Counsel/advice	6,081	2.6	1.3
Negotiation and closing	2,486	2.4	1.3
ADR	1,060	3.0	1.2
Litigation	6,953	2.0	1.2

Frequency for Competencies

Traditional survey participants used the same rating scale for Frequency as for areas of responsibility, with directions to consider the previous one-year period of their practice. As noted in the discussion about ESM survey design, participants were given pings at random times during the data collection period and asked to identify the task they were performing at that time. The number of times that ESM respondents selected the tasks that are classified into competencies were added together to compute the percentage that each competency accounts for overall. This method represents a direct measure of the frequency with which the competencies were performed.

Table 30 presents descriptive statistics for the Frequency ratings collected in the traditional survey as well as the percentages obtained for each competency in the ESM survey.

Table 30. Descriptive Statistics for Frequency of Competencies, Traditional and ESM Surveys

	Traditional			ESM	
	N	Mean	SD	N	Percentage
Establishing and Maintaining Relationships					
Establishing or declining a Client Relationship	6,715	3.6	1.2	2,564	3.6
Maintaining the Client Relationship	6,981	4.2	1.0	4,628	6.7
Communicating with others	6,565	4.2	1.0	7,804	11.0
Practice Management and Administration					
Practice Management	5,590	3.8	1.2	2,564	3.6
Case or Matter Management	5,499	4.0	1.1	4,628	6.8
Supervision and Collaboration	5,191	3.8	1.1	7,804	4.5
Factual and Legal Analysis					
Issue-Spotting and Fact-Gathering	5,573	4.3	0.9	2,564	7.9
Research and Investigation	5,447	4.1	1.0	4,628	11.3
Drafting and writing	5,293	4.3	0.9	7,804	22.7
Resolutions					
Counsel/Advice	4,888	4.2	0.9	2,564	8.4
Negotiation and Closing	4,353	3.6	1.1	4,628	3.3
Alternative Dispute Resolution	3,145	2.9	1.2	7,804	1.3
Litigation	3,520	3.4	1.3	2,369	8.9

ESM findings that indicate how often respondents perform the competencies bear additional scrutiny, given the possibility that differences may be observed between the survey methods and among the groups. It may be observed that respondents early in their practice perform research and investigation and drafting and writing substantially more often than those who are later in their career. As the frequency with which those two competencies are performed diminishes, the frequency for the others increases gradually.

Table 31. ESM Percentages (Frequency) for Competencies by Years of Experience

Area of Responsibility	One	Two	Three	4 to 5	6 to 10	> Ten
Establishing and Maintaining Relationships						
Establishing client relationship	2.4	2.8	3.7	3.7	3.2	3.6
Maintaining client relationship	5.5	5.3	5.8	6.2	6.0	6.5
Communicating	8.5	9.7	9.9	9.4	10.5	10.9
Practice Management and Administration						
Practice management	2.2	1.7	2.9	2.1	2.9	3.5
Case or matter management	5.5	5.9	5.7	5.5	5.6	6.8
Supervision and collaboration	4.1	4.3	4.0	4.5	4.8	4.7
Factual and Legal Analysis						
Issue-spotting and fact-gathering	7.6	7.4	9.4	7.5	8.1	8.0
Research and investigation	17.5	16.9	12.5	12.6	11.4	10.1
Drafting and writing	32.5	30.1	28.8	26.5	24.5	22.2
Resolutions						
Counsel/advice	3.7	4.2	5.3	6.0	8.0	9.3
Negotiation and closing	2.3	2.8	3.1	3.4	4.4	3.3
ADR	0.9	0.7	0.9	0.9	1.4	1.6
Litigation	7.3	8.2	8.0	11.7	9.2	9.5

Table 32 compares newly licensed attorneys with the more experienced group, accentuating the trend observed above. Respondents to the ESM survey in their first three years of practice spend more time in the competencies in Factual and Legal Analysis than more experienced respondents.

Table 32. ESM Proportions (Frequency) for Competencies by Experience Group

Area of Responsibility	0 to 3 Years		4 and Above Years	
	Number	Proportion	Number	Proportion
Establishing and Maintaining Relationships				
Establishing client relationship	308	3.0	2,256	3.5
Maintaining client relationship	566	5.5	4,057	6.2
Communicating	962	9.4	6,823	10.3
Practice Management and Administration				
Practice management	239	2.3	2,123	2.8
Case or matter management	588	5.7	4,178	6.0
Supervision and collaboration	424	4.1	2,967	4.7
Factual and Legal Analysis				
Issue-spotting and fact-gathering	839	8.2	5,066	7.9
Research and investigation	1,585	15.5	6,663	11.4
Drafting and writing	3,110	30.5	14,557	24.4
Resolutions				
Counsel/advice	450	4.4	5,626	7.8
Negotiation and closing	282	2.7	2,203	3.7
ADR	87	0.9	966	1.3
Litigation	802	7.8	6,143	10.0

Table 33. Traditional Survey Frequency Ratings for Competencies by Years of Experience

Area of Responsibility	One	2 to 3	4 to 5	6 to 10	> Ten
Establishing and Maintaining Relationships					
Establishing client relationship	3.2	3.3	3.5	3.5	3.7
Maintaining client relationship	4.0	4.2	4.1	4.2	4.2
Communicating	4.0	4.1	4.2	4.2	4.2
Practice Management and Administration					
Practice management	3.4	3.4	3.6	3.7	3.9
Case or matter management	3.8	4.0	3.9	4.0	4.1
Supervision and collaboration	3.6	3.7	3.7	3.8	3.8
Factual and Legal Analysis					
Issue-spotting and fact-gathering	4.2	4.3	4.4	4.4	4.3
Research and investigation	4.1	4.2	4.2	4.2	4.0
Drafting and writing	4.2	4.4	4.4	4.3	4.2
Resolutions					
Counsel/advice	3.9	4.2	4.2	4.3	4.2
Negotiation and closing	3.3	3.5	3.5	3.6	3.7
ADR	2.8	2.8	2.7	2.8	3.0
Litigation	3.4	3.2	3.2	3.4	3.4

Average Frequency ratings obtained from traditional survey participants are compared in Table 34 for newly licensed attorneys and the more experienced group. The trend observed for the ESM survey group are not generally found in the data from the traditional survey. While it is often the case that members of the more experienced group report performing the competencies more often than their less experienced counterparts, the differences are less consistent and less notable.

Table 34. Traditional Survey Frequency Ratings for Competencies by Experience Group

Areas of Responsibility	0 to 3 Years	4 and Above Years
	Mean	Mean
Establishing and Maintaining Relationships		
Establishing client relationship	3.3	3.6
Maintaining client relationship	4.1	4.2
Communicating	4.1	4.2
Practice Management and Administration		
Practice management	3.4	3.8
Case or matter management	3.9	4.0
Supervision and collaboration	3.7	3.8
Factual and Legal Analysis		
Issue-spotting and fact-gathering	4.3	4.3
Research and investigation	4.2	4.0
Drafting and writing	4.3	4.3
Resolutions		
Counsel/advice	4.1	4.2
Negotiation and closing	3.4	3.6
ADR	2.8	3.0
Litigation	3.3	3.4

Tasks

For each competency statement there are tasks that provide a more specific definition for the work that attorneys do. The tasks were developed and reviewed by the Practice Analysis Panel and then included in different ways in the traditional and ESM surveys. Respondents in the traditional survey rated the task statements using three scales: Criticality (potential harm), Frequency (how often), and Performance Expectation (when first expected to perform). The tasks and the average ratings collected in the traditional survey from respondents in their first three years of practice are provided in Appendix I. The process was somewhat different for respondents in the ESM survey, who received a ping at random times and were asked first to identify the task they were performing at the time of the ping. They were then asked to rate the task's Criticality and Performance Expectation, and then to identify which legal topic pertained to the task and the depth of knowledge required. The findings obtained through this process are provided in Appendix J; however, Table 35 lists ten tasks that performance expectation ratings indicate are entry level and that received the greatest overall endorsement from attorneys in their first three years of practice for frequency and criticality.

Table 35. Tasks with the Greatest Overall Endorsement Based on Combination of ESM Frequency and Traditional Criticality for Attorneys in the First Three Years of Practice

Task	ESM: Frequency		Traditional: Criticality		
	N	Scaled	N	Mean	Scaled
Draft pleadings, motions, statements, or briefs	1009	42.5	440	4.3	16.8
Research laws and precedents	581	27.5	575	4.3	17.6
Review the documents collected	367	19.9	556	4.2	16.1
Identify legal and factual issues	264	16.3	582	4.4	18.4
Review relevant records and documents	417	21.7	564	4.1	13.7
Prepare for trial (e.g., subpoenas, exhibits, motions in limine, jury instructions)	218	14.7	327	4.4	18.8
Advise the client regarding the benefits, risks, and consequences of a course of action	210	14.4	480	4.4	18.2
Edit drafts or documents	446	22.7	549	3.9	11.3
Calendar deadlines	182	13.4	528	4.4	18.7
Communicate with opposing counsel or parties	362	19.8	586	4.0	12.1

Legal Topics

In addition to the four areas of responsibility, competencies, and tasks, the Practice Analysis Panel identified 19 legal topics, each with a set of subtopics. The legal topics as developed by the panel are as follows:

Administrative Law and Procedure	Family Law
Business Associations	Finance (includes bankruptcy)
Civil Procedure	Legislation
Constitutional Law	Professional Responsibility
Contracts	Real Property
Criminal Law and Procedure	Secured Transactions
Employment	Securities
Environment and Land Use	Tax
Estate Planning, Trusts, and Probate	Torts
Evidence	

Given the list of legal topics, respondents in the traditional survey were asked to consider their practice as a whole and to identify which topics applied to it. The survey then branched such that respondents were asked to use the scales for Criticality and Frequency to rate only the topics they identified and the subtopics associated with those topics. ESM survey participants identified the topic(s) (no more than three) and specific subtopic that pertained to the task they were performing at the time of the ping. This identification provided a direct measure of the frequency with which ESM respondents used the topics and subtopics. They were also asked to identify the depth of knowledge required, using that scale. Table 36 compares the responses received from the two survey methods. The counts for the traditional survey represent the number of selections, and the percentages are based on the number of total number of topics selected, which was 24,243. For the ESM survey, the counts are the number of times the topic was identified, and the percentages are also based on the total number of topics selected, which was 58,695. The two most frequently identified topics were Civil Procedure and Contracts.

Table 36. Frequency of Legal Topics Selected, Traditional and ESM Surveys

	Traditional		ESM	
	Count	Percent	Count	Percent
Administrative Law and Procedure	1556	6.4%	3523	6.0%
Business Associations	1386	5.7%	1811	3.1%
Civil Procedure	2552	10.5%	7696	13.1%
Constitutional Law	1239	5.1%	1263	2.1%
Contracts	2642	10.9%	7429	12.6%
Criminal Law and Procedure	984	4.0%	4847	8.3%
Employment	485	2.0%	4271	7.3%
Environment and Land Use	941	3.9%	1165	2.0%
Estate Planning, Trusts, and Probate	2019	8.3%	3257	5.5%
Evidence	771	3.2%	3296	5.6%
Family Law	629	2.6%	3069	5.2%
Finance (includes bankruptcy)	1478	6.1%	948	1.6%
Legislation	1130	4.7%	2575	4.4%
Professional Responsibility	1784	7.4%	2330	4.0%
Real Property	1531	6.3%	4086	7.0%
Secured Transactions	507	2.1%	534	0.9%
Securities	428	1.8%	651	1.1%
Tax	708	2.9%	1273	2.2%
Torts	1473	6.1%	4671	8.0%

ESM survey participants rated the Criticality and Depth of Knowledge of the legal topics they selected. The Criticality scale was identical to the one used for competencies. The Depth of Knowledge scale was based on a framework commonly used in classifying and assessing the depth of knowledge or learning (Bloom's Taxonomy). It was as follows:

Depth of Knowledge: What level of knowledge of the subtopic is required when performing the task?

- 1 = Recall from Memory - Recognize or recall to retrieve definitions, facts or simple procedures.
- 2 = Understand - Summarize, classify, compare, or explain.
- 3 = Apply - Use learned materials to solve a problem or apply them in new situations.
- 4 = Analyze - Break down parts of a concept for deeper analysis.
- 5 = Synthesize/Evaluate - Critique or make a judgment involving complex reasoning and planning.

Constitutional Law, Criminal Law and Procedure, and Evidence were the topics with the highest average ratings for Criticality, but all means were tightly grouped between 3.2 and 3.7, indicating moderate to substantial harm. Constitutional Law was the topic requiring the highest average depth of knowledge, followed by Environment and Land Use. All topics hovered close to 4, indicating analysis.

Table 37. Criticality and Depth of Knowledge for Legal Topics, ESM Survey

Legal Topic	N	Criticality		Depth of Knowledge	
		Mean	SD	Mean	SD
Administrative Law and Procedure	3,523	3.3	1.0	3.7	1.4
Business Associations	1,811	3.3	1.0	3.5	1.3
Civil Procedure	7,696	3.4	1.0	3.7	1.2
Constitutional Law	1,263	3.7	1.0	4.2	1.1
Contracts	7,429	3.3	0.9	3.8	1.2
Criminal Law and Procedure	4,847	3.7	1.0	3.6	1.3
Employment	4,271	3.4	1.0	3.6	1.2
Environment and Land Use	1,165	3.2	0.9	3.9	1.1
Estate Planning, Trusts, and Probate	3,257	3.2	1.0	2.9	1.6
Evidence	3,692	3.7	0.9	3.8	1.2
Family Law	3,069	3.4	1.0	3.6	1.3
Finance (includes bankruptcy)	948	3.4	1.0	3.6	1.2
Legislation	2,575	3.3	1.0	3.8	1.1
Professional Responsibility	2,330	3.4	1.0	3.5	1.3
Real Property	4,086	3.4	1.0	3.5	1.3
Secured Transactions	534	3.5	0.9	3.8	1.2
Securities	651	3.4	1.0	3.7	1.2
Tax	1,273	3.4	1.0	3.8	1.2
Torts	4,671	3.4	1.0	3.6	1.3

While not uniformly the case, a review of the ratings for Depth of Knowledge as provided by ESM respondents with different amounts of experience shows that as attorneys progress in their careers, the depth of knowledge reported increases.

Table 38. Depth of Knowledge for Legal Topics by Years of Experience, ESM Survey

Legal Topic	One	Two	Three	4 to 5	6 to 10	> 10
Administrative Law and Procedure	3.4	3.7	3.3	3.5	3.7	3.9
Business Associations	3.6	3.1	3.2	3.6	3.4	3.6
Civil Procedure	3.3	3.5	3.5	3.4	3.6	3.6
Constitutional Law	3.7	4.2	3.1	3.8	3.6	4.1
Contracts	3.6	3.5	3.5	3.6	3.7	3.8
Criminal Law and Procedure	3.4	3.2	3.8	3.6	3.6	3.8
Employment	3.2	3.6	3.5	3.5	3.8	3.9
Environment and Land Use	3.1	4.0	3.1	4.1	3.8	4.0
Estate Planning, Trusts, and Probate	2.9	3.6	3.3	3.1	3.4	3.5
Evidence	3.4	3.7	3.3	3.5	3.7	3.9
Family Law	3.0	3.5	3.3	3.4	3.6	3.6
Finance (includes bankruptcy)	4.3	3.1	3.7	3.1	3.3	3.6
Legislation	3.6	3.6	3.5	3.7	3.7	3.8
Professional Responsibility	3.0	3.4	3.1	3.1	3.4	3.5
Real Property	3.2	3.3	3.5	3.3	3.5	3.6
Secured Transactions	3.6	2.9	3.9	3.7	3.8	3.7
Securities	3.5	2.9	4.1	3.6	3.8	3.8
Tax	4.0	3.5	3.2	3.2	3.7	3.8
Torts	3.2	3.6	3.6	3.6	3.5	3.6

In Table 39, descriptive statistics are presented for the Depth of Knowledge ratings collected from ESM survey participants according to the experience groups for the first three years and for four or more years.

Table 39. Depth of Knowledge Statistics for Legal Topics by Experience Group

Legal Topic	0 to 3		4 and more	
	Mean	STD	Mean	STD
Administrative Law and Procedure	3.2	1.4	3.6	1.4
Business Associations	3.8	1.0	3.6	1.3
Civil Procedure	3.3	1.1	3.5	1.3
Constitutional Law	3.7	1.2	4.2	1.0
Contracts	3.5	1.3	3.8	1.2
Criminal Law and Procedure	3.2	1.2	3.5	1.4
Employment	3.1	1.2	3.8	1.2
Environment and Land Use	3.1	0.9	3.9	1.1
Estate Planning, Trusts, and Probate	2.6	1.1	3.6	1.3
Evidence	3.3	1.1	4.0	1.1
Family Law	3.6	1.1	3.5	1.3
Finance (includes bankruptcy)	3.4	1.5	3.8	1.2
Legislation	3.5	1.1	3.9	1.1
Professional Responsibility	3.4	1.2	3.5	1.4
Real Property	3.4	1.1	3.8	1.2
Secured Transactions	3.9	0.8	3.6	1.1
Securities	3.7	1.1	4.0	1.1
Tax	3.8	1.0	3.9	1.1
Torts	4.0	1.0	3.8	1.2

Traditional survey participants rated the Frequency and Criticality of the legal topics they selected, and these findings are presented in Table 40 based on all respondents. Attrition in the survey explains the differences in the number of participants in the analysis. Highest averages were found for Professional Responsibility, followed by Evidence, Civil Procedure, and Criminal Law and Procedure.

Table 40. Descriptive Statistics for Frequency and Criticality Ratings, Traditional Survey

Legal Topic	Frequency			Criticality		
	N	Mean	SD	N	Mean	SD
Administrative Law and Procedure	1,540	3.4	1.2	1,494	3.9	1.0
Business Associations	1,365	3.3	1.1	1,323	3.8	1.1
Civil Procedure	2,499	3.8	1.1	2,467	4.2	0.9
Constitutional Law	1,203	3.5	1.1	1,186	4.1	1.0
Contracts	2,581	3.6	1.1	2,526	4.0	0.9
Criminal Law and Procedure	957	3.8	1.3	928	4.3	1.0
Employment	1,437	3.5	1.1	1,416	4.0	1.0
Environment and Land Use	468	3.1	1.1	458	3.9	1.0
Estate Planning, Trusts, and Probate	916	3.4	1.2	900	4.0	1.1
Evidence	1,983	3.9	1.0	1,958	4.3	0.9
Family Law	746	3.7	1.3	732	4.1	1.1
Finance (includes bankruptcy)	612	3.3	1.1	597	3.8	1.1
Legislation	1,097	3.2	1.2	1,079	3.6	1.2
Professional Responsibility	1,744	4.0	1.0	1,716	4.4	0.9
Real Property	1,473	3.3	1.1	1,451	3.9	1.0
Secured Transactions	489	3.1	1.2	480	3.9	1.1
Securities	414	3.1	1.2	402	4.0	1.1
Tax	685	3.4	1.2	675	3.9	1.1
Torts	1,421	3.7	1.1	1,404	4.1	0.9

Table 41 presents the same information, but for attorneys in their first three years of practice compared to more experienced attorneys.

Table 41. Legal Topics Frequency and Criticality Means by Experience Group, Traditional Survey

Legal Topic	0-3 Years			4+ Years		
	N	Freq	Crit	N	Freq	Crit
Administrative Law and Procedure	200	3.5	3.9	1339	3.4	3.9
Business Associations	174	3.2	3.7	1188	3.3	3.8
Civil Procedure	280	3.9	4.3	2216	3.8	4.2
Constitutional Law	170	3.4	4.1	1032	3.5	4.1
Contracts	276	3.6	4.0	2298	3.6	4.0
Criminal Law and Procedure	123	3.6	4.1	832	3.9	4.3
Labor and Employment	178	3.6	4.0	1256	3.5	4.0
Environment and Land Use	57	3.4	3.9	409	3.1	3.9
Estate Planning, Trusts, and Probate	76	3.3	3.8	836	3.4	4.0
Evidence	209	3.9	4.3	1773	3.9	4.3
Family Law	74	3.8	4.1	670	3.7	4.1
Finance	50	3.2	3.8	561	3.3	3.8
Legislation and Government	138	3.4	3.7	959	3.2	3.6
Professional Responsibility	249	4.0	4.4	1495	4.0	4.4
Real Property	134	3.3	3.7	1335	3.3	3.9
Secured Transactions	31	3.3	3.6	455	3.1	3.9
Securities	35	2.9	3.7	377	3.1	4.0
Tax	68	3.3	3.8	613	3.4	4.0
Torts	141	3.8	4.2	1276	3.7	4.1

Each of the legal topics had a number of subtopics, and data were collected on them in both the traditional and ESM surveys. Survey findings for the subtopics are presented in Appendix K however, Table 42 lists ten subtopics that performance expectation ratings indicate are entry level and that received the greatest overall endorsement from attorneys in their first three years of practice for frequency and criticality. Likewise, several non-legal topics were included in the surveys. They played an important role in the ESM survey because respondents may not have been using legal topics at the time they received the pings, especially if they were engaged in practice management activities. The findings for non-legal topics are presented in Appendix L.

Table 42. Subtopics with the Greatest Overall Endorsement Based on Combination of ESM Frequency and Traditional Criticality for Attorneys in the First Three Years of Practice

Legal Topic	Subtopic	Frequency Scaled	Criticality Scaled
Civil Procedure	Discovery	37.7	15.0
Torts	Negligence	30.9	16.4
Civil Procedure	Motions	22.6	17.1
Labor and Employment	Discrimination and Harassment	20.1	16.2
Civil Procedure	Pleadings	20.0	16.1
Evidence	Admissibility	15.1	17.1
Contracts	Breaches and Remedies	20.2	12.6
Professional Responsibility	Competence	12.4	19.9
Evidence	Documents	15.3	16.0
Labor and Employment	Wage and Hour	19.1	12.4

With data collected using two different survey methods on areas of responsibility, competencies, and tasks on the one hand and legal topics and subtopics on the other, it was necessary to find logical ways to combine the information so that it could be applied to decisions about the content framework for the California Bar Examination. The strategy determined as optimal was to standardize the findings for the competencies and legal topics from respondents in the first three years of practice for both of the surveys so that they could all be interpreted on the same scale. Standardization involved the z-score transformation of the data based on newly licensed attorneys to scales with a mean of 10 and standard deviation of 5. The resulting scales permit direct comparisons and combinations. The Working Group decided the composite statistics should be the average of the Frequency standardized value from the ESM survey and the Criticality standardized value from the traditional survey.

Table 43. Composites for Competencies

Competency	ESM Freq	ESM Freq Scaled	Trad Crit	Trad Crit Scaled	Composite
Establishing client relationship	308	6.7	3.7	6.7	6.7
Maintaining client relationship	566	8.3	3.9	11.1	9.8
Communicating	962	10.7	3.9	11.2	11.1
Practice management	239	6.2	3.5	3.0	4.6
Case or matter management	588	8.4	3.7	7.6	8.1
Supervision and collaboration	424	7.4	3.4	0.9	4.0
Issue-spotting and fact-gathering	839	10.0	4.1	15.8	12.8
Research and investigation	1,585	14.6	4.0	12.8	14.0
Drafting and writing	3,110	24.0	4.1	15.5	19.7
Counsel/advice	450	7.5	4.0	13.2	10.3
Negotiation and closing	282	6.5	3.8	9.9	8.4
Litigation	802	9.7	4.2	16.8	13.1

Table 44. Composites for Legal Topics

Legal Topic	ESM Freq	ESM Freq Scaled	Trad Crit	Trad Crit Scaled	Composite
Administrative Law and Procedure	533	11.8	3.9	8.9	10.1
Business Associations	284	7.8	3.7	4.7	6.4
Civil Procedure	1,302	24.1	4.3	17.3	20.4
Constitutional Law	175	6.1	4.1	13.1	9.4
Contracts	866	17.1	4.0	11.0	14.4
Criminal Law and Procedure	526	11.7	4.1	13.1	12.7
Employment	760	15.4	4.0	11.0	13.0
Environment and Land Use	142	5.6	3.9	8.9	7.0
Estate Planning, Trusts, and Probate	419	10.0	3.8	6.8	7.8
Evidence	420	10.0	4.3	17.3	13.6
Family Law	408	9.8	4.1	13.1	11.4
Finance (includes bankruptcy)	117	5.2	3.8	6.8	6.2
Legislation	307	8.2	3.7	4.7	6.0
Professional Responsibility	396	9.6	4.4	19.4	14.5
Real Property	426	10.1	3.7	4.7	7.4
Secured Transactions	29	3.8	3.6	2.6	3.4
Securities	91	4.7	3.7	4.7	4.8
Tax	144	5.6	3.8	6.8	6.0
Torts	627	13.3	4.2	15.2	14.1

Recommended Content Framework

Recognizing that survey findings indicated that some elements of the outline that had been developed by the Practice Analysis Panel and validated in the surveys were generally more significant than others, the Working Group desired that the bar examination should focus on the most significant competencies and legal topics. After reviewing all of the information in detail and computing the composite statistics, the

Working Group used the composite statistics to rank the competencies and legal topics. These rankings are shown in Table 45 and Table 46.

Table 45. Ranked Composites for Competencies

Competency	ESM Freq	ESM Freq Scaled	Trad Crit	Trad Crit Scaled	Composite
Drafting and writing	3,110	24	4.1	15.5	19.7
Research and investigation	1,585	14.6	4	12.8	14.0
Litigation	802	9.7	4.2	16.8	13.1
Issue-spotting and fact-gathering	839	10	4.1	15.8	12.8
Communicating	962	10.7	3.9	11.2	11.1
Counsel/advice	450	7.5	4	13.2	10.3
Maintaining client relationship	566	8.3	3.9	11.1	9.8
Negotiation and closing	282	6.5	3.8	9.9	8.4
Case or matter management	588	8.4	3.7	7.6	8.1
Establishing client relationship	308	6.7	3.7	6.7	6.7
Practice management	239	6.2	3.5	3	4.6
Supervision and collaboration	424	7.4	3.4	0.9	4.0

Table 46. Ranked Composites for Legal Topics

Legal Topic	ESM Freq	ESM Freq Std	Trad Crit	Trad Crit Std	Composite
Civil Procedure	1,302	24.1	4.3	17.3	20.4
Professional Responsibility	396	9.6	4.4	19.4	14.5
Contracts	866	17.1	4.0	11.0	14.4
Torts	627	13.3	4.2	15.2	14.1
Evidence	420	10.0	4.3	17.3	13.6
Employment	760	15.4	4.0	11.0	13.0
Criminal Law and Procedure	526	11.7	4.1	13.1	12.7
Family Law	408	9.8	4.1	13.1	11.4
Administrative Law and Procedure	533	11.8	3.9	8.9	10.1
Constitutional Law	175	6.1	4.1	13.1	9.4
Estate Planning, Trusts, and Probate	419	10.0	3.8	6.8	7.8
Real Property	426	10.1	3.7	4.7	7.4
Environment and Land Use	142	5.6	3.9	8.9	7.0
Business Associations	284	7.8	3.7	4.7	6.4
Finance (includes bankruptcy)	117	5.2	3.8	6.8	6.2
Legislation	307	8.2	3.7	4.7	6.0
Tax	144	5.6	3.8	6.8	6.0
Securities	91	4.7	3.7	4.7	4.8
Secured Transactions	29	3.8	3.6	2.6	3.4

Working Group deliberations were tied to the data collected in the surveys through the composite statistics, but the professional expertise of the group was also applied appropriately to ensure that such matters as law school curriculum, overlapping areas of law, and other licensing examinations, such as the Multi-state Professional Responsibility Examination, could be considered. For competencies, the Working

Group reached consensus ultimately that eight, listed in Table 47, should be addressed in the Bar Examination program, with the assumption that establishing the client relationship, maintaining the client relationship, and communication should be bundled together because all three rely primarily on communication.

For legal topics, the Working Group recognized that Professional Responsibility is tested separately, and that Employment, Family Law, and Business Associations could each be satisfactorily addressed with either a course on the subject in law school or Continuing Legal Education credit during the first year after admission to the bar. With this in mind, the Working Group reached consensus that the following legal topics should be addressed in the Bar Examination program.

Table 47. Working Group Recommendations for Legal Topics

Competency	Legal Topic
Drafting and writing	Civil Procedure
Research and investigation	Torts
Issue-spotting and fact-gathering	Contracts
Counsel/advice	Evidence
Litigation	Criminal Law and Procedure
Establishing the client relationship (bundled)	Administrative Law and Procedure
Maintaining the client relationship (bundled)	Constitutional Law
Communication (bundled)	Real Property

As a starting point in establishing weights for the future Bar Examination, Scantron used the composites to compute percentage allocations separately for competencies and legal topics. It is important to understand that this computation considered the three bundled competencies (establishing the client relationship, maintaining the client relationship, and communication) with the full emphasis that each would have if treated individually in the Bar Examination content outline, and that the resulting weight is perhaps larger than the topic areas would have otherwise. See Table 48.

Table 48. Computed Weights Using Composites for Competencies and Legal Topics

Competency	Percent	Legal Topic	Percent
Drafting and writing	20.3%	Civil Procedure	19.9%
Research and investigation	14.4%	Torts	13.8%
Issue-spotting and fact-gathering	13.1%	Contracts	14.0%
Counsel/advice	10.5%	Evidence	13.3%
Litigation	13.4%	Criminal Law and Procedure	12.5%
Establishing the client relationship (bundled)	6.8%	Administrative Law and Procedure	9.9%
Maintaining the client relationship (bundled)	10.1%	Constitutional Law	9.3%
Communication (bundled)	11.4%	Real Property	7.3%

The future design of the Bar Examination hinges on a number of factors, including the content framework that is decided for the NCBE examination programs. If the State Bar of California moves forward with its own Bar Examination program, the competencies and legal topics listed in Table should be addressed, at least on a system of rotation, although the nature of that examination has yet to be determined.

SUMMARY AND CONCLUSIONS

The State Bar of California conducted a comprehensive practice analysis study for the purpose of ensuring a strong linkage between the practice of law and the content framework for the Bar Examination. The Working Group supervised the study and provided specific direction at all significant decision points. In the first phase of the study, the Practice Analysis Panel developed four areas of responsibility into which 13 competencies were organized, along with tasks for each competency. In addition, the Panel developed 19 legal topics, which were further expanded into 114 subtopics. The second phase of the study used traditional survey methods as well as the Experience Sampling Method, and the data gathered through the two methods informed decision making about the desired content framework for the Bar Examination.

By applying professional expertise to survey data, the Working Group reached consensus on six competencies and eight legal topics that should be assessed in the Bar Examination.

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American Educational Research Association, American Psychological Association, & National Council on Measurement in Education (2014). *The standards for educational and psychological testing*. Washington, DC: American Educational Research Association.

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Appendix A: Two-way Framework

Domains	Practice management and administration			Legal Analysis			Maintaining relationships and solving problems				
Content Domains and Sub-domains	Practice Management	Case Administration	Supervision/ Collaboration/Team	Client Interview, Issue Spotting, Fact Gathering	Research and Investigation	Drafting and Writing	Client Relationship	Communication with various stakeholders	Counsel/Advice (oral, in person or phone)	Negotiation, Advocacy, Resolution	Litigation
Business Associations	Determine reporting requirements Establish budget		Review/approve documents drafted by associates			Draft demand letter	Evaluate potential client engagement	Shareholders, insurers		Negotiate agreements	
Civil Procedure	Manage calendar	Establish deadlines									Attend hearing
Family Law		Prepare, file document							Advise client	Mediating settlements	
Constitutional Law	Decide on appropriate staffing				Research precedents			Court			
Contracts	Select appropriate software										
Criminal Law and Procedure	Identify resource needs Establish budget					Draft motions	Manage client expectations		Discuss, evaluate plea bargains		Discover
Evidence											
Professional Responsibility	Ethics, business practices, boundaries, conflict of interest						Ethics, business practices, boundaries, conflict of interest				
Real Property					Title, finance, physical attributes of property			City officials, politicians, client	Analyze, evaluate terms of proposed deals		Select jury
Torts	Develop discovery plan Analyze discovery needs	Implement discovery plan								Mediating settlements	
Trusts and Wills	Establish appropriate budget					Draft agreements			Listen to understand client objectives		Deposition

Practice Analysis Study for Attorneys in California

INSTRUCTION BOOKLET



Facilitator: James P. Henderson, Ph.D.

Agenda

Friday, March 8

- 10:00 a.m. Meeting begins**
- Introduce participants
 - Review practice analysis study processes and objectives
 - Discuss the target audience
 - Review domain framework

12:00 p.m. Lunch

- 12:30 p.m. Meeting resumes**
- Review procedures and considerations for writing task statements
 - Develop draft task statements, working in small groups

3:00 p.m. Afternoon break

- 3:10 p.m. Meeting resumes**
- Develop draft task statements, working in small groups

5:00 p.m. Adjourn for the day

Saturday, March 9

- 8:00 a.m. Meeting resumes**
- Review task statements as a whole group

10:00 a.m. Morning break

- 10:10 a.m. Meeting resumes**
- Continue reviewing task statements as a whole group

12:00 p.m. Lunch

- 12:30 p.m. Meeting resumes**
- Continue reviewing task statements as a whole group

3:00 p.m. Afternoon break

- 3:10 p.m. Meeting resumes**
- Review procedures and considerations for evaluating and modifying knowledge statements
 - Draft knowledge statements, working in small groups

Sunday, March 10	
8:00 a.m.	Meeting resumes <ul style="list-style-type: none"> ○ Review procedures and considerations for evaluating and modifying knowledge statements ○ Draft knowledge statements, working in small groups
10:00 a.m.	Morning break
10:10 a.m.	Meeting resumes <ul style="list-style-type: none"> ○ Review knowledge statements as a whole group
12:00 p.m.	Lunch
12:30 p.m.	Meeting resumes <ul style="list-style-type: none"> ○ Continue reviewing knowledge statements as a whole group
2:50 p.m.	Wrap up and next steps
3:00 p.m.	Meeting adjourns

TABLE OF CONTENTS

Overview of Meeting Activities	4
Definition of Terms	
Target Audience Statement	5
Domains	6
Task Statements.....	7
Subdomain Statements.....	8
Knowledge Statements	8
Validation Rating Scales.....	9
Worksheet for Task Statements	10
Worksheet for Subdomains	12
Worksheet for Knowledge Statements	14

OVERVIEW OF MEETING ACTIVITIES

Created by the Legislature in 1927, the State Bar is an arm of the California Supreme Court, protecting the public by licensing and regulating attorneys. It serves the people of California through careful oversight of the legal profession.

The State Bar of California's mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system.

The State Bar:

- Licenses attorneys and regulates the profession and practice of law in California
- Enforces Rules of Professional Conduct for attorneys
- Disciplines attorneys who violate rules and laws
- Administers the California Bar Exam
- Advances access to justice
- Promotes diversity and inclusion in the legal system

The State Bar licenses more than 250,000 attorneys, investigates approximately 16,000 complaints of attorney misconduct annually and distributes over \$30 million in grants to legal aid organizations.

In accordance with its mission, the State Bar is conducting a practice analysis study in order to demonstrate a strong linkage between the content of its examinations and the practice of law in California. We anticipate a substantial amount of group interaction and activity. It is important for each member of the panel to be realistic, cooperative, and focused on teamwork. We hope panelists will appreciate the common goal of collaboration concerning the various elements of the study.

DEFINITION OF TERMS

Target Audience Statement

Target audience statements describe the basic characteristics of the group that is expected to seek licensure as an attorney. The characteristics include the prerequisites and other qualifications that have been established.

Target Audience

§ 6180.14 Attorney and Law Practice Defined

As used in this article, “attorney” means a member or former member of the State Bar; “law practice” means (a) a law practice conducted by an individual; (b) a law practice conducted by a partnership, if Section 6180 applies to all partners; and (c) a law practice conducted by a law corporation, if Section 6180 applies to all shareholders of the corporation or if the corporation is described in subdivision (b) of Section 13406 of the Corporations Code. This article does not apply to legal services rendered as an employee, or under a contract which does not create the relationship of lawyer and client. (Added by Stats. 1974, ch. 589. Amended by Stats. 1981, ch. 714, Stats. 1993, ch. 955.)

Applicants to the State Bar must demonstrate an acceptable legal education through one of the following:

- Three or four years of study at a law school accredited by the American Bar Association (ABA)
- Four years of study at a State Bar-registered, fixed-facility law school
- Four years of study with a minimum of 864 hours of preparation at a registered unaccredited distance-learning or correspondence law school
- Four years of study under the supervision of a state judge or attorney
- A combination of these programs

Domains

The State Bar has designed a two-way framework to link performance in practice to content. Performance domains are the major responsibilities or duties that characterize the practice of law. They are denoted as major headings in an outline format and may include brief behavioral descriptions.

Domain 1: Practice Management and Administration

- Practice management
- Case administration
- Supervision/collaboration/team

Domain 2: Legal Analysis

- Client interview, issue spotting, fact gathering
- Research and investigation
- Drafting and writing

Domain 3: Maintaining Relationships and Solving Problems

- Client relationship
- Communication with various stakeholders
- Counsel/advice (oral, in-person or by telephone)
- Negotiation, advocacy, resolution

Domain 4: Litigation

Content domains are major topics in law. They may be augmented with more specific topics, or subdomains, that offer detail about the content domain. The content domains that have been identified are:

Domain 1: Business Associations

Domain 2: Civil Procures

Domain 3: Family Law

Domain 4: Constitutional Law

Domain 5: Contracts

Domain 6: Criminal Law and Procedure

Domain 7: Evidence

Domain 8: Professional Responsibility

Domain 9: Real Property

Domain 10: Torts

Domain 11: Trusts and Wills

Task Statements

A task statement defines an activity that elaborates on a performance domain. The set of task statements for a performance domain offers a comprehensive and detailed description of the domain. In particular, task statements should answer the following questions:

- What activity is performed? (active verb)
- To whom or to what is the activity directed? (direct object or another phrase clarifying who or what receives the activity or how it is performed)

Sample Task Statements

1. Gather information about the client's needs and expectations.
2. Consult with qualified sources of expertise.
3. Pursue the strategy agreed upon with the client.
4. Advocate for the client.
5. Depose individuals with information.

How to Write Task Statements

1. Make sure that the task statements are complete.
1. What? 2. To whom/what?
2. Begin the task statements with active verbs: assess, collect, counsel, write, document, plan, manage, collaborate, consult, etc.
3. Some verbs that are not as definitive as others: be responsible for, help, assist, keep, participate, or handle. Please avoid the use of such verbs.
4. Task statements are to be recorded on the worksheet provided or a word processing document.
5. We anticipate developing approximately 3 to 12 task statements for each performance domain.

Subdomains

A subdomain is a reasonably specific topic that elaborates on a content domain. The set of subtopics for a content domain offers a comprehensive and detailed description of the domain. Subdomains should clearly denote the intended topic, such that subdomain is finite in scope and experts will agree that subdomains can be distinguished from each other.

Sample Subdomains:

1. Community property
2. Transfer Act
3. Ethical principles
4. Accepted business practices
5. Arbitration

Knowledge Statements

For each domain, it is valuable to understand what knowledge is required for proficient performance. The set of knowledge statements clarifies the expectations for the newly licensed attorney. Each knowledge statement will be coded to the task(s) to which it pertains most closely.

Sample Knowledge Statements

1. Federal Rules of Civil Procedure
2. California Rules of Professional Conduct
3. California Probate Code
4. Discovery, disclosure, and sanctions
5. Organization and relationship of state and federal courts in a federal system

VALIDATION RATING SCALES

Please answer the following questions about each domain, task, and subdomain based on your own practice as an attorney.

Traditional survey only:

Frequency: On average, how frequently did you perform this activity in your practice during the past 12 months?

- 0 = Never
 - 1 = Rarely (once per year)
 - 2 = Sometimes (once per month)
 - 3 = Often (once per week)
 - 4 = Repeatedly (daily)
-

Traditional survey and Experience Sampling Method:

Criticality: What degree of harm may result if an attorney is not proficient in the domain, subdomain, or task? [Harm may be legal, financial, psychological, or emotional]

- 0 = No harm at all will result
 - 1 = Minimal harm will result
 - 2 = Moderate harm will result
 - 3 = Substantial harm will result
 - 4 = Extreme harm will result
-

Traditional survey and Experience Sampling Method, but only for tasks:

Performance Expectation: When were you first expected to perform the task?

- | | |
|--|---|
| <input type="checkbox"/> First month of practice | <input type="checkbox"/> Eighth month of practice |
| <input type="checkbox"/> Second month of practice | <input type="checkbox"/> Ninth month of practice |
| <input type="checkbox"/> Third month of practice | <input type="checkbox"/> Tenth month of practice |
| <input type="checkbox"/> Fourth month of practice | <input type="checkbox"/> Eleventh month of practice |
| <input type="checkbox"/> Fifth month of practice | <input type="checkbox"/> Twelfth month of practice |
| <input type="checkbox"/> Sixth month of practice | <input type="checkbox"/> After the first year of practice |
| <input type="checkbox"/> Seventh month of practice | |
-

Pilot on Experience Sampling Method only, but requires additional discussion:

Complexity: What cognitive activity does a proficient attorney perform when working in the domain or task?

- 0 = Recall from memory only
- 1 = Understanding
- 2 = Application
- 3 = Analysis

WORKSHEET FOR TASK STATEMENTS

On this sheet, please list the task statements for Domain I: _____

Task Statement #1: _____

Task Statement #2: _____

Task Statement #3: _____

Task Statement #4: _____

Task Statement #5: _____

Task Statement #6: _____

Task Statement #7: _____

Task Statement #8: _____

Task Statement #9: _____

Task Statement #10: _____

Task Statement #11: _____

Task Statement #12: _____

Task Statement #13: _____

Task Statement #14: _____

Task Statement #15: _____

WORKSHEET FOR SUBDOMAINS

On this sheet, please list Subdomains for Domain I: _____

Subdomain #1: _____

Subdomain #2: _____

Subdomain #3: _____

Subdomain #4: _____

Subdomain #5: _____

Subdomain #6: _____

Subdomain #7: _____

Subdomain #8: _____

Subdomain #9: _____

Subdomain #10: _____

Subdomain #11: _____

Subdomain #12: _____

Subdomain #13: _____

Subdomain #14: _____

Subdomain #15: _____

WORKSHEET FOR KNOWLEDGE STATEMENTS

SUBDOMAIN: _____

KNOWLEDGE STATEMENTS

Knowledge Statement #1: _____

Knowledge Statement #2: _____

Knowledge Statement #3: _____

Knowledge Statement #4: _____

Knowledge Statement #5: _____

Knowledge Statement #6: _____

Knowledge Statement #7: _____

Knowledge Statement #8: _____

Knowledge Statement #9: _____

Knowledge Statement #10: _____

Knowledge Statement #11: _____

Knowledge Statement #12: _____



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Appendix C: Task List and Topics and Subtopics List

State Bar of California Practice Analysis Panel Meeting

San Francisco, California
March 8 – 10, 2019

Target Audience Statement

§ 6180.14 Attorney and Law Practice Defined

As used in this article, “attorney” means a member or former member of the State Bar; “law practice” means (a) a law practice conducted by an individual; (b) a law practice conducted by a partnership, if Section 6180 applies to all partners; and (c) a law practice conducted by a law corporation, if Section 6180 applies to all shareholders of the corporation or if the corporation is described in subdivision (b) of Section 13406 of the Corporations Code. This article does not apply to legal services rendered as an employee, or under a contract which does not create the relationship of lawyer and client. (Added by Stats. 1974, ch. 589. Amended by Stats. 1981, ch. 714, Stats. 1993, ch. 955.)

Applicants to the State Bar must demonstrate an acceptable legal education through one of the following:

- Successful completion of a three or four years of study at a law school accredited by the American Bar Association (ABA)
- Four years of study at a State Bar-registered, fixed-facility law school
- Four years of study with a minimum of 864 hours of preparation at a registered unaccredited distance-learning or correspondence [law school](#)
- Four years of study under the supervision of a [state judge or attorney](#)
- A combination of these programs

The State Bar has designed a two-way framework to link performance in practice to content.

Performance domains are the major responsibilities or duties that characterize the practice of law. For each of the four performance domains there are three subdomains. **Content domains** are major topics in law. They are augmented with more specific topics, or subdomains, that offer detail about the content domain.

Areas of Responsibility	Content Areas
Establishing and Maintaining Relationships <ul style="list-style-type: none"> Establishing the client relationship Maintaining the client relationship Communicating with others 	Administrative Law and Procedure Business Associations Civil Procedure Constitutional Law Contracts Criminal Law and Procedure Environment and Land Use Estate Planning, Trusts, and Probate Evidence Family Law Finance Labor and Employment Legislation Professional Responsibility Real Property Secured Transactions Securities Tax Torts
Practice Management and Administration <ul style="list-style-type: none"> Practice management Case or matter management Supervision and collaboration 	
Factual and Legal Analysis <ul style="list-style-type: none"> Issue spotting and fact gathering Research and investigation Drafting and writing 	
Resolutions <ul style="list-style-type: none"> Counsel/advice (oral, in-person or by telephone) Negotiation and closing Alternative Dispute Resolution Litigation 	

On the following pages are the tasks that attorneys perform when they work in one of the performance domains. Overall, there are 117 tasks that apply to attorneys in any practice area.

Performance Domain 1: Establishing and Maintaining Relationships

Establishing the client relationship

1. Identify the client(s)
2. Assess potential conflicts of interest
3. Manage conflicts throughout representation
4. Determine the client's goals and expectations
5. Evaluate competence to represent the client's interests
6. Manage referrals to and from other attorneys
7. Define the scope of the attorney-client relationship
8. Explain the client's obligations and responsibilities
9. Manage third-party involvement in representation of the client(s)
10. Document the engagement (e.g., engagement letter, arbitration agreement, fee agreement, conflict waiver)
11. Document the decision to decline representation

Maintaining the client relationship

1. Update the client(s) throughout the matter
2. Respond to client inquiries
3. Resolve disputes with clients
4. Document termination of the representation

Communicating with others

1. Determine disclosure or notice obligations
2. Determine confidentiality obligations
3. Communicate with opposing counsel or parties
4. Communicate with other interested persons (e.g., media, regulatory bodies, insurers)
5. Manage communications with other interested persons (e.g., media, regulatory bodies, insurers)
6. Communicate with witnesses, consultants, or experts
7. Manage communications with witnesses, consultants, or experts

Performance Domain 2: Practice Management and Administration

Practice management

1. Determine necessary staffing
2. Manage staff members
3. Comply with State Bar licensing and reporting requirements
4. Create the practice's budget
5. Manage the practice's finances
6. Manage client trust accounts
7. Manage appropriate insurance coverage
8. Manage IT requirements and resources
9. Manage service vendors
10. Market the practice in compliance with requirements relating to attorney advertising
11. Manage files and records
12. Maintain calendar

Case or matter management

1. Establish the budget for the case or matter
2. Calendar deadlines
3. Record time spent on the case or matter
4. Manage client billing

Supervision and collaboration

1. Seek advice from senior attorney(s)
2. Delegate tasks
3. Oversee delegated tasks
4. Define expectations and scope of responsibilities between co-counsels

Performance Domain 3: Factual and Legal Analysis**Issue-spotting and fact-gathering**

1. Interview the client
2. Obtain documents and evidence from the client
3. Obtain public information about the client and the matter
4. Review the documents collected
5. Identify legal and factual issues
6. Identify other persons with relevant information or interests
7. Prepare a summary of the interview and initial assessment of the client

Research and investigation

1. Determine governing laws
2. Research laws and precedents
3. Consult with attorneys who have more experience or expertise
4. Evaluate exemplars, forms, and models
5. Search for relevant records and documents
6. Review relevant records and documents
7. Determine the need for non-attorney consultants or experts
8. Confer with non-attorney consultants or experts
9. Interview persons with possibly relevant information or interests
10. Prepare internal working analysis of the case or matter

Drafting and writing

1. Draft correspondence
2. Use exemplars, forms, and models
3. Draft pleadings, motions, statements, or briefs
4. Draft formal legal instruments (e.g., liens, claims, title documents, estate or incapacity plans, settlement agreements)
5. Draft discovery requests or responses
6. Draft legal memoranda
7. Draft contracts and other transactional documents
8. Redline transactional documents
9. Edit drafts or documents

Performance Domain 4: Resolutions

Counsel/Advice

1. Advise the client regarding the benefits, risks, and consequences of an issue and/or course of action
2. Advise the client about behavioral expectations
3. Advise the client on specific legal questions and rules
4. Document communications and advice given to the client
5. Conduct necessary follow up

Negotiation and Closing

1. Explain the terms, conditions, and status of negotiations
2. Coordinate the roles and authority of participants in negotiations
3. Participate in negotiations
4. Represent the client in mediation of transactional disputes
5. Coordinate closing of a transaction

Alternative Dispute Resolution

1. Evaluate options for alternative dispute resolution
2. Evaluate potential neutrals
3. Communicate with neutrals
4. Prepare for alternative dispute resolution proceedings
5. Represent the client in alternative dispute resolution proceedings

Litigation

1. Analyze jurisdictional issues
2. Analyze proper venue and statute of limitations
3. Research local rules
4. Identify parties' legal names and capacities
5. Comply with statutory notice and service requirements
6. Analyze discovery needs
7. Develop discovery plan
8. Implement discovery plan
9. Analyze e-discovery requirements and obligations
10. Instruct the client regarding the preservation of evidence
11. Instruct the client regarding the production of evidence pursuant to discovery requests
12. Review evidence for production
13. Prepare for depositions
14. Prepare witnesses to testify
15. Attend depositions
16. Review preliminary hearing record
17. Review deposition transcripts
18. Summarize deposition transcripts
19. Determine motion strategy and file relevant motions
20. Appear at hearings
21. Prepare for trial (e.g., subpoenas, exhibits, motions in limine, jury instructions)
22. Appear at trial
23. Prepare post-trial motions
24. Appear at post-trial hearings
25. Evaluate potential appeal
26. File notice of appeal

The content domains address topics in law about which attorneys are expected to be knowledgeable, depending on the area of practice in which they are engaged. There are 19 content domains, and each includes a number of subdomains as listed on the following pages. Within each subdomain are listed several major sources related to the subdomain.

Content Domains

Content Domain 1: Administrative Law and Procedure

Rule Making

1. Administrative Procedure Act
2. California Code of Regulations
3. Code of Federal Regulation
4. Case law

Interpretation

1. Case law
2. Agency precedential decisions and opinions

Regulatory Enforcement

1. Administrative Procedure Act
2. California Code of Regulations
3. Code of Federal Regulation
4. Case law

Agency Claims and Hearings

1. Administrative Procedure Act
2. California Code of Regulations
3. Code of Federal Regulation
4. Case law
5. Agency precedential decisions and opinions

Judicial Review and Appeals

1. Administrative Procedure Act
2. California Code of Regulations
3. Code of Federal Regulation
4. Case law

Content Domain 2: Business Associations

Types of Business Entities

1. California Corporations Code

Formation and Governing Documents

1. California Corporations Code

Stock, Membership Interests

1. California Corporations Code

Governance

1. California Corporations Code
2. Case law

Fiduciary Duties

1. California Corporations Code
2. Case law

Corporate Powers, Ultra Vires

1. California Corporations Code
2. Case law

Limitations of Liability/Piercing Corporate Veil

1. California Corporations Code
2. Case law

Merger and Acquisition, Dissolution, Winding Up

1. California Corporations Code
2. Case law

Content Domain 3: Civil Procedure

Jurisdiction

1. California Code of Civil Procedure
2. Rules of Court
3. Federal Rules of Civil Procedure
4. Case law

Pleadings

1. California Code of Civil Procedure
2. Rules of Court
3. Federal Rules of Civil Procedure
4. Case law

Motions

1. California Code of Civil Procedure
2. Rules of Court
3. Federal Rules of Civil Procedure
4. Case law

Discovery

1. California Code of Civil Procedure
2. Rules of Court
3. Federal Rules of Civil Procedure
4. Case law

Trials

1. California Code of Civil Procedure
2. Rules of Court
3. Federal Rules of Civil Procedure
4. Case law

Appeals

1. California Code of Civil Procedure
2. Rules of Court
3. Federal Rules of Civil Procedure
4. Case law

Enforcement of Judgments

1. California Code of Civil Procedure
2. Enforcement of judgments law
3. Case law

Content Domain 4: Constitutional Law

First Amendment

1. U.S. Constitution
2. Case law

Fourth Amendment

1. U.S. Constitution
2. Case law

Fifth Amendment

1. U.S. Constitution
2. Case law

Sixth Amendment

1. U.S. Constitution
2. Case law

Eighth Amendment

1. U.S. Constitution
2. Case law

Commerce Clause

1. U.S. Constitution
2. Case law

Separation of Powers

1. U.S. Constitution
2. Case law

Federalism

1. U.S. Constitution
2. Case law

Due Process and Equal Protection

1. U.S. Constitution
2. Case law

Sovereign Immunity

1. U.S. Constitution
2. Case law

Content Domain 5: Contracts

Offer and Acceptance

1. Uniform Commercial Code
2. California Civil Code
3. Common law

Modification, Amendment, Novation

1. Uniform Commercial Code
2. California Civil Code
3. Common law

Performance

1. Uniform Commercial Code
2. California Civil Code
3. Common law

Interpretation

1. Uniform Commercial Code
2. California Civil Code
3. Common law

Consideration

1. Uniform Commercial Code
2. California Civil Code
3. Common law

Enforceability

1. Uniform Commercial Code
2. California Civil Code
3. Common law

Breaches and Remedies

1. Uniform Commercial Code
2. California Civil Code
3. Common law

Effectiveness, Term, and Termination

1. Uniform Commercial Code
2. California Civil Code
3. Common law

Content Domain 6: Criminal Law and Procedure

Crimes (e.g., person, property)

1. California Penal Code

Criminal Procedure

1. Federal constitution
2. State constitution
3. Statutory law
4. Case law

Sentencing

1. California Penal Code
2. Federal constitution
3. State constitution
4. Statutory law
5. Case law

Pre-Trial Writs

1. Federal constitution
2. State constitution
3. Statutory law
4. Case law

Plea Negotiation

1. Federal constitution
2. State constitution
3. Statutory law
4. Case law

Trial

1. Federal constitution
2. State constitution
3. Statutory law
4. Case law

Appeal and Post-Trial Writs

1. Case law

Content Domain 7: Environment and Land Use

Due Diligence for Acquisition

Environmental Impact Statements

1. California Environmental Quality Act & Guidelines
2. National Environmental Policy Act & Guidelines
3. Case law implementing relevant statutes

Eminent Domain

1. Code of Civil Procedure
2. Constitutional Takings Doctrine (5th Amendment)

Remediation

Regulatory Compliance

Hazardous Waste and Toxic Substances Control and Remediation

1. Resource Conservation and Recovery Act

2. Comprehensive Environmental Response, Compensation, and Liability Act
3. Porter-Cologne Act
4. Toxic Substances Control Act
5. California Hazardous Waste Control Act
6. Proposition 65
7. Oil Pollution Act

Entitlements

1. Public records
2. Planning and Zoning Laws (local and state)
3. California Coastal Act
4. California Environmental Quality Act
5. Clean Water Act section 404
6. California Public Trust Doctrine

Water Rights

1. Clean Water Act
2. Clean Air Act

Content Domain 8: Estate Planning, Trusts, and Probate

Estate Planning

1. California Probate Code
2. Internal Revenue Code
3. Revenue and Taxation Code
4. California Family Law Code

Guardianship and Probate Conservatorship

1. California Probate Code

Administration of Trusts

1. California Probate Code
2. Internal Revenue Code
3. Revenue and Taxation Code

4. California Family Law Code

Administration of Decedents' Estates

1. California Probate Code
2. Internal Revenue Code
3. Revenue and Taxation Code
4. California Family Law Code

Nonprobate Transfers

1. California Probate Code
2. Internal Revenue Code
3. Revenue and Taxation Code
4. California Family Law Code

Content Domain 9: Evidence

Admissibility

1. Federal rules of evidence
2. Evidence Code
3. Case law

Privileges

1. Federal rules of evidence
2. Evidence Code
3. Case law

Documents

1. Federal rules of evidence
2. Evidence Code
3. Case law

Burdens and Presumptions

1. Federal rules of evidence
2. Evidence Code
3. Case law

Content Domain 10: Family Law

Division of Property

1. California Family Law Code
2. Common law

Support

1. California Family Law Code
2. Internal Revenue Code

Custody

1. California Family Law Code
2. California Penal Code

3. Welfare and Institutions Code
4. Probate Code, Division 4

Adoption

1. California Family Law Code

Domestic Partnership

1. California Family Law Code

Marriage and Dissolution

1. California Family Law Code

Content Domain 11: Finance

Principles of Finance and Valuation

1. GAAP
2. Uniform Commercial Code
3. California Financial Code
4. California Commercial Code
5. California Corporations Code
6. State statutes and regulations

Capital Structure

1. Internal Revenue Code
2. Securities law
3. Securities Act of 1933
4. Securities and Exchange Act of 1934
5. Investment Advisors Act of 1940

Financial Instruments

1. Uniform Commercial Code
2. California Financial Code
3. California Commercial Code

Fixed Income Markets

1. Securities and Exchange Act
2. Securities Act of 1933
3. Internal Revenue Code

Bankruptcy

1. Bankruptcy Code

Securities and Securities Markets

1. Securities and Exchange Act of 1934
2. Securities Act of 1933

Financial Reporting and Disclosure

1. GAAP
2. Federal statutes and regulations
3. State statutes and regulations
4. Securities law
5. Securities Act of 1933
6. Securities and Exchange Act of 1934
7. Governmental Accounting Standards Board
8. Financial Accounting Standards Board
9. Public Company Accounting Oversight Board guidance documents
10. International Accounting Standards Board

Fraud, Corruption, and Regulatory Risk

1. GAAP
2. Federal statutes and regulations
3. State statutes and regulations
4. Case law

Content Domain 12: Labor and Employment

Classification of Employee

1. Statutes
2. Case law
3. Regulations

Wage and Hour

1. Statutes
2. Case law
3. Regulations

Discrimination and Harassment

1. Statutes
2. Case law
3. Regulations

Hiring and Termination

1. Statutes
2. Case law
3. Regulations

Human Resource Policies

1. Statutes
2. Case law
3. Regulations

Labor Organizations

1. Statutes
2. Case law
3. Regulations

Content Domain 13: Legislation and Government

Legislative Process

1. California Constitution
2. Lobbying Disclosure Manual

Legislative History

1. Westlaw
2. Lexis

Lobbying

1. Lobbying Disclosure Information Manual
2. Political Reform Act
3. Fair Political Practices Commission Regulations

4. Fair Political Practices Commission Advice Letters and Commission Opinions
5. Conflict of Interest Code Exemptions

Constitutional Bases

1. California Constitution
2. U.S. Constitution

Government

Municipal Law

Content Domain 14: Professional Responsibility

Competence

1. American Bar Association Model Rules
2. California Rules of Professional Conduct
3. Business and Professions Code
4. Common law tort of negligence
5. Statutory standards of care

Confidentiality

1. American Bar Association Model Rules
2. California Rules of Professional Conduct
3. Business and Professions Code
4. Evidence Code
5. Code of Civil Procedure

Conflicts of Interest

1. American Bar Association Model Rules
2. California Rules of Professional Conduct
3. Business and Professions Code

Fees, Billing, and Trust Accounting

1. American Bar Association Model Rules
2. California Rules of Professional Conduct
3. Business and Professions Code

Advocacy

1. American Bar Association Model Rules
2. California Rules of Professional Conduct
3. Business and Professions Code
4. Rules of Court

Content Domain 15: Real Property

Estates, Easements, and Future Interests

1. California Civil Code
2. California Probate Code
3. Common law
4. Case law

Landlord Tenant

1. California Civil Code
2. Common law
3. Statutory law
4. Rent stabilization orders

Conveyances

1. California Civil Code
2. Common law

Title

1. Common law
2. Statutory law

Content Domain 16: Secured Transactions

Real Property Liens

1. California Civil Code

Personal Property Liens

1. Uniform Commercial Code

Enforcement and Foreclosure

1. California Civil Code
2. Uniform Commercial Code

Content Domain 17: Securities

Definition of Security

1. Case law

Public Offerings

1. Federal statutes and regulations

Exemptions and Private Offerings

1. Federal statutes and regulations
2. Blue sky laws

Securities Markets and Professionals

1. Federal statutes and regulations

Insider Trading

1. Federal statutes and regulations
2. Case law

Reporting and Regulatory Compliance

1. Federal statutes and regulations
2. Case law

Content Domain 18: Tax

Income Taxation

1. Internal Revenue Code
2. California Revenue and Taxation Code

Corporate and Partnership Taxation

1. Internal Revenue Code
2. California Revenue and Taxation Code

Property Taxation

1. Internal Revenue Code
2. California Revenue and Taxation Code

Estate and Gift Taxation

1. Internal Revenue Code

Content Domain 19: Torts

Negligence

1. California Civil Code
2. Common law

Intentional Torts

1. California Civil Code
2. Common law

Strict Liability

1. California Civil Code
2. Common law

Products Liability

1. California Civil Code
2. Common law

Remedies

1. California Civil Code
2. Common law

Appendix D: Beta Survey Correspondence

Subject Line: Your Voice Matters About the State Bar's Practice Analysis

Dear XXXXX,

The State Bar of California has selected you to participate in a pilot survey to review and provide input on the practice analysis it is conducting. The practice analysis defines the roles and responsibilities of attorneys in any practice area and will help to ensure a strong linkage between the Bar Exam and practice. Prior to the survey, a panel of attorneys with expertise in a wide range of practice areas developed Areas of Responsibility, competencies, and tasks, as well as a set of legal topics (Areas of Content). These sets work together to provide a comprehensive delineation of practice and the range of knowledge that attorneys may be expected to possess.

The purpose of the survey is to collect structured input from California attorneys. Your participation in the survey is of great importance to the work of the State Bar, as well as the legal profession, clients, the legal system, and the general public. Your feedback about the survey itself and its functionality is important as we pilot the survey. We encourage you to make comments in the open text fields throughout the survey.

Please use this link to gain access to the survey: XXXXX

It should take less than 60 minutes for you to complete the survey. You do not have to finish it in one sitting, and you can use the link to return multiple times, beginning just after your last saved responses. Your complete response is needed by **June 13, 2019**.

The survey is being administered with the assistance of Scantron, a global company that provides expert services in the development and validation of credentialing tests. If you experience technical problems, please contact the survey administrator at surveys@scantron.com.

Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

James P. Henderson, Ph.D.
Psychometrician, Scantron

Subject Line: Your Voice Matters About the State Bar's Practice Analysis

Dear XXXXX,

Several days ago we asked you to participate in a pilot of the State Bar of California practice analysis survey. Your participation is of great importance to the work of the State Bar, as well as the legal profession, clients, the legal system, and the general public. Your feedback about the survey itself and its functionality is important as we pilot the survey. We encourage you to make comments in the open text fields throughout the survey.

Please use this link to gain access to the survey: XXXXX

It should take less than 60 minutes for you to complete the survey. You do not have to finish it in one sitting, and you can use the link to return multiple times, beginning just after your last saved responses. Your complete response is needed by **June 13, 2019**.

The survey is being administered with the assistance of Scantron, a global company that provides expert services in the development and validation of credentialing tests. If you experience technical problems, please contact the survey administrator at surveys@scantron.com.

Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

James P. Henderson, Ph.D.
Psychometrician, Scantron

Subject Line: Just a Few More Hours for the State Bar's Beta Practice Analysis

Dear XXXXX,

Last week we asked you to participate in a pilot of the State Bar of California practice analysis survey. Your participation is of great importance to the work of the State Bar, as well as the legal profession, clients, the legal system, and the general public. Your feedback about the survey itself and its functionality is important as we pilot the survey. We encourage you to make comments in the open text fields throughout the survey.

Please use this link to gain access to the survey: XXXXX

It should take less than 60 minutes for you to complete the survey. You do not have to finish it in one sitting, and you can use the link to return multiple times, beginning just after your last saved responses. Your complete response is needed by **June 13, 2019**.

The survey is being administered with the assistance of Scantron, a global company that provides expert services in the development and validation of credentialing tests. If you experience technical problems, please contact the survey administrator at surveys@scantron.com.

Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

James P. Henderson, Ph.D.
Psychometrician, Scantron

Appendix E: Excerpts from Beta Survey



State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions. The survey administrator will delete any identifying information such as your name, email address, or IP address at the close of the survey. As a result, your responses will be anonymous.

1. Is at least 50% of your law practice in California at this time?

- ☐ Yes
- ☐ No

2. For how long you have practiced law?

- ☐ 0 to 6 months
- ☐ 7 to 12 months
- ☐ 2 to 3 years
- ☐ 4 to 5 years
- ☐ 6 to 10 years
- ☐ More than 10 years

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

3. In which type of the following settings is your primary practice of law?

- ☐ Private law firm
- ☐ Government (federal, state, local)
- ☐ In-house counsel
- ☐ District attorney, public defender, legal services, or public interest
- ☐ Judiciary (including clerkships)
- ☐ Academia
- ☐ Other
- ☐ Not currently practicing

4. Number of attorneys in your firm or organization.

- ☐ 1
- ☐ 2 to 5
- ☐ 6 to 10
- ☐ 11 to 25
- ☐ 26 to 50
- ☐ 51 to 100
- ☐ 101 to 200
- ☐ More than 200

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

5. Please select your area of practice (Select all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> Admiralty and Maritime | <input type="checkbox"/> Employment | <input type="checkbox"/> Labor Relations |
| <input type="checkbox"/> Appellate | <input type="checkbox"/> Environment | <input type="checkbox"/> Landlord and Tenant |
| <input type="checkbox"/> Bankruptcy | <input type="checkbox"/> Estate Planning, Trusts, and Probate | <input type="checkbox"/> Media, Sports, and Entertainment |
| <input type="checkbox"/> Business | <input type="checkbox"/> Family Law | <input type="checkbox"/> Military Law and Veterans |
| <input type="checkbox"/> Civil Litigation | <input type="checkbox"/> Franchise and Distribution | <input type="checkbox"/> Personal Injury |
| <input type="checkbox"/> Civil Rights | <input type="checkbox"/> Health Care | <input type="checkbox"/> Personal Property, Sales, and Leases |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Immigration | <input type="checkbox"/> Privacy, Data Security, and Cyber Security |
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Insurance | <input type="checkbox"/> Professional Malpractice (Medical, Legal, Other) |
| <input type="checkbox"/> Disability Rights | <input type="checkbox"/> Intellectual Property | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Education | <input type="checkbox"/> Juvenile Delinquency | <input type="checkbox"/> Taxation |
| <input type="checkbox"/> Elder Abuse | <input type="checkbox"/> Juvenile Dependency | <input type="checkbox"/> Workers Compensation |
| <input type="checkbox"/> Other: | | |

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State Bar of California Practice Analysis Study

Practice Analysis Study

In this section of the survey, we provide definitions for a few key terms, followed by the rating scales that we ask you to use when completing the practice analysis survey.

Since you have already completed the demographics survey, we believe it will take less than **60 minutes** for you to finish the survey, but you do not have to do it in a single sitting.

The survey will close on **June 13, 2019**.

Definitions

The definitions on this page provide an orientation to key terms as they are used in the survey:

Areas of Responsibility

Areas of Responsibility are the major categories of activity that attorneys engage in across areas of practice. Four areas of responsibility have been identified:

- Establishing and Maintaining Relationships
- Practice Management and Administration
- Factual and Legal Analysis
- Resolutions

Competencies

The four areas of responsibility each have three or four competencies. The competencies denote relatively specific components of work in an area of responsibility.

Task

A task is a finite statement of work activity. The collection of tasks in an area of responsibility are expected to be comprehensive. Altogether there are 116 tasks.

Area of Knowledge

Areas of Knowledge are the major legal topics that attorneys should have knowledge of. There are 19 areas of knowledge proposed for validation:

- Administrative Law and Procedure
- Business Associations
- Civil Procedure
- Constitutional Law
- Contracts
- Criminal Law and Procedure
- Employment

- Environment and Land Use
- Estate Planning, Trusts, and Probate
- Evidence
- Family Law
- Finance
- Legislation
- Professional Responsibility

- Real Property
- Secured Transactions
- Securities
- Tax
- Torts

BACK

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State Bar of California Practice Analysis Study

Validation Rating Scales

The following rating scales are used in the survey, and they will appear on every page. Please evaluate the areas of responsibility, competencies, tasks, areas of content, and topics using these scales. Please mark 0 = Not applicable in my practice if the item does not apply, and mark 1 = Never if the item applies to your practice but you are not responsible for it.

Frequency: On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?

- 0 = Not applicable in my practice
- 1 = Never
- 2 = Rarely (once per year)
- 3 = Sometimes (once per month)
- 4 = Often (once per week)
- 5 = Repeatedly (daily)

Criticality: What degree of harm may result for clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? [Harm may be legal, financial, psychological, or emotional]

- 0 = Not applicable in my practice
- 1 = No harm at all will result
- 2 = Minimal harm will result
- 3 = Moderate harm will result
- 4 = Substantial harm will result
- 5 = Extreme harm will result

In addition to the Frequency and Criticality scales, please use the following to evaluate tasks.

Performance Expectation: When were you first expected to perform the task?

- 0 = Not applicable in my practice
- 1 = 0 to 6 months of practice
- 2 = 7 to 12 months of practice
- 3 = Years 2 to 3 of practice
- 4 = Years 4 to 5 of practice
- 5 = After the fifth year of practice

BACK

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? [Harm may be legal, financial, psychological, or emotional.]
<ul style="list-style-type: none">0 = Not applicable in my practice1 = Never2 = Rarely (once per year)3 = Sometimes (once per month)4 = Often (once per week)5 = Repeatedly (daily)	<ul style="list-style-type: none">0 = Not applicable in my practice1 = No harm at all will result2 = Minimal harm will result3 = Moderate harm will result4 = Substantial harm will result5 = Extreme harm will result

Rating the Areas of Responsibility

Using the scales for frequency and criticality, please select the rating for each area of responsibility as it applies to your practice.

	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Establishing and Maintaining Relationships	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Practice Management and Administration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Factual and Legal Analysis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Resolutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

There are unanswered questions on this page.

To get MCLE credit, you must provide a substantially complete response record for the survey.

BACK

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If you experience technical problems, please contact the survey administrator at surveys@scantron.com

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none">0 = Not applicable in my practice1 = Never2 = Rarely (once per year)3 = Sometimes (once per month)4 = Often (once per week)5 = Repeatedly (daily)	<ul style="list-style-type: none">0 = Not applicable in my practice1 = No harm at all will result2 = Minimal harm will result3 = Moderate harm will result4 = Substantial harm will result5 = Extreme harm will result	<ul style="list-style-type: none">0 = Not applicable in my practice1 = 0 to 6 months of practice2 = 7 to 12 months of practice3 = Years 2 to 3 of practice4 = Years 4 to 5 of practice5 = After the fifth year of practice

Rating the Tasks and Competencies

Using the scales for frequency, criticality, and performance expectation, please select the rating for each task and competency as they apply to your practice.

Establishing and Maintaining Relationships

This area of responsibility has three competencies: Establishing the Client Relationship, Maintaining the Client Relationship, and Communicating with Others

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Identify the client(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Assess potential conflicts of interest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Determine the client's goals and expectations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Evaluate competence to represent the client's interests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage referrals to and from other attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Define the scope of the attorney-client relationship	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Explain the client's obligations and responsibilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage third-party involvement in representation of the client(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Document the engagement (e.g., engagement letter, arbitration agreement, fee agreement, conflict waiver)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Document the decision to decline representation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the tasks in **Establishing the Client Relationship**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Establishing the Client Relationship	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months? <ul style="list-style-type: none">0 = Not applicable in my practice1 = Never2 = Rarely (once per year)3 = Sometimes (once per month)4 = Often (once per week)5 = Repeatedly (daily)	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.) <ul style="list-style-type: none">0 = Not applicable in my practice1 = No harm at all will result2 = Minimal harm will result3 = Moderate harm will result4 = Substantial harm will result5 = Extreme harm will result	When were you first expected to perform the task? <ul style="list-style-type: none">0 = Not applicable in my practice1 = 0 to 6 months of practice2 = 7 to 12 months of practice3 = Years 2 to 3 of practice4 = Years 4 to 5 of practice5 = After the fifth year of practice

Please use the scales to evaluate the tasks in **Issue Drafting and Writing** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Draft correspondence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use exemplars, forms, and models	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Draft pleadings, motions, statements, or briefs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Draft formal legal instruments (e.g., liens, claims, title documents, estate or incapacity plans, settlement agreements)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Draft discovery requests or responses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Draft legal memoranda	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Draft contracts and other transactional documents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Redline transactional documents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Edit drafts or documents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the tasks in **Issue Drafting and Writing**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Drafting and writing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

Characters left = 250

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State Bar of California Practice Analysis Study

Rating the Areas of Knowledge and Topics

Please select the area(s) you rely on in your practice of law. (Select all that apply)

Legal Topics

- | | | |
|---|---|---|
| <input type="checkbox"/> Administrative Law and Procedure | <input type="checkbox"/> Environment and Land Use | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> Business Associations | <input type="checkbox"/> Estate Planning, Trusts, and Probate | <input type="checkbox"/> Secured Transactions |
| <input type="checkbox"/> Civil Procedure | <input type="checkbox"/> Evidence | <input type="checkbox"/> Securities |
| <input type="checkbox"/> Constitutional Law | <input checked="" type="checkbox"/> Family Law | <input type="checkbox"/> Tax |
| <input type="checkbox"/> Contracts | <input type="checkbox"/> Finance | <input type="checkbox"/> Torts |
| <input type="checkbox"/> Criminal Law and Procedure | <input type="checkbox"/> Legislation | |
| <input type="checkbox"/> Employment | <input type="checkbox"/> Professional Responsibility | |

Are any areas of knowledge missing, or is there other information you would like to offer?

Characters left = 250

BACK

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? [Harm may be legal, financial, psychological, or emotional.]
<ul style="list-style-type: none">0 = Not applicable in my practice1 = Never2 = Rarely (once per year)3 = Sometimes (once per month)4 = Often (once per week)5 = Repeatedly (daily)	<ul style="list-style-type: none">0 = Not applicable in my practice1 = No harm at all will result2 = Minimal harm will result3 = Moderate harm will result4 = Substantial harm will result5 = Extreme harm will result

Please use the scales to evaluate the topics in **Family Law**.

Topics	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Division of Property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Custody	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adoption	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Domestic Partnership	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marriage and Dissolution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Family Law**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Family Law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

There are unanswered questions on this page.

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BACK

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
<ul style="list-style-type: none">0 = Not applicable in my practice1 = Never2 = Rarely (once per year)3 = Sometimes (once per month)4 = Often (once per week)5 = Repeatedly (daily)	<ul style="list-style-type: none">0 = Not applicable in my practice1 = No harm at all will result2 = Minimal harm will result3 = Moderate harm will result4 = Substantial harm will result5 = Extreme harm will result

Please use the scales to evaluate the following non-legal topics:

Topics	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Accounting and Budgeting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Artificial Intelligence Technology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Computers and Other Technology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research Design (e.g., developing hypothesis, sampling plan, generalizability)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Statistics (e.g., descriptive statistics, hypothesis testing)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supervisory Practices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Time Management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any non-legal topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

There are unanswered questions on this page.

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

Information to Support Diversity and Inclusion: You are asked to voluntarily provide the following information in support of the State Bar's goal of diverse and inclusive participation in all aspects of its governance and operations. It will also assist the Bar in complying with the California Rule of Court rule 9.9 and California Business & Professions Code sections 6002.1 and 6009.5.

1. In which county of California do you work, or do you live outside the state or country?

Please select:

- Please select:
- Alameda
- Alpine
- Amador
- Butte
- Calaveras
- Colusa
- Contra Costa
- Del Norte
- El Dorado
- Fresno
- Glenn
- Humboldt
- Imperial
- Inyo
- Kern
- Kings
- Lake
- Lassen
- Los Angeles

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State Bar of California Practice Analysis Study

Demographic Section
Please answer all questions.

2. Gender

- ☐ Male
- ☐ Female
- ☐ Transgender
- ☐ Gender Variant/Non-conforming/Non-binary
- ☐ Two Spirit
- ☐ Not Listed
- ☐ Prefer not to answer

3. Orientation

- ☐ Heterosexual
- ☐ Gay/Lesbian
- ☐ Bisexual
- ☐ Pansexual
- ☐ Asexual
- ☐ Not listed
- ☐ Prefer not to answer

BACK

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

4. What is your age?

- ☐ 25 years or less
- ☐ 26 to 35 years
- ☐ 36 to 45 years
- ☐ 46 to 55 years
- ☐ 56 to 65 years
- ☐ 66 years or more

BACK

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

5. Race/Ethnicity

(Select all that apply)

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Hispanic, Latino or Spanish
- ☐ Native Hawaiian or other Pacific Islander
- ☐ White
- ☐ Other
- ☐ Prefer Not to Answer

BACK

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

6. Are you a veteran?

- ☐ Yes
- ☐ No
- ☐ Prefer not to answer

7. Do you self-identify as a person with a disability:

- ☐ Yes
- ☐ No
- ☐ Prefer not to answer

BACK

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SUBMIT YOUR ANSWERS

Progress 100%

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Appendix F: Survey Correspondence

Subject Line: Your Voice Matters: The State Bar's Practice Analysis

Dear XXXXX,

The State Bar of California needs your input on the California Attorney Practice Analysis (CAPA) survey: (put the survey link here). The CAPA study is one of the broadest and most important studies the State Bar has ever undertaken. After completing the survey you will be eligible for one hour of MCLE credit by reading an article related to the changing face of legal practice and completing a short quiz. The free course will be available on the Bar's MCLE webpage in early September after the survey is closed; we will email you the Tester ID.

The study is taking a fresh look at the current practice of law in California. Its purpose is to collect detailed, empirical data about how attorneys use their knowledge and skills to perform their work. The survey data will form the foundation for reevaluating the content and format of the California Bar Exam (Bar Exam). Click here for additional information about the study:

http://www.calbar.ca.gov/Portals/0/documents/Practice_Analysis_Fact_Sheet.pdf

Your input will help us understand in-depth the range of knowledge and skills that attorneys may be expected to possess across various practice settings and experience levels. Your participation will also help the State Bar ensure that there is a strong linkage between the Bar Exam and the practice of law. The project is of great importance to the work of the State Bar and the future of the legal profession.

It should take less than 60 minutes for you to complete the survey. You do not have to finish it in one sitting, and you can use the link to return multiple times, as your responses will be saved as you progress through the survey. Your complete response is needed by **August 26, 2019**.

The survey is being administered with the assistance of Scantron, a global company that provides expert services in the development and validation of credentialing tests. All individual identifying information will be removed before analysis, ensuring your privacy.

If you experience technical problems, please contact the survey administrator at surveys@scantron.com.

Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

James P. Henderson, Ph.D.
Psychometrician, Scantron

For information about the study:

<http://www.calbar.ca.gov/Portals/0/documents/California-Attorney-Practice-Analysis-FAQs-.pdf>

Subject Line: Reminder: The State Bar Cares About Your Opinion

Dear XXXXX,

Several days ago we asked you to participate in the State Bar's California Attorney Practice Analysis (CAPA) study: **(put the survey link here)**. The CAPA study is one of the broadest and most important studies the State Bar has ever undertaken. The results will form the basis for the next generation of the Bar Exam.

After completing the survey you will be eligible for one hour of MCLE credit by reading an article related to the changing face of legal practice and completing a short quiz. The free course will be available on the Bar's MCLE webpage in early September after the survey is closed; we will email you the Tester ID.

It should take less than 60 minutes for you to complete the survey. You do not have to finish it in one sitting, and you can use the link to return multiple times, as your responses will be saved as you progress through the survey. Your complete response is needed by **August 26, 2019**.

The survey is being administered with the assistance of Scantron, a global company that provides expert services in the development and validation of credentialing tests. All individual identifying information will be removed before analysis, ensuring your privacy.

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Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

James P. Henderson, Ph.D.
Psychometrician, Scantron

For information about the study:

http://www.calbar.ca.gov/Portals/0/documents/Practice_Analysis_Fact_Sheet.pdf

<http://www.calbar.ca.gov/Portals/0/documents/California-Attorney-Practice-Analysis-FAQs-.pdf>

Subject Line: Reminder: The State Bar Needs Your Response

Dear XXXXX,

Last week we asked you to participate in the State Bar's California Attorney Practice Analysis (CAPA) study: **(put the survey link here)**. The CAPA study is one of the broadest and most important studies the State Bar has ever undertaken. The results will form the basis for the next generation of the Bar Exam.

After completing the survey you will be eligible for one hour of MCLE credit by reading an article related to the changing face of legal practice and completing a short quiz. The free course will be available on the Bar's MCLE webpage in early September after the survey is closed; we will email you the Tester ID.

It should take less than 60 minutes for you to complete the survey. You do not have to finish it in one sitting, and you can use the link to return multiple times, as your responses will be saved as you progress through the survey. Your complete response is needed by **August 26, 2019**.

The survey is being administered with the assistance of Scantron, a global company that provides expert services in the development and validation of credentialing tests. All individual identifying information will be removed before analysis, ensuring your privacy.

If you experience technical problems, please contact the survey administrator at surveys@scantron.com.

Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

James P. Henderson, Ph.D.
Psychometrician, Scantron

For information about the study:

http://www.calbar.ca.gov/Portals/0/documents/Practice_Analysis_Fact_Sheet.pdf

Add a link to the Q&A that Eli will provide.

Subject Line: Reminder: A Free MCLE Credit For You

Dear XXXXX,

Two weeks ago we asked you to participate in the State Bar's California Attorney Practice Analysis (CAPA) study: **(put the survey link here)**. The CAPA study is one of the broadest and most important studies the State Bar has ever undertaken. The results will form the basis for the next generation of the Bar Exam.

After completing the survey you will be eligible for one hour of MCLE credit by reading an article related to the changing face of legal practice and completing a short quiz. The free course will be available on the Bar's MCLE webpage in early September after the survey is closed; we will email you the Tester ID.

It should take less than 60 minutes for you to complete the survey. You do not have to finish it in one sitting, and you can use the link to return multiple times, as your responses will be saved as you progress through the survey. Your complete response is needed by **August 26, 2019**.

The survey is being administered with the assistance of Scantron, a global company that provides expert services in the development and validation of credentialing tests. All individual identifying information will be removed before analysis, ensuring your privacy.

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Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

James P. Henderson, Ph.D.
Psychometrician, Scantron

For information about the study:

http://www.calbar.ca.gov/Portals/0/documents/Practice_Analysis_Fact_Sheet.pdf

Add a link to the Q&A that Eli will provide.

Subject Line: Reminder: State Bar Extends Deadline for Study

Dear XXXXX,

A few weeks ago we asked you to participate in the State Bar's California Attorney Practice Analysis (CAPA) study: **(put the survey link here)**. We have extended the deadline so you can participate. The CAPA study is one of the broadest and most important studies the State Bar has ever undertaken. The results will form the basis for the next generation of the Bar Exam.

After completing the survey you will be eligible for one hour of MCLE credit by reading an article related to the changing face of legal practice and completing a short quiz. The free course will be available on the Bar's MCLE webpage in early September after the survey is closed; we will email you the Tester ID.

It should take less than 60 minutes for you to complete the survey. You do not have to finish it in one sitting, and you can use the link to return multiple times, as your responses will be saved as you progress through the survey. We have extended the deadline to **September 2, 2019**.

The survey is being administered with the assistance of Scantron, a global company that provides expert services in the development and validation of credentialing tests. All individual identifying information will be removed before analysis, ensuring your privacy.

If you experience technical problems, please contact the survey administrator at surveys@scantron.com.

Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

James P. Henderson, Ph.D.
Psychometrician, Scantron

For information about the study:

http://www.calbar.ca.gov/Portals/0/documents/Practice_Analysis_Fact_Sheet.pdf

Add a link to the Q&A that Eli will provide.

Subject Line: Reminder: Just a Few Hours Left to Get Free MCLE Credit

Dear XXXXX,

We recently extended the deadline so you can participate in the State Bar's California Attorney Practice Analysis (CAPA) study: **(put the survey link here)**. Now, there are just a few hours left. The CAPA study is one of the broadest and most important studies the State Bar has ever undertaken. The results will form the basis for the next generation of the Bar Exam.

After completing the survey you will be eligible for one hour of MCLE credit by reading an article related to the changing face of legal practice and completing a short quiz. The free course will be available on the Bar's MCLE webpage in early September after the survey is closed; we will email you the Tester ID.

It should take less than 60 minutes for you to complete the survey. You do not have to finish it in one sitting, and you can use the link to return multiple times, as your responses will be saved as you progress through the survey. We have extended the deadline to **September 2, 2019**.

The survey is being administered with the assistance of Scantron, a global company that provides expert services in the development and validation of credentialing tests. All individual identifying information will be removed before analysis, ensuring your privacy.

If you experience technical problems, please contact the survey administrator at surveys@scantron.com.

Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

James P. Henderson, Ph.D.
Psychometrician, Scantron

For information about the study:

http://www.calbar.ca.gov/Portals/0/documents/Practice_Analysis_Fact_Sheet.pdf

Add a link to the Q&A that Eli will provide.

ESM On-boarding Email (7/29/2019):

(Subject) Your Voice Matters: The State Bar's Practice Analysis

Dear \${m://FirstName} \${m://LastName},

The State Bar of California needs your input on the California Attorney Practice Analysis (Practice Analysis) survey ([Click link HERE](#)).

The Practice Analysis is one of the broadest and most important studies the State Bar has ever undertaken. After completing the survey you will be eligible for one hour of MCLE credit by reading an article related to the changing face of legal practice and completing a short quiz. The free course will be available on the Bar's MCLE webpage in early September after the survey is closed; we will email you the Tester ID. **Please visit the study's FAQ [here](#) for more details on the study's participation requirements, confidentiality and more.**

You have been selected as an Experience Sampling Method (ESM) participant. The following survey is an onboarding survey and is estimated to take less than three minutes to complete. Your complete response for the onboarding survey is needed by **Thursday, August 8**.

After the onboarding survey, you will receive subsequent survey notifications during one week of your choosing in August, where we ask about the task you are working on. Each subsequent survey takes an estimated three minutes to complete. No more than three pings will be sent on any given day.

The study is taking a fresh look at the current practice of law in California. Its purpose is to collect detailed, empirical data about how attorneys use their knowledge and skills to perform their work. The survey data will form the foundation for reevaluating the content and format of the California Bar Exam (Bar Exam).

Your input will help us understand in-depth the range of knowledge and skills that attorneys may be expected to possess across various practice settings and experience levels. Your participation will also help the State Bar ensure that there is a strong linkage between the Bar Exam and the practice of law. The project is of great importance to the work of the State Bar and the future of the legal profession.

If you experience technical problems, please contact the survey administrator at AttorneyPracticeStudy@calbar.ca.gov

Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

Follow the link to opt out of future emails:
[\\${l://OptOutLink?d=Click here to unsubscribe}](#)

ESM On-boarding Reminder (8/1/2019):

(Subject) Reminder: The State Bar Cares About Your Opinion

Dear \${m://FirstName} \${m://LastName},

Several days ago we asked you to participate in the State Bar's California Attorney Practice Analysis (CAPA) study: ([Link here](#)). The CAPA study is one of the broadest and most important studies the State Bar has ever undertaken. The results will form the basis for the next generation of the Bar Exam.

Please visit the study's FAQ [here](#) for more details on the study's participation requirements, confidentiality and more.

You have been selected as an Experience Sampling Method (ESM) participant. The following survey is an onboarding survey and is estimated to take less than three minutes to complete. Your complete response for the onboarding survey is needed by **Thursday, August 8**.

After the onboarding survey, you will receive subsequent survey notifications during one week of your choosing in August, where we ask about the task you are working on. Each subsequent survey takes an estimated three minutes to complete. No more than three pings will be sent on any given day.

After completing the survey you will be eligible for one hour of MCLE credit by reading an article related to the changing face of legal practice and completing a short quiz. The free course will be available on the Bar's MCLE webpage in early September after the survey is closed; we will email you the Tester ID.

If you experience technical problems, please contact the survey administrator at AttorneyPracticeStudy@Calbar.ca.gov

Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

Follow the link to opt out of future emails:
[\\${l://OptOutLink?d=Click here to unsubscribe}](#)

ESM On-boarding Reminder (8/6/2019):

(Subject) Reminder: Just a Few Days Left to Get Free MCLE Credit

Dear \${m://FirstName} \${m://LastName},

There are just a few days left to complete the first step of the California Attorney Practice Analysis study: please [Click Here](#) before the first part of the survey is closed on **Thursday, August 8 at 11:59 PM PST**. We appreciate the large number of attorneys who have participated in the survey so far (click [here](#) to see the response summary data in real time, password: capa2020).

The CAPA study is one of the broadest and most important studies the State Bar has ever undertaken. The results will form the basis for the next generation of the Bar Exam. Please visit the study's FAQ [here](#) for more details on the study's participation requirements, confidentiality and more.

You have been selected as an Experience Sampling Method (ESM) participant. The first survey is an onboarding survey and is estimated to take less than three minutes to complete.

After the onboarding survey, you will receive subsequent survey notifications during one week of your choosing in August, where we ask about the task you are working on. Each subsequent survey takes an estimated three minutes to complete. No more than three pings will be sent on any given day.

After completing the entire ESM surveys you will be eligible for one hour of MCLE credit by reading an article related to the changing face of legal practice and completing a short quiz. The free course will be available on the Bar's MCLE webpage in early September after the survey is closed; we will email you the Tester ID.

If you experience technical problems, please contact the survey administrator at AttorneyPracticeStudy@Calbar.ca.gov

Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

For information about the study: http://www.calbar.ca.gov/Portals/0/documents/Practice_Analysis_Fact_Sheet.pdf

Follow the link to opt out of future emails:
\${l://OptOutLink?d=Click here to unsubscribe}

ESM Pings (8/12/2019 – 8/30/2019):

(Subject) Survey Notification – \${date://CurrentTime/ST} on \${date://CurrentDate/DM} - CA Attorney Practice Analysis

Dear \${m://FirstName} \${m://LastName},

Please respond to the following Practice Analysis survey ([Click link HERE](#)) according to your activity at \${date://CurrentTime/ST} on \${date://CurrentDate/DM}.

The Practice Analysis is one of the broadest and most important studies the State Bar has ever undertaken. After completing the survey you will be eligible for one hour of MCLE credit by reading an article related to the changing face of legal practice and completing a short quiz. The free course will be available on the Bar's MCLE webpage in early September after the survey is closed; we will email you the Tester ID. **Please visit the study's FAQ [here](#) for more details on the study's participation requirements, confidentiality and more.**

Your input will help us understand in-depth the range of knowledge and skills that attorneys may be expected to possess across various practice settings and experience levels. Your participation will also help the State Bar ensure that there is a strong linkage between the Bar Exam and the practice of law. The project is of great importance to the work of the State Bar and the future of the legal profession.

If you experience technical problems, please contact the survey administrator at AttorneyPracticeStudy@calbar.ca.gov

Please note that the URL provided above is unique to your invitation. **Please do not forward this message to others.**

Thank you for your participation.

Leah T. Wilson
Executive Director, State Bar of California

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Appendix G: Traditional Survey

<http://dev.surveygroup.com/calbar/>



State Bar of California Practice Analysis Study

It is *not* recommended completing this survey on a mobile device.

Please enter your Access Code:

BEGIN

If you experience technical problems, please contact the survey administrator at surveys@scantron.com

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Participants should use the PURL provided to access the survey.

This page will only show if they enter the URL without the PURL.



State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions. The survey administrator will delete any identifying information such as your name, email address, or IP address at the close of the survey. As a result, your responses will be anonymous.

1. Is at least 50% of your law practice in California at this time?

- ☐ Yes
- ☐ No

2. For how long you have practiced law?

- ☐ 0 to 6 months
- ☐ 7 to 12 months
- ☐ 2 to 3 years
- ☐ 4 to 5 years
- ☐ 6 to 10 years
- ☐ More than 10 years

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FINISH LATER

CONTINUE

Progress 1%

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

3. In which type of the following settings is your primary practice of law?

- ☐ Private law firm
- ☐ Government (federal, state, local)
- ☐ In-house counsel
- ☐ District attorney, public defender, legal services, or public interest
- ☐ Judiciary (including clerkships)
- ☐ Academia
- ☐ Other
- ☐ Not currently practicing

4. Number of attorneys in your firm or organization.

- ☐ 1
- ☐ 2 to 5
- ☐ 6 to 10
- ☐ 11 to 25
- ☐ 26 to 50
- ☐ 51 to 100
- ☐ 101 to 200
- ☐ More than 200

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Progress 1%

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

5. Please select your area of practice (Select all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> Admiralty and Maritime | <input type="checkbox"/> Employment | <input type="checkbox"/> Labor Relations |
| <input type="checkbox"/> Appellate | <input type="checkbox"/> Environment | <input type="checkbox"/> Landlord and Tenant |
| <input type="checkbox"/> Bankruptcy | <input type="checkbox"/> Estate Planning, Trusts, and Probate | <input type="checkbox"/> Media, Sports, and Entertainment |
| <input type="checkbox"/> Business | <input type="checkbox"/> Family Law | <input type="checkbox"/> Military Law and Veterans |
| <input type="checkbox"/> Civil Litigation | <input type="checkbox"/> Franchise and Distribution | <input type="checkbox"/> Personal Injury |
| <input type="checkbox"/> Civil Rights | <input type="checkbox"/> Health Care | <input type="checkbox"/> Personal Property, Sales, and Leases |
| <input type="checkbox"/> Construction | <input type="checkbox"/> Immigration | <input type="checkbox"/> Privacy, Data Security, and Cyber Security |
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Insurance | <input type="checkbox"/> Professional Malpractice (Medical, Legal, Other) |
| <input type="checkbox"/> Disability Rights | <input type="checkbox"/> Intellectual Property | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Education | <input type="checkbox"/> Juvenile Delinquency | <input type="checkbox"/> Taxation |
| <input type="checkbox"/> Elder Abuse | <input type="checkbox"/> Juvenile Dependency | <input type="checkbox"/> Workers Compensation |
| <input type="checkbox"/> Other: | | |

Characters remaining = 250

BACK

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Progress 5%

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State Bar of California Practice Analysis Study

Practice Analysis Study

In this section of the survey, we provide definitions for a few key terms, followed by the rating scales that we ask you to use when completing the practice analysis survey.

Since you have already completed the demographics survey, we believe it will take less than **60 minutes** for you to finish the survey, but you do not have to do it in a single sitting.

The survey will close on **August 26, 2019**.

Definitions

The definitions on this page provide an orientation to key terms as they are used in the survey:

Areas of Responsibility

Areas of Responsibility are the major categories of activity that attorneys engage in across areas of practice. Four areas of responsibility have been identified:

- Establishing and Maintaining Relationships
- Practice Management and Administration
- Factual and Legal Analysis
- Resolutions

Competencies

The four areas of responsibility each have three or four competencies. The competencies denote relatively specific components of work in an area of responsibility.

Task

A task is a finite statement of work activity. The collection of tasks in an area of responsibility are expected to be comprehensive. Altogether there are 116 tasks.

Area of Knowledge

Areas of Knowledge are the major legal topics that attorneys should have knowledge of. There are 19 areas of knowledge proposed for validation:

- Administrative Law and Procedure
- Business Associations
- Civil Procedure
- Constitutional Law
- Contracts
- Criminal Law and Procedure
- Employment

- Environment and Land Use
- Estate Planning, Trusts, and Probate
- Evidence
- Family Law
- Finance
- Legislation
- Professional Responsibility

- Real Property
- Secured Transactions
- Securities
- Tax
- Torts

BACK

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State Bar of California Practice Analysis Study

Validation Rating Scales

The following rating scales are used in the survey, and they will appear on every page. Please evaluate the areas of responsibility, competencies, tasks, areas of content, and topics using these scales. Please mark 0 = Not applicable in my practice if the item does not apply, and mark 1 = Never if the item applies to your practice but you are not responsible for it.

Frequency:

On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?

- 0 = Not applicable in my practice
- 1 = Never
- 2 = Rarely (once per year)
- 3 = Sometimes (once per month)
- 4 = Often (once per week)
- 5 = Repeatedly (daily)

Criticality:

What degree of harm may result for clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? [Harm may be legal, financial, psychological, or emotional]

- 0 = Not applicable in my practice
- 1 = No harm at all will result
- 2 = Minimal harm will result
- 3 = Moderate harm will result
- 4 = Substantial harm will result
- 5 = Extreme harm will result

In addition to the Frequency and Criticality scales, please use the following to evaluate tasks.

Performance Expectation:

When were you first expected to perform the task?

- 0 = Not applicable in my practice
- 1 = 0 to 6 months of practice
- 2 = 7 to 12 months of practice
- 3 = Years 2 to 3 of practice
- 4 = Years 4 to 5 of practice
- 5 = After the fifth year of practice

BACK

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result

Rating the Areas of Responsibility

Using the scales for frequency and criticality, please select the rating for each area of responsibility as it applies to your practice.

	Frequency:	Criticality:
	0 1 2 3 4 5	0 1 2 3 4 5
Establishing and Maintaining Relationships	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Practice Management and Administration	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Factual and Legal Analysis	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Resolutions	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

There are unanswered questions on this page.

To get MCLE credit, you must provide a substantially complete response record for the survey.

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Progress 8%

If you experience technical problems, please contact the survey administrator at surveys@scantron.com

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none">0 = Not applicable in my practice1 = Never2 = Rarely (once per year)3 = Sometimes (once per month)4 = Often (once per week)5 = Repeatedly (daily)	<ul style="list-style-type: none">0 = Not applicable in my practice1 = No harm at all will result2 = Minimal harm will result3 = Moderate harm will result4 = Substantial harm will result5 = Extreme harm will result	<ul style="list-style-type: none">0 = Not applicable in my practice1 = 0 to 6 months of practice2 = 7 to 12 months of practice3 = Years 2 to 3 of practice4 = Years 4 to 5 of practice5 = After the fifth year of practice

Rating the Tasks and Competencies

Using the scales for frequency, criticality, and performance expectation, please select the rating for each task and competency as they apply to your practice.

Establishing and Maintaining Relationships

This area of responsibility has three competencies: Establishing the Client Relationship, Maintaining the Client Relationship, and Communicating with Others

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Identify the client(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Assess potential conflicts of interest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage conflicts throughout representation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Determine the client's goals and expectations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Evaluate competence to represent the client's interests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage referrals to and from other attorneys	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Define the scope of the attorney-client relationship	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Explain the client's obligations and responsibilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage third-party involvement in representation of the client(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Document the engagement (e.g., engagement letter, arbitration agreement, fee agreement, conflict waiver)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Document the decision to decline representation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the tasks in **Establishing the Client Relationship**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Establishing or declining a Client Relationship	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result	<ul style="list-style-type: none">0 – Not applicable in my practice1 – 0 to 6 months of practice2 – 7 to 12 months of practice3 – Years 2 to 3 of practice4 – Years 4 to 5 of practice5 – After the fifth year of practice

Please use the scales to evaluate the tasks in **Maintaining the Client Relationship** as they apply to your practice.

Tasks	Frequency:	Criticality:	Performance Expectation:
	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5
Update the client(s) throughout the matter (verbal or written)	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Respond to client inquiries	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Resolve disputes with clients (e.g., fees, potential resolutions)	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Document termination of the representation	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

Now that you have evaluated the tasks in **Maintaining the Client Relationship**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:	Criticality:
	0 1 2 3 4 5	0 1 2 3 4 5
Maintaining the Client Relationship	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result	<ul style="list-style-type: none">0 – Not applicable in my practice1 – 0 to 6 months of practice2 – 7 to 12 months of practice3 – Years 2 to 3 of practice4 – Years 4 to 5 of practice5 – After the fifth year of practice

Please use the scales to evaluate the tasks in **Communicating with Others** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Determine disclosure or notice obligations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Determine confidentiality obligations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Communicate with opposing counsel or parties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Communicate with other interested persons (e.g., media, regulatory bodies, insurers)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage communications with other interested persons (e.g., media, regulatory bodies, insurers)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Communicate with witnesses, consultants, or experts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage communications with witnesses, consultants, or experts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the tasks in **Communicating with Others**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Communicating with others	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months? <ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.) <ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result	When were you first expected to perform the task? <ul style="list-style-type: none">0 – Not applicable in my practice1 – 0 to 6 months of practice2 – 7 to 12 months of practice3 – Years 2 to 3 of practice4 – Years 4 to 5 of practice5 – After the fifth year of practice

Practice Management and Administration

This area of responsibility has three competencies: Practice Management, Case or Matter Management, and Supervision and Collaboration

Please use the scales to evaluate the tasks in Practice Management as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Determine necessary staffing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage staff members	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Comply with State Bar licensing and reporting requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Create the practice's budget	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage the practice's finances	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage client trust accounts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result	<ul style="list-style-type: none">0 – Not applicable in my practice1 – 0 to 6 months of practice2 – 7 to 12 months of practice3 – Years 2 to 3 of practice4 – Years 4 to 5 of practice5 – After the fifth year of practice

Continued . . .

Practice Management and Administration

This area of responsibility has three competencies: Practice Management, Case or Matter Management, and Supervision and Collaboration

Please use the scales to evaluate the tasks in Practice Management as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Manage appropriate insurance coverage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage IT requirements and resources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage service vendors	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Market the practice in compliance with requirements relating to attorney advertising	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage files and records	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintain calendar	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Continued . . .

Now that you have evaluated the tasks in Practice Management, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Practice Management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – Never 2 – Rarely (once per year) 3 – Sometimes (once per month) 4 – Often (once per week) 5 – Repeatedly (daily) 	<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – No harm at all will result 2 – Minimal harm will result 3 – Moderate harm will result 4 – Substantial harm will result 5 – Extreme harm will result 	<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – 0 to 6 months of practice 2 – 7 to 12 months of practice 3 – Years 2 to 3 of practice 4 – Years 4 to 5 of practice 5 – After the fifth year of practice

Please use the scales to evaluate the tasks in **Case or Matter Management** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Establish the budget for the case or matter	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Calendar deadlines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Record time spent on the case or matter	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Manage client billing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the tasks in **Case or Matter Management**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Case or Matter Management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – Never 2 – Rarely (once per year) 3 – Sometimes (once per month) 4 – Often (once per week) 5 – Repeatedly (daily) 	<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – No harm at all will result 2 – Minimal harm will result 3 – Moderate harm will result 4 – Substantial harm will result 5 – Extreme harm will result 	<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – 0 to 6 months of practice 2 – 7 to 12 months of practice 3 – Years 2 to 3 of practice 4 – Years 4 to 5 of practice 5 – After the fifth year of practice

Please use the scales to evaluate the tasks in **Supervision and Collaboration** as they apply to your practice.

Tasks	Frequency:	Criticality:	Performance Expectation:
	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5
Seek advice from senior attorney(s) and other staff	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Delegate tasks	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Oversee delegated tasks	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Define expectations and scope of responsibilities between co-counsels	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

Now that you have evaluated the tasks in **Supervision and Collaboration**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:	Criticality:
	0 1 2 3 4 5	0 1 2 3 4 5
Supervision and Collaboration	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result	<ul style="list-style-type: none">0 – Not applicable in my practice1 – 0 to 6 months of practice2 – 7 to 12 months of practice3 – Years 2 to 3 of practice4 – Years 4 to 5 of practice5 – After the fifth year of practice

Factual and Legal Analysis

This area of responsibility has three competencies: Issue-Spotting and Fact-Gathering, Research and Investigation, and Drafting and Writing.

Please use the scales to evaluate the tasks in **Issue Spotting and Fact Gathering** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Interview the client	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Obtain documents and evidence from the client	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Obtain public information about the client and the matter	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Review the documents collected	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identify legal and factual issues	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Identify other persons with relevant information or interests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prepare a summary of the interview and initial assessment of the client	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the tasks in **Issue Spotting and Fact Gathering**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Issue-Spotting and Fact-Gathering	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – Never 2 – Rarely (once per year) 3 – Sometimes (once per month) 4 – Often (once per week) 5 – Repeatedly (daily) 	<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – No harm at all will result 2 – Minimal harm will result 3 – Moderate harm will result 4 – Substantial harm will result 5 – Extreme harm will result 	<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – 0 to 6 months of practice 2 – 7 to 12 months of practice 3 – Years 2 to 3 of practice 4 – Years 4 to 5 of practice 5 – After the fifth year of practice

Please use the scales to evaluate the tasks in **Research and Investigation** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Determine governing laws	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research laws and precedents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consult with attorneys who have more experience or expertise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Evaluate exemplars, forms, and models	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Search for relevant records and documents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Review relevant records and documents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Determine the need for non-attorney consultants or experts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Confer with non-attorney consultants or experts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Interview persons with possibly relevant information or interests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prepare internal working analysis of the case or matter	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the tasks in **Research and Investigation**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Research and Investigation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result	<ul style="list-style-type: none">0 – Not applicable in my practice1 – 0 to 6 months of practice2 – 7 to 12 months of practice3 – Years 2 to 3 of practice4 – Years 4 to 5 of practice5 – After the fifth year of practice

Please use the scales to evaluate the tasks in **Issue Drafting and Writing** as they apply to your practice.

Tasks	Frequency:	Criticality:	Performance Expectation:
	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5
Draft correspondence	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Use exemplars, forms, and models	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Draft pleadings, motions, statements, or briefs	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Draft formal legal instruments (e.g., liens, claims, title documents, estate or incapacity plans, settlement agreements)	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Draft discovery requests or responses	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Draft legal memoranda	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Draft contracts and other transactional documents	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Redline transactional documents	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Edit drafts or documents	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

Now that you have evaluated the tasks in **Issue Drafting and Writing**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:	Criticality:
	0 1 2 3 4 5	0 1 2 3 4 5
Drafting and writing	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none"> 0 = Not applicable in my practice 1 = Never 2 = Rarely (once per year) 3 = Sometimes (once per month) 4 = Often (once per week) 5 = Repeatedly (daily) 	<ul style="list-style-type: none"> 0 = Not applicable in my practice 1 = No harm at all will result 2 = Minimal harm will result 3 = Moderate harm will result 4 = Substantial harm will result 5 = Extreme harm will result 	<ul style="list-style-type: none"> 0 = Not applicable in my practice 1 = 0 to 6 months of practice 2 = 7 to 12 months of practice 3 = Years 1 to 3 of practice 4 = Years 4 to 5 of practice 5 = After the fifth year of practice

Resolutions

This area of responsibility has four competencies: Counsel/Advice, Negotiation and Closing, Alternative Dispute Resolution, and Litigation

Please use the scales to evaluate the tasks in **Counsel/Advice** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Advise the client regarding the benefits, risks, and consequences of an issue and/ or course of action	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Advise the client about behavioral expectations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Advise the client on specific legal questions and rules	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Document communications and advice given to the client	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conduct necessary follow up	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the tasks in **Counsel/Advice**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Counsel/Advice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
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Please use the scales to evaluate the tasks in **Negotiating and Closing** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Explain the terms, conditions, and status of negotiations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordinate the roles and authority of participants in negotiations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Participate in negotiations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Represent the client in mediation of transactional disputes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Coordinate closing of a transaction	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the tasks in **Negotiating and Closing**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Negotiation and Closing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result	<ul style="list-style-type: none">0 – Not applicable in my practice1 – 0 to 6 months of practice2 – 7 to 12 months of practice3 – Years 2 to 3 of practice4 – Years 4 to 5 of practice5 – After the fifth year of practice

Please use the scales to evaluate the tasks in **Alternative Dispute Resolution** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Evaluate options for alternative dispute resolution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Evaluate potential neutrals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Communicate with neutrals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prepare for alternative dispute resolution proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Represent the client in alternative dispute resolution proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the tasks in **Alternative Dispute Resolution**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Alternative Dispute Resolution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result	<ul style="list-style-type: none">0 – Not applicable in my practice1 – 0 to 6 months of practice2 – 7 to 12 months of practice3 – Years 2 to 3 of practice4 – Years 4 to 5 of practice5 – After the fifth year of practice

Please use the scales to evaluate the tasks in **Litigation** as they apply to your practice.

Tasks	Frequency:	Criticality:	Performance Expectation:
	0 1 2 3 4 5	0 1 2 3 4 5	0 1 2 3 4 5
Analyze jurisdictional issues	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Analyze proper venue and statute of limitations	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Research local rules	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Identify parties' legal names and capacities	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
Comply with statutory notice and service requirements	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – Never 2 – Rarely (once per year) 3 – Sometimes (once per month) 4 – Often (once per week) 5 – Repeatedly (daily) 	<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – No harm at all will result 2 – Minimal harm will result 3 – Moderate harm will result 4 – Substantial harm will result 5 – Extreme harm will result 	<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – 0 to 6 months of practice 2 – 7 to 12 months of practice 3 – Years 2 to 3 of practice 4 – Years 4 to 5 of practice 5 – After the fifth year of practice

Continued . . .

Please use the scales to evaluate the tasks in **Litigation** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Analyze discovery needs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Develop discovery plan	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Implement discovery plan	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Analyze e-discovery requirements and obligations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Instruct the client regarding the preservation of evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – Never 2 – Rarely (once per year) 3 – Sometimes (once per month) 4 – Often (once per week) 5 – Repeatedly (daily) 	<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – No harm at all will result 2 – Minimal harm will result 3 – Moderate harm will result 4 – Substantial harm will result 5 – Extreme harm will result 	<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – 0 to 6 months of practice 2 – 7 to 12 months of practice 3 – Years 2 to 3 of practice 4 – Years 4 to 5 of practice 5 – After the fifth year of practice

Continued . . .

Please use the scales to evaluate the tasks in **Litigation** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Instruct the client regarding the production of evidence pursuant to discovery requests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Review evidence for production	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prepare for depositions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prepare witnesses to testify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attend depositions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Review preliminary hearing record	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)	When were you first expected to perform the task?
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result	<ul style="list-style-type: none">0 – Not applicable in my practice1 – 0 to 6 months of practice2 – 7 to 12 months of practice3 – Years 2 to 3 of practice4 – Years 4 to 5 of practice5 – After the fifth year of practice

Continued . . .

Please use the scales to evaluate the tasks in **Litigation** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Review deposition transcripts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Summarize deposition transcripts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Determine motion strategy and file relevant motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consider mediation and/or settlement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Appear at hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prepare for trial (e.g., subpoenas, exhibits, motions in limine, jury instructions)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:	Performance Expectation:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? [Harm may be legal, financial, psychological, or emotional.]	When were you first expected to perform the task?
<ul style="list-style-type: none">0 = Not applicable in my practice1 = Never2 = Rarely (once per year)3 = Sometimes (once per month)4 = Often (once per week)5 = Repeatedly (daily)	<ul style="list-style-type: none">0 = Not applicable in my practice1 = No harm at all will result2 = Minimal harm will result3 = Moderate harm will result4 = Substantial harm will result5 = Extreme harm will result	<ul style="list-style-type: none">0 = Not applicable in my practice1 = 0 to 6 months of practice2 = 7 to 12 months of practice3 = Years 2 to 3 of practice4 = Years 4 to 5 of practice5 = After the fifth year of practice

Continued . . .

Please use the scales to evaluate the tasks in **Litigation** as they apply to your practice.

Tasks	Frequency:						Criticality:						Performance Expectation:					
	0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
Appear at trial (includes administrative bodies)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prepare post-trial motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Appear at post-trial hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Evaluate potential appeal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
File notice of appeal	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Continued . . .

Now that you have evaluated the tasks in **Litigation**, please evaluate the competency as a whole, considering your practice generally:

Competency	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Litigation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any tasks missing in this competency, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

Rating the Areas of Knowledge and Topics

Please select the legal topic(s) you rely on in your practice of law. (Select all that apply)

You may hover over the underlined legal topics in the list below to see additional detail.

Legal Topics

- | | | |
|--|---|---|
| <input type="checkbox"/> <u>Administrative Law and Procedure</u> | <input type="checkbox"/> Environment and Land Use | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> <u>Business Associations</u> | <input type="checkbox"/> Estate Planning, Trusts, and Probate | <input type="checkbox"/> Secured Transactions |
| <input type="checkbox"/> <u>Civil Procedure</u> | <input type="checkbox"/> Evidence | <input type="checkbox"/> Securities |
| <input type="checkbox"/> <u>Constitutional Law</u> | <input type="checkbox"/> <u>Family Law</u> | <input type="checkbox"/> <u>Tax</u> |
| <input type="checkbox"/> Contracts | <input type="checkbox"/> <u>Finance</u> | <input type="checkbox"/> <u>Torts</u> |
| <input type="checkbox"/> <u>Criminal Law and Procedure</u> | <input type="checkbox"/> <u>Legislation</u> | |
| <input type="checkbox"/> Labor and Employment | <input type="checkbox"/> Professional Responsibility | |

Are any areas of knowledge missing, or is there other information you would like to offer?

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You must select at least one choice on this page to continue

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☐ Administrative Law and Procedure ☐ Environmental Law

☐ (includes immigration, workers compensation, government, civil rights, municipal law, Public Records Act, Information Practices Act, public contracts)

☐ Business Associations

☐ (includes intellectual property)

☐ Civil Procedure

☐ (includes intellectual property)

☐ Constitutional Law ☐ Family Law

☐ (includes civil rights, public policy, immigration)

☐ Criminal Law and Procedure

☒ (includes immigration, juvenile delinquency)

☒ Labor and Employment

Are ☐ (includes workers' compensation)

☐ Family Law

☐ (includes juvenile dependency)

☐ Finance

☐ (includes bankruptcy)

☐ Legislation

☐ (includes municipal law, public contracts)

☐ Tax

☐ (state, local, federal)

☐ Torts

☐ (Business and Personal)

Are any areas of knowledge missing or is there other information you would like to offer?

Characters left = 250



State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result

This question will narrow the legal topics we will ask you to evaluate in the rest of the survey. Please use the scales to evaluate the topics in **Administrative Law and Procedure**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Rule Making	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Interpretation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulatory Enforcement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Agency Claims and Hearings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Judicial Review and Appeals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Administrative Law and Procedure**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Administrative Law and Procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

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<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result

Please use the scales to evaluate the topics in **Business Associations**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Types of Business Entities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Formation and Governing Documents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stock, Membership Interests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Governance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fiduciary Duties	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Corporate Powers, Ultra Vires	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limitations of Liability/Piercing Corporate Veil	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Merger and Acquisition, Dissolution, Winding Up	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Business Associations**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Business Associations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

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Please use the scales to evaluate the topics in **Civil Procedure**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Jurisdiction	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pleadings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Motions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Discovery	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Trials	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Appeals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enforcement of Judgments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Civil Procedure**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Civil Procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

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Please use the scales to evaluate the topics in **Constitutional Law**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
First Amendment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fourth Amendment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fifth Amendment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sixth Amendment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Eighth Amendment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Commerce Clause	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Separation of Powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Federalism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Due Process and Equal Protection	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sovereign Immunity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Constitutional Law**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Constitutional Law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

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Please use the scales to evaluate the topics in **Contracts**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Offer and Acceptance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Modification, Amendment, Novation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Performance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Interpretation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Consideration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enforceability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Breaches and Remedies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Effectiveness, Term, and Termination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Contracts**, please evaluate the area of knowledge as a whole:

	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Contracts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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Please use the scales to evaluate the topics in **Criminal Law and Procedure**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Crimes (e.g., person, property)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Criminal Procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sentencing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pre-Trial Writs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Plea Negotiation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Trial	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Appeal and Post-Trial Writs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Criminal Law and Procedure**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Criminal Law and Procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

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Please use the scales to evaluate the topics in **Labor and Employment**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Classification of Employee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Wage and Hour	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Discrimination and Harassment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Hiring and Termination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Human Resource Policies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Labor Organizations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Labor and Employment**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Labor and Employment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result

Please use the scales to evaluate the topics in **Environment and Land Use**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Due Diligence for Acquisition	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Environmental Impact Statements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Eminent Domain	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Remediation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulatory Compliance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Entitlements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Water Rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Environment and Land Use**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Environment and Land Use	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? [Harm may be legal, financial, psychological, or emotional.]
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Please use the scales to evaluate the topics in Estate Planning, Trusts, and Probate.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Estate Planning	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Guardianship and Probate Conservatorship	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Administration of Trusts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Administration of Decedents' Estates	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Nonprobate Transfers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in Estate Planning, Trusts, and Probate, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Estate Planning, Trusts, and Probate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
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Please use the scales to evaluate the topics in Evidence.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Admissibility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Privileges	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Documents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Burdens and Presumptions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in Evidence, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Evidence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

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In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
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Please use the scales to evaluate the topics in **Family Law**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Division of Property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Custody	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adoption	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Domestic Partnership	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Marriage and Dissolution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Family Law**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Family Law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result

Please use the scales to evaluate the topics in **Finance**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Principles of Finance and Valuation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Capital Structure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial Instruments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fixed Income Markets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bankruptcy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Securities and Securities Markets	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Financial Reporting and Disclosure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fraud, Corruption, and Regulatory Risk	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Finance**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Finance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
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Please use the scales to evaluate the topics in **Legislation and Government**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Legislative Process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legislative History	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lobbying	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Constitutional Bases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Government	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Municipal Law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Legislation and Government**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Legislation and Government	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? [Harm may be legal, financial, psychological, or emotional.]
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Please use the scales to evaluate the topics in **Professional Responsibility**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Competence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Confidentiality	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conflicts of Interest	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fees, Billing, and Trust Accounting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Advocacy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Professional Responsibility**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Professional Responsibility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
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<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result

Please use the scales to evaluate the topics in **Real Property**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Estates, Easements, and Future Interests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Landlord Tenant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conveyances	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Title	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Real Property**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Real Property	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

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BACK

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result

Please use the scales to evaluate the topics in **Secured Transactions**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Real Property Liens	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Personal Property Liens	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enforcement and Foreclosure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Secured Transactions**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Secured Transactions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – Never 2 – Rarely (once per year) 3 – Sometimes (once per month) 4 – Often (once per week) 5 – Repeatedly (daily) 	<ul style="list-style-type: none"> 0 – Not applicable in my practice 1 – No harm at all will result 2 – Minimal harm will result 3 – Moderate harm will result 4 – Substantial harm will result 5 – Extreme harm will result

Please use the scales to evaluate the topics in **Securities**.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Definition of Security	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public Offerings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exemptions and Private Offerings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Securities Markets and Professionals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Insider Trading	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reporting and Regulatory Compliance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in **Securities**, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Securities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

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[BACK](#)
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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
<ul style="list-style-type: none">0 – Not applicable in my practice1 – Never2 – Rarely (once per year)3 – Sometimes (once per month)4 – Often (once per week)5 – Repeatedly (daily)	<ul style="list-style-type: none">0 – Not applicable in my practice1 – No harm at all will result2 – Minimal harm will result3 – Moderate harm will result4 – Substantial harm will result5 – Extreme harm will result

Please use the scales to evaluate the topics in Tax.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Income Taxation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Corporate and Partnership Taxation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Property Taxation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Estate and Gift Taxation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in Tax, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Tax	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
<ul style="list-style-type: none">0 - Not applicable in my practice1 - Never2 - Rarely (once per year)3 - Sometimes (once per month)4 - Often (once per week)5 - Repeatedly (daily)	<ul style="list-style-type: none">0 - Not applicable in my practice1 - No harm at all will result2 - Minimal harm will result3 - Moderate harm will result4 - Substantial harm will result5 - Extreme harm will result

Please use the scales to evaluate the topics in Torts.

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Negligence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Intentional Torts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Strict Liability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Products Liability	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Remedies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Now that you have evaluated the topics in Torts, please evaluate the area of knowledge as a whole:

Area of Knowledge	Frequency:					Criticality:				
	1	2	3	4	5	1	2	3	4	5
Torts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

There are unanswered questions on this page.

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State Bar of California Practice Analysis Study

In this section of the survey, please evaluate the areas of responsibility, competencies, and tasks using these scales.

Frequency:	Criticality:
On average, how frequently did you perform this work activity or apply the legal topic in your practice during the past 12 months?	What degree of harm may result to clients and/or the general public if an attorney is not proficient in the areas of responsibility, competencies, tasks, areas of knowledge, and topics? (Harm may be legal, financial, psychological, or emotional.)
<ul style="list-style-type: none">0 = Not applicable in my practice1 = Never2 = Rarely (once per year)3 = Sometimes (once per month)4 = Often (once per week)5 = Repeatedly (daily)	<ul style="list-style-type: none">0 = Not applicable in my practice1 = No harm at all will result2 = Minimal harm will result3 = Moderate harm will result4 = Substantial harm will result5 = Extreme harm will result

Please use the scales to evaluate the following non-legal topics:

Topics	Frequency:						Criticality:					
	0	1	2	3	4	5	0	1	2	3	4	5
Accounting and Budgeting	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Artificial Intelligence Technology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Computers and Other Technology	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research Design (e.g., developing hypothesis, sampling plan, generalizability)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Statistics (e.g., descriptive statistics, hypothesis testing)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supervisory Practices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Time Management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are any non-legal topics missing in this area of knowledge, or is there other information you would like to offer?

Characters left = 250

There are unanswered questions on this page.

To get MCLE credit, you must provide a substantially complete response record for the survey.

BACK

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

Information to Support Diversity and Inclusion: You are asked to voluntarily provide the following information in support of the State Bar's goal of diverse and inclusive participation in all aspects of its governance and operations. It will also assist the Bar in complying with the California Rule of Court rule 9.9 and California Business & Professions Code sections 6002.1 and 6009.5.

1. In which county of California do you work, or do you live outside the state or country?

Please select: ▼

BACK

RESET THIS PAGE

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

2. Gender

- ☐ Male
- ☐ Female
- ☐ Transgender
- ☐ Gender Variant/Non-conforming/Non-binary
- ☐ Two Spirit
- ☐ Not Listed
- ☐ Prefer not to answer

3. Orientation

- ☐ Heterosexual
- ☐ Gay/Lesbian
- ☐ Bisexual
- ☐ Pansexual
- ☐ Asexual
- ☐ Not listed
- ☐ Prefer not to answer

BACK

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

4. What is your age?

- ☐ 25 years or less
- ☐ 26 to 35 years
- ☐ 36 to 45 years
- ☐ 46 to 55 years
- ☐ 56 to 65 years
- ☐ 66 years or more

BACK

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

5. Race/Ethnicity

(Select all that apply)

- ☐ American Indian or Alaska Native
- ☐ Asian
- ☐ Black or African American
- ☐ Hispanic, Latino or Spanish
- ☐ Native Hawaiian or other Pacific Islander
- ☐ White
- ☐ Other
- ☐ Prefer Not to Answer

BACK

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State Bar of California Practice Analysis Study

Demographic Section

Please answer all questions.

6. Are you a veteran?

- ☐ Yes
- ☐ No
- ☐ Prefer not to answer

7. Do you self-identify as a person with a disability:

- ☐ Yes
- ☐ No
- ☐ Prefer not to answer

BACK

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SUBMIT YOUR ANSWERS

Progress 100%

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Finish Later:



State Bar of California Practice Analysis Study

Thank You !!!

Your answers have been saved

You may return at any time using your Access Code to continue this survey.

EXIT

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Submit Your Answer:



State Bar of California Practice Analysis Study

Thank you for participating in the Practice Analysis survey. We have your responses in our data base. If you completed a sufficient portion of the survey, you will receive MCLE credit.

State Bar of California Fact Sheet:

http://www.calbar.ca.gov/Portals/0/documents/Practice_Analysis_Fact_Sheet.pdf

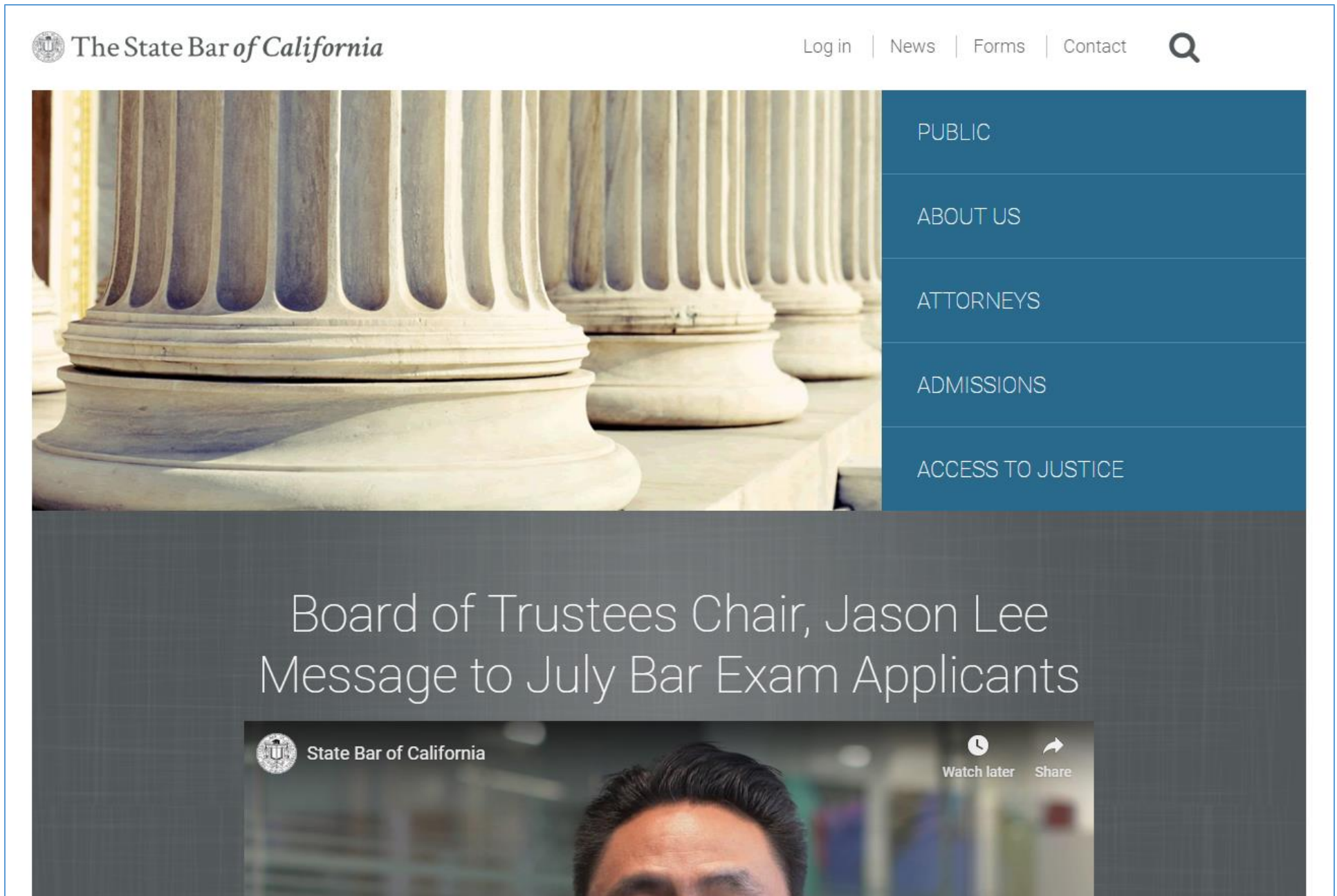
For security purposes, please close your internet browser

Exit

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On Exit:



The screenshot displays the homepage of The State Bar of California. The header features the organization's logo and name on the left, and navigation links for "Log in", "News", "Forms", and "Contact" on the right, accompanied by a search icon. A large image of classical columns serves as a background for the navigation menu, which lists "PUBLIC", "ABOUT US", "ATTORNEYS", "ADMISSIONS", and "ACCESS TO JUSTICE". Below this, a video player is embedded, showing a message from the Board of Trustees Chair, Jason Lee, to July Bar Exam Applicants. The video player includes the State Bar of California logo, the title "State Bar of California", and interactive buttons for "Watch later" and "Share".

The State Bar of California

Log in | News | Forms | Contact

PUBLIC

ABOUT US

ATTORNEYS

ADMISSIONS

ACCESS TO JUSTICE

Board of Trustees Chair, Jason Lee
Message to July Bar Exam Applicants

State Bar of California

Watch later Share

Already taken:



State Bar of California Practice Analysis Study

Our records indicate that you have already submitted this Survey.

Thank you for your participation.

For security purposes, please close your internet browser

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I. Introduction

California Attorney Practice Analysis Study *Experience Sampling Method – Onboarding Survey*

Thank you for agreeing to complete the practice analysis survey sponsored by the State Bar of California.

After completing this Onboarding Survey, you will receive up to three quick surveys per day at random intervals during work hours (10:00am to 12:00pm & 2:00pm to 4:00pm) during the week you select. Participants are asked to specify the task and knowledge employed at or immediately before the survey notification is received. We believe it will take **5 minutes or less** for you to complete the survey.

The survey does not collect identifying information such as your name or IP address. Your responses will be anonymous.

All questions regarding the survey should be directed to AttorneyPracticeStudy@Calbar.ca.gov



II. Week Availability

Please select the date you wish to receive the ESM notifications from the three options below:

☒ Monday, August 12 – Friday, August 16

☐ Monday, August 19 – Friday, August 23

☐ Monday, August 26 – Friday, August 30



III. Area of Practice

Please select your area of practice (can be multiple):

<input checked="" type="checkbox"/> Admiralty and Maritime	<input checked="" type="checkbox"/> Education	<input type="checkbox"/> Insurance	<input type="checkbox"/> Personal Injury
<input type="checkbox"/> Appellate	<input type="checkbox"/> Elder Abuse	<input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Personal Property, Sales, and Leases
<input type="checkbox"/> Bankruptcy	<input type="checkbox"/> Employment	<input type="checkbox"/> Juvenile Delinquency	<input type="checkbox"/> Privacy, Data Security, and Cyber Security
<input type="checkbox"/> Business	<input type="checkbox"/> Environment	<input type="checkbox"/> Juvenile Dependency	<input type="checkbox"/> Professional Malpractice (Medical, Legal, Other)
<input type="checkbox"/> Civil Litigation	<input type="checkbox"/> Estate Planning, Wills, Trusts, and Probate	<input type="checkbox"/> Labor Relations	<input type="checkbox"/> Real Estate
<input type="checkbox"/> Civil Rights	<input type="checkbox"/> Family Law	<input type="checkbox"/> Landlord / Tenant	<input type="checkbox"/> Taxation
<input type="checkbox"/> Construction	<input type="checkbox"/> Franchise and Distribution	<input type="checkbox"/> Media, Sports, and Entertainment	<input type="checkbox"/> Workers Compensation
<input type="checkbox"/> Criminal	<input type="checkbox"/> Health Care	<input type="checkbox"/> Military Law and Veterans	<input type="checkbox"/> Not Practicing
<input type="checkbox"/> Disability Rights	<input type="checkbox"/> Immigration	<input type="checkbox"/> Other:	

IV. Practice in California

Is at least 50% of your law practice in California at this time?

☒ Yes

☐ No

V. Experience Level

For how long have you practiced law?

☐ 0 to 6 months

☐ 7 to 12 months

☒ 13 to 18 months

☐ 19 to 24 months

☐ 25 months to 30 months

☐ 31 to 36 months

☐ 4 to 5 years

☐ 6 to 10 years

☐ More than 10 years

VI. Practice Type

My primary employment is in the following:

☐ Private law firm

☒ Government (federal, state, local)

☐ In-house counsel

☐ District attorney, public defender, or judiciary (including clerkships)

☐ Nonprofit or legal services

☐ Academia

☐ Other

VII. Practice Size

How many attorneys work in your firm or organization?

☐ 1

☐ 2-5

☒ 6-10

☐ 11-25

☐ 26-50

☐ 51-100

☐ 101-200

☐ >200



VIII. Demographics Introduction & County

Information to Support Diversity and Inclusion:

You are asked to voluntarily provide the following information in support of the State Bar's goal of diverse and inclusive participation in all aspects of its governance and operations.

Which county do you live in?

El Dorado ▼

IX. Gender

Gender:

☐ Male

☐ Female

☐ Transgender

☐ Gender Variant/Non-conforming/Non-binary

☐ Two Spirit

☐ Other

☐ Prefer not to answer

X. Sexual Orientation

Sexual Orientation:

☐ Heterosexual

☐ Gay or Lesbian

☐ Bisexual

☐ Pansexual

☐ Asexual

☐ Not Listed

☐ Prefer not to answer

XI. Age

What is your age?

☒ 25 years or less

☐ 26 to 35 years

☐ 36 to 45 years

☐ 46 to 55 years

☐ 56 to 65 years

☐ 66 years or more

XII. Race / Ethnicity

Race/Ethnicity (select all that apply):

☒ American Indian or Alaska Native

☒ Asian

☐ Black or African American

☐ Hispanic/Latinx

☐ Middle Eastern or North African

☐ Native Hawaiian or other Pacific Islander

☐ White

☐ Other:

☐ Prefer Not to Answer

XIII. Veteran

Are you a veteran:

☐ Yes

☒ No

☐ Prefer not to answer

XIV. Disability

Do you self-identify as a person with a disability:

☐ Yes

☐ No

☒ Prefer not to answer



XV. Survey End Language

We thank you for your time spent taking this survey. Your response has been recorded.

Watch your inbox for ESM survey pings during the week that you selected. You'll be eligible for the free MCLE course after completing the subsequent surveys.

I. Introduction



California Attorney Practice Analysis Study *Experience Sampling Method Survey*

Thank you for agreeing to complete the practice analysis survey sponsored by the State Bar of California.

You will receive up to three surveys per day at random intervals during work hours (10:00am to 12:00pm & 2:00pm to 4:00pm). Participants are asked to specify the task and knowledge employed at or immediately before the survey notification is received. We believe it will take **3 minutes or less** for you to complete the survey.

The survey does not collect identifying information such as your name or IP address. Your responses will be anonymous.



II. Legal-Work Filter

Were you engaged in legal-related work within 30 minutes of the time the survey notification arrived? At

Yes

No



III. Non-Legal Work Path – If Selecting “No” in II

What non-legal activity were you performing when you received the survey notification?

Traveling

Attending meeting unrelated to legal matters or cases

Training (providing or receiving)

Other:



We thank you for your time spent taking this survey. Your response has been recorded.

Check out real time updates on which skills and tasks are being performed by fellow attorneys, broken out by experience level. Please visit the [link here](#) (password: capa2020).

You have until 11:59 Sunday 9/1/2019 to fill out the ESM surveys. Once all the surveys are completed, you will receive a Tester ID in September that will give you access to a special self-study article on the Changing Face of Legal Practice. Simply read the article and complete the brief quiz to receive the one-hour of MCLE credit.

IV. Task Level One (Select One)

What type of task were you performing around the time of the notification?

Establishing and Maintaining Relationships

Establishing or declining a client relationship

Maintaining the client relationship

Communicating with others

Practice Management and Administration

Practice management

Case or matter management

Supervision and collaboration

Factual and Legal Analysis

Issue-spotting and fact-gathering

Research and investigation

Drafting and writing

Resolutions

Counsel/advice

Negotiation and closing

Alternative Dispute Resolution

Litigation



V. Task Level Two (Select One)

Which option below best represents the task you were performing at the time of the notification?

Establishing or Declining a Client Relationship

Identifying the client(s)

Assessing potential conflicts of interest

Managing conflicts throughout representation

Determining the client's goals and expectations

Evaluating competence to represent the client's interests

Managing referrals to and from other attorneys

Defining the scope of the attorney-client relationship

Explaining the client's obligations and responsibilities

Managing third-party involvement in representation of the client(s)

Documenting the engagement (e.g., engagement letter, arbitration agreement, fee agreement, conflict waiver)

Documenting the decision to decline representation

Other:



VI. Task Scales

What degree of harm may result if you are not proficient in performing the task related to Identifying the client(s)

No harm at all	Minimal harm	Moderate harm	Substantial harm	Extreme harm
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At what point during your legal career were you expected to first perform this task?

First year	Third year
Second year	After third year



VII. Content Area Level One (Select up to Three)

What legal topic(s) did you use when performing the task?

(Please limit selection to three areas). You may hover over the legal topics in the list below to see if there is additional detail.

Administrative Law and Procedure	Environment and Land Use	Real Property
Business Associations	Estate Planning, Trusts, and Probate	Secured Transactions
Civil Procedure	Evidence	Securities
Constitutional Law	Family Law	Tax
Contracts	Finance	Torts
Criminal Law and Procedure	Legislation and Government	Non-legal Knowledge
Labor and Employment	Professional Responsibility	Other:



VIII. Content Area Level Two (Select One) (1)

Which specific knowledge of Administrative Law and Procedure did you use when performing the task?

Administrative Law and Procedure

Rule Making
Interpretation
Regulatory Enforcement
Agency Claims and Hearings
Judicial Review and Appeals
Other:





IX. Content Area Scale

What level of knowledge of Rule Making is required when performing the task?

The rating scale below is based on a framework commonly used in classifying and assessing the depth of knowledge or learning. The five levels, from 1 for the lowest to 5 for the highest level, are defined as the ability to:

1. Recall from Memory - Recognize or recall to retrieve definitions, facts or simple procedures.
2. Understand - Summarize, classify, compare, or explain.
3. Apply - Use learned materials to solve a problem or apply them in new situations.
4. Analyze - Break down parts of a concept for deeper analysis.
5. Synthesize/Evaluate - Critique or make a judgment involving complex reasoning and planning.

1. Recall from Memory	2. Understand	3. Apply	4. Analyze	5. Synthesize/Evaluate
				

X. Content Area Level Two (Select One) (2)

Which specific knowledge of Environment and Land Use did you use when performing the task?

Environment and Land Use

Due Diligence for Acquisition

Environmental Impact Statements

Eminent Domain

Remediation

Regulatory Compliance

Entitlements

Water Rights

Other:



XI. Content Area Scale (2)

What level of knowledge of Due Diligence for Acquisition is required when performing the task?

The rating scale below is based on a framework commonly used in classifying and assessing the depth of knowledge or learning. The five levels, from 1 for the lowest to 5 for the highest level, are defined as the ability to:

1. Recall from Memory - Recognize or recall to retrieve definitions, facts or simple procedures.
2. Understand - Summarize, classify, compare, or explain.
3. Apply - Use learned materials to solve a problem or apply them in new situations.
4. Analyze - Break down parts of a concept for deeper analysis.
5. Synthesize/Evaluate - Critique or make a judgment involving complex reasoning and planning.

1. Recall from Memory	2. Understand	3. Apply	4. Analyze	5. Synthesize/Evaluate
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←

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XII. Survey End Language

We thank you for your time spent taking this survey. Your response has been recorded.

Check out real time updates on which skills and tasks are being performed by fellow attorneys, broken out by experience level. Please visit the [link here](#) (password: capa2020).

You have until 11:59 Sunday 9/1/2019 to fill out the ESM surveys. Once all the surveys are completed, you will receive a Tester ID in September that will give you access to a special self-study article on the Changing Face of Legal Practice. Simply read the article and complete the brief quiz to receive the one-hour of MCLE credit.

Appendix I: Tasks and Average Ratings from Traditional Survey for Newly Licensed Attorneys

Subdomain or Task	Criticality				Performance Expectation				Frequency			
	N	Mean	Median	SD	N	Mean	Median	SD	N	Mean	Median	SD
Area of Responsibility 1: Establishing and Maintaining the Client Relationship												
<i>Establishing or declining a Client Relationship</i>	593	3.7	4	1.3					605	3.3	4	1.4
Identify the client(s)	619	3.6	4	1.3	580	1.9	2	1.4	649	3.6	4	1.4
Assess potential conflicts of interest	684	4.0	4	1.2	624	1.9	2	1.4	711	3.2	4	1.4
Determine the client's goals and expectations	705	4.0	4	1.1	685	1.9	2	1.4	730	4.0	5	1.2
Evaluate competence to represent the client's interests	608	4.1	5	1.1	575	1.9	2	1.4	631	3.5	4	1.3
Manage referrals to and from other attorneys	479	2.8	3	1.3	439	2.0	2	1.3	517	2.7	3	1.3
Define the scope of the attorney-client relationship	596	3.7	4	1.2	554	1.9	2	1.4	613	3.2	4	1.4
Explain the client's obligations and responsibilities	630	3.8	4	1.2	601	1.9	2	1.4	649	3.5	4	1.3
Manage third-party involvement in representation of the client(s)	577	3.5	4	1.2	542	2.0	2	1.3	593	3.0	3	1.3
Document the engagement (e.g., engagement letter, arbitration agreement, fee agreement, conflict waiver)	576	3.8	4	1.2	533	1.9	2	1.4	594	3.4	4	1.4
Document the decision to decline representation	446	3.5	4	1.3	393	2.0	2	1.4	459	2.6	3	1.5
Manage conflicts throughout representation	617	3.9	4	1.2	559	1.9	2	1.4	642	3.1	3	1.4
<i>Maintaining the Client Relationship</i>	641	3.9	4	1.2					655	4.1	5	1.1
Update the client(s) throughout the matter (verbal or written)	661	3.9	4	1.1	642	1.7	1	1.3	671	4.1	4	1.0
Respond to client inquiries	662	3.9	4	1.1	638	1.8	1	1.4	672	4.3	5	1.0
Resolve disputes with clients (e.g., fees, potential resolutions)	511	3.8	4	1.2	467	2.1	3	1.5	520	2.7	2	1.4
Document termination of the representation	450	3.6	4	1.3	404	2.0	2	1.4	464	2.6	2	1.4
<i>Communicating with others</i>	663	3.9	4	1.2					670	4.1	5	1.2
Determine disclosure or notice obligations	514	3.9	4	1.1	494	1.8	2	1.3	530	3.3	4	1.3
Determine confidentiality obligations	587	4.2	5	1.0	564	1.7	1	1.3	600	3.5	4	1.2
Communicate with opposing counsel or parties	586	4.0	4	1.1	568	1.7	1	1.3	600	3.9	4	1.3
Communicate with other interested persons (e.g., media, regulatory bodies, insurers)	489	3.5	3	1.2	456	1.8	2	1.3	511	3.0	3	1.4
Manage communications with other interested persons (e.g., media, regulatory bodies, insurers)	461	3.4	3	1.2	425	1.9	2	1.3	482	2.9	3	1.4
Communicate with witnesses, consultants, or experts	501	3.7	4	1.1	486	1.8	2	1.2	511	3.2	3	1.3
Manage communications with witnesses, consultants, or experts	485	3.7	4	1.2	468	1.9	2	1.3	497	3.1	3	1.3
Area of Responsibility 2: Practice Management and Administration												

Subdomain or Task	Criticality				Performance Expectation				Frequency			
	N	Mean	Median	SD	N	Mean	Median	SD	N	Mean	Median	SD
<i>Practice Management</i>	537	3.5	4	1.2					550	3.4	4	1.3
Determine necessary staffing	311	3.2	3	1.3	255	2.6	3	1.5	339	2.3	3	1.3
Manage staff members	375	3.4	4	1.2	328	2.2	3	1.4	393	3.1	4	1.5
Comply with State Bar licensing and reporting requirements	484	4.0	4	1.2	457	1.9	1	1.5	511	2.9	2	1.4
Create the practice's budget	261	3.4	3	1.3	200	2.7	4	1.7	284	2.2	3	1.4
Manage the practice's finances	256	3.5	4	1.3	195	2.8	4	1.7	280	2.4	3	1.5
Manage client trust accounts	233	4.2	5	1.1	180	2.8	4	1.7	252	2.4	3	1.6
Manage appropriate insurance coverage	238	3.6	4	1.3	193	2.5	3	1.7	260	2.1	2	1.3
Manage IT requirements and resources	260	3.3	3	1.2	216	2.2	3	1.5	285	2.3	3	1.4
Manage service vendors	255	3.0	3	1.2	211	2.1	3	1.4	274	2.3	3	1.3
Market the practice in compliance with requirements relating to attorney advertising	224	3.2	3	1.4	180	2.3	3	1.6	236	2.3	3	1.4
Manage files and records	524	4.0	4	1.1	496	1.7	1	1.3	538	4.0	5	1.3
Maintain calendar	528	4.0	5	1.2	507	1.7	1	1.3	548	4.2	5	1.2
<i>Case or Matter Management</i>	548	3.7	4	1.2					557	3.9	4	1.2
Establish the budget for the case or matter	278	3.5	3	1.2	251	2.2	3	1.5	289	2.6	3	1.4
Calendar deadlines	528	4.4	5	0.9	501	1.7	1	1.4	538	4.1	5	1.1
Record time spent on the case or matter	442	3.9	4	1.3	433	1.7	1	1.4	450	4.4	5	1.2
Manage client billing	302	3.8	4	1.2	277	2.1	2	1.5	311	3.4	4	1.5
<i>Supervision and Collaboration</i>	571	3.4	4	1.2					581	3.7	4	1.1
Seek advice from senior attorney(s) and other staff	589	3.8	4	1.1	571	1.6	1	1.2	604	4.2	4	0.9
Delegate tasks	472	3.2	3	1.2	452	1.8	2	1.2	490	3.5	4	1.3
Oversee delegated tasks	453	3.4	4	1.2	439	1.9	3	1.2	470	3.5	4	1.3
Define expectations and scope of responsibilities between co-counsels	336	3.5	3	1.2	312	2.1	3	1.4	351	2.9	3	1.4
Area of Responsibility 3: Factual and Legal Analysis												
<i>Issue-Spotting and Fact-Gathering</i>	583	4.1	4	1.1					589	4.3	5	1.0
Interview the client	471	4.1	4	1.0	457	1.7	1	1.2	483	3.6	4	1.2
Obtain documents and evidence from the client	496	4.1	4	1.0	474	1.7	1	1.3	502	3.9	4	1.0
Obtain public information about the client and the matter	473	3.6	4	1.2	460	1.6	1	1.2	480	3.5	3	1.2
Review the documents collected	556	4.2	4	1.0	544	1.6	1	1.3	563	4.3	4	0.9
Identify legal and factual issues	582	4.4	5	0.9	570	1.6	1	1.3	586	4.4	5	0.9

Subdomain or Task	Criticality				Performance Expectation				Frequency			
	N	Mean	Median	SD	N	Mean	Median	SD	N	Mean	Median	SD
Identify other persons with relevant information or interests	493	3.9	4	1.1	477	1.6	1	1.2	496	3.8	4	1.1
Prepare a summary of the interview and initial assessment of the client	444	3.7	4	1.2	420	1.6	1	1.2	445	3.6	4	1.2
<i>Research and Investigation</i>	589	4.0	4	1.1					595	4.2	4	1.0
Determine governing laws	573	4.3	5	0.9	553	1.6	1	1.3	580	4.1	4	1.1
Research laws and precedents	575	4.3	5	0.9	558	1.6	1	1.2	583	4.1	4	1.0
Consult with attorneys who have more experience or expertise	579	3.9	4	1.1	561	1.5	1	1.2	583	4.1	3	1.0
Evaluate exemplars, forms, and models	502	3.6	3	1.2	484	1.6	1	1.2	508	3.8	3	1.2
Search for relevant records and documents	549	3.9	4	1.1	533	1.6	1	1.2	556	4.1	4	1.0
Review relevant records and documents	564	4.1	4	1.0	548	1.6	1	1.2	576	4.3	4	0.9
Determine the need for non-attorney consultants or experts	415	3.6	4	1.2	395	1.8	2	1.2	428	3.1	3	1.3
Confer with non-attorney consultants or experts	442	3.5	4	1.2	425	1.7	2	1.1	452	3.1	3	1.2
Interview persons with possibly relevant information or interests	415	3.7	4	1.1	401	1.7	1	1.2	428	3.2	3	1.3
Prepare internal working analysis of the case or matter	510	3.7	4	1.1	496	1.6	1	1.2	519	3.9	4	1.1
<i>Drafting and writing</i>	587	4.1	4	1.1					592	4.3	5	0.9
Draft correspondence	554	3.9	4	1.1	534	1.6	1	1.3	563	4.4	5	0.9
Use exemplars, forms, and models	496	3.5	3	1.2	485	1.5	1	1.1	506	4.0	4	1.1
Draft pleadings, motions, statements, or briefs	440	4.3	4	1.0	431	1.6	1	1.2	453	3.9	4	1.1
Draft formal legal instruments (e.g., liens, claims, title documents, estate or incapacity plans, settlement agreements)	390	4.2	4	1.0	368	1.8	1	1.2	396	3.4	3	1.3
Draft discovery requests or responses	358	4.0	4	1.1	344	1.6	1	1.2	366	3.5	3	1.3
Draft legal memoranda	492	3.7	4	1.2	471	1.5	1	1.2	500	3.6	3	1.2
Draft contracts and other transactional documents	347	4.0	4	1.1	326	1.7	1	1.1	354	3.4	3	1.3
Redline transactional documents	327	3.8	4	1.2	305	1.7	1	1.2	335	3.4	4	1.4
Edit drafts or documents	549	3.9	4	1.1	537	1.6	1	1.2	558	4.2	4	1.0
Area of Responsibility 4: Resolutions												
<i>Counsel/Advice</i>	509	4.0	4	1.1					516	4.1	4	1.0

Subdomain or Task	Criticality				Performance Expectation				Frequency			
	N	Mean	Median	SD	N	Mean	Median	SD	N	Mean	Median	SD
Advise the client regarding the benefits, risks, and consequences of a course of action	480	4.4	5	0.9	469	1.9	2	1.3	486	4.0	4	1.1
Advise the client about behavioral expectations	397	3.8	4	1.2	381	1.8	2	1.2	407	3.3	3	1.3
Advise the client on specific legal questions and rules	489	4.2	4	1.0	478	1.8	2	1.3	493	3.8	4	1.1
Document communications and advice given to the client	485	3.9	4	1.2	476	1.7	1	1.2	493	4.0	4	1.1
Conduct necessary follow up	494	3.9	4	1.1	484	1.7	1	1.2	500	4.0	4	1.0
<i>Negotiation and Closing</i>	411	3.8	4	1.2					417	3.4	4	1.3
Explain the terms, conditions, and status of negotiations	383	4.0	4	1.1	368	1.9	2	1.2	389	3.5	4	1.3
Coordinate the roles and authority of participants in negotiations	317	3.7	4	1.2	299	2.0	2	1.2	326	3.0	3	1.3
Participate in negotiations	396	4.0	4	1.1	384	1.9	2	1.2	404	3.4	4	1.3
Represent the client in mediation of transactional disputes	236	4.0	4	1.1	220	2.1	3	1.3	236	2.8	3	1.4
Coordinate closing of a transaction	261	3.9	4	1.2	252	2.1	2	1.3	270	3.1	3	1.3
<i>Alternative Dispute Resolution</i>	283	3.6	4	1.2					293	2.8	3	1.3
Evaluate options for alternative dispute resolution	271	3.6	4	1.1	257	1.9	3	1.2	284	3.0	3	1.2
Evaluate potential neutrals	232	3.6	3	1.1	217	2.0	3	1.2	243	2.7	3	1.3
Communicate with neutrals	233	3.5	3	1.1	222	2.0	3	1.3	246	2.6	3	1.3
Prepare for alternative dispute resolution proceedings	253	3.8	4	1.1	239	1.9	3	1.2	267	2.6	3	1.3
Represent the client in alternative dispute resolution proceedings	238	3.9	4	1.1	216	2.2	3	1.3	248	2.4	3	1.3
<i>Litigation</i>	374	4.2	5	1.1					376	3.3	3	1.4
Analyze jurisdictional issues	427	4.0	4	1.1	416	1.6	1	1.2	431	3.2	3	1.3
Analyze proper venue and statute of limitations	405	4.1	5	1.1	396	1.6	1	1.2	413	3.3	3	1.3
Research local rules	437	3.9	4	1.2	426	1.6	1	1.2	441	3.4	3	1.3
Identify parties' legal names and capacities	396	3.8	4	1.2	382	1.6	1	1.2	398	3.3	3	1.3
Comply with statutory notice and service requirements	398	4.2	5	1.1	384	1.6	1	1.3	402	3.7	4	1.3
Analyze discovery needs	320	4.1	4	1.0	308	1.7	1	1.2	324	3.5	4	1.3
Develop discovery plan	291	4.0	4	1.1	279	1.8	2	1.2	297	3.2	3	1.4
Implement discovery plan	295	4.0	4	1.1	283	1.7	1	1.2	300	3.4	3	1.4
Analyze e-discovery requirements and obligations	262	3.9	4	1.1	250	1.9	2	1.2	267	3.0	3	1.4
Instruct the client regarding the preservation of evidence	299	4.1	4	1.1	281	1.8	2	1.2	305	3.0	3	1.4

Subdomain or Task	Criticality				Performance Expectation				Frequency			
	N	Mean	Median	SD	N	Mean	Median	SD	N	Mean	Median	SD
Instruct the client regarding the production of evidence pursuant to discovery requests	293	4.1	4	1.1	285	1.8	2	1.2	296	3.1	3	1.4
Review evidence for production	318	4.1	4	1.1	314	1.7	1	1.2	325	3.4	3	1.3
Prepare for depositions	274	4.1	4	1.0	267	1.9	2	1.2	280	2.9	3	1.3
Prepare witnesses to testify	312	4.2	4	1.0	297	2.0	2	1.3	320	2.8	3	1.3
Attend depositions	267	4.0	4	1.1	258	1.9	2	1.2	273	2.8	3	1.3
Review deposition transcripts	296	3.6	4	1.1	289	1.6	1	1.1	305	3.0	3	1.3
Summarize deposition transcripts	280	3.4	3	1.3	266	1.7	1	1.1	289	2.7	2	1.3
Determine motion strategy and file relevant motions	313	4.1	4	1.0	302	1.8	2	1.2	319	3.2	3	1.3
Appear at hearings	358	4.2	5	1.1	353	1.7	1	1.2	364	3.3	3	1.3
Prepare for trial (e.g., subpoenas, exhibits, motions in limine, jury instructions)	327	4.4	5	1.0	312	1.9	2	1.3	335	2.8	3	1.3
Appear at trial (includes administrative bodies)	321	4.4	5	1.0	301	2.1	2	1.3	330	2.6	3	1.3
Prepare post-trial motions	266	4.1	4	1.1	244	2.1	2	1.3	278	2.3	2	1.3
Appear at post-trial hearings	250	4.1	5	1.1	224	2.2	2	1.4	263	2.2	2	1.3
Evaluate potential appeal	282	4.1	4	1.1	259	2.2	3	1.3	284	2.3	2	1.2
File notice of appeal	261	4.2	5	1.1	236	2.2	2	1.3	265	2.2	2	1.2
Review preliminary hearing record	240	3.7	4	1.2	228	1.9	2	1.3	247	2.7	3	1.4
Consider mediation and/or settlement	301	3.9	4	1.1	293	1.9	2	1.2	307	3.2	3	1.3

Appendix J: Results from ESM Survey

Subdomain or Task	N	Criticality		Performance Expectation	
		Mean	SD	Mean	SD
Area of Responsibility 1: Establishing and Maintaining the Client Relationship					
Establishing or declining a Client Relationship					
Identify the client(s)	22	2.3	20.8	1.6	7.0
Assess potential conflicts of interest	7	3.9	0.7	1.0	16.0
Determine the client's goals and expectations	0				
Evaluate competence to represent the client's interests	122	2.8	13.8	1.4	9.7
Manage referrals to and from other attorneys	18	3.3	7.3	1.6	8.1
Define the scope of the attorney-client relationship	12	2.6	16.9	1.8	5.3
Explain the client's obligations and responsibilities	21	3.3	7.9	1.2	12.6
Manage third-party involvement in representation of the client(s)	29	3.5	5.4	1.4	10.6
Document the engagement (e.g., engagement letter, arbitration agreement, fee agreement, conflict waiver)	4	3.5	5.2	2.3	-1.8
Document the decision to decline representation	30	3.1	10.3	1.3	11.7
Manage conflicts throughout representation	16	2.5	17.9	1.1	15.1
Maintaining the Client Relationship					
Update the client(s) throughout the matter (verbal or written)	257	2.9	13.4	1.3	11.8
Respond to client inquiries	232	3.0	12.0	1.4	10.9
Resolve disputes with clients (e.g., fees, potential resolutions)	9	3.4	5.9	1.1	14.4
Document termination of the representation	5	3.4	6.5	1.0	16.0
Communicating with others					
Determine disclosure or notice obligations	22	3.0	11.0	1.8	5.0
Determine confidentiality obligations	14	3.6	3.4	2.1	0.8
Communicate with opposing counsel or parties	351	3.0	12.0	1.3	12.2
Communicate with other interested persons (e.g., media, regulatory bodies, insurers)	116	2.8	14.1	1.3	11.7
Manage communications with other interested persons (e.g., media, regulatory bodies, insurers)	42	3.0	11.9	1.2	13.0
Communicate with witnesses, consultants, or experts	113	3.0	11.2	1.3	11.7
Manage communications with witnesses, consultants, or experts	25	2.8	14.1	1.2	13.2
Area of Responsibility 2: Practice Management and Administration					
Practice Management					
Determine necessary staffing	13	2.8	14.5	1.9	2.9
Manage staff members	22	3.3	7.5	1.9	3.1
Comply with State Bar licensing and reporting requirements	4	3.0	11.6	1.0	16.0
Create the practice's budget	0				
Manage the practice's finances	10	2.9	12.8	1.6	7.5
Manage client trust accounts	5	4.2	-3.7	1.0	16.0
Manage appropriate insurance coverage	3	3.0	11.6	1.0	16.0
Manage IT requirements and resources	8	2.8	14.7	1.9	3.6

Subdomain or Task	N	Criticality		Performance Expectation	
		Mean	SD	Mean	SD
Manage service vendors	12	2.4	19.0	1.8	5.3
Market the practice in compliance with requirements relating to attorney advertising	11	3.3	8.1	1.7	5.7
Manage files and records	77	2.8	14.0	1.5	9.4
Maintain calendar	26	3.2	9.1	1.0	16.0
<i>Case or Matter Management</i>					
Establish the budget for the case or matter	14	2.6	16.1	1.8	4.8
Calendar deadlines	175	3.5	5.0	1.2	12.9
Record time spent on the case or matter	110	2.8	14.7	1.0	15.4
Manage client billing	33	2.9	13.1	1.1	14.7
<i>Supervision and Collaboration</i>					
Seek advice from senior attorney(s) and other staff	167	3.0	11.6	1.1	14.0
Delegate tasks	50	2.6	16.6	1.9	3.8
Oversee delegated tasks	84	3.3	7.6	1.8	5.0
Define expectations and scope of responsibilities between co-counsels	71	2.9	13.4	1.9	3.2
Area of Responsibility 3: Factual and Legal Analysis					
<i>Issue-Spotting and Fact-Gathering</i>					
Interview the client	69	3.3	8.3	1.3	11.7
Obtain documents and evidence from the client	39	3.0	11.9	1.1	14.5
Obtain public information about the client and the matter	21	2.8	14.6	1.3	11.3
Review the documents collected	362	3.2	8.8	1.2	12.7
Identify legal and factual issues	262	3.4	6.1	1.2	13.2
Identify other persons with relevant information or interests	12	3.7	3.1	1.0	16.0
Prepare a summary of the interview and initial assessment of the client	16	3.5	5.2	1.4	10.7
<i>Research and Investigation</i>					
Determine governing laws	112	3.4	6.9	1.1	14.0
Research laws and precedents	564	3.3	8.1	1.2	13.4
Consult with attorneys who have more experience or expertise	67	2.8	13.8	1.4	10.3
Evaluate exemplars, forms, and models	33	2.7	15.0	1.2	13.0
Search for relevant records and documents	132	2.8	14.0	1.2	13.7
Review relevant records and documents	413	3.0	11.2	1.2	12.7
Determine the need for non-attorney consultants or experts	8	3.4	6.8	1.0	16.0
Confer with non-attorney consultants or experts	25	2.8	14.6	1.8	4.6
Interview persons with possibly relevant information or interests	29	2.9	12.4	1.4	9.6
Prepare internal working analysis of the case or matter	139	3.1	9.9	1.4	10.0
<i>Drafting and writing</i>					
Draft correspondence	376	2.9	12.2	1.2	13.2

Subdomain or Task	N	Criticality		Performance Expectation	
		Mean	SD	Mean	SD
Use exemplars, forms, and models	65	3.1	10.8	1.2	13.6
Draft pleadings, motions, statements, or briefs	998	3.6	4.3	1.3	11.3
Draft formal legal instruments (e.g., liens, claims, title documents, estate or incapacity plans, settlement agreements)	133	3.7	3.2	1.5	9.5
Draft discovery requests or responses	303	3.5	5.0	1.1	14.8
Draft legal memoranda	203	3.4	6.8	1.2	13.0
Draft contracts and other transactional documents	284	3.4	6.5	1.4	9.8
Redline transactional documents	114	3.1	10.5	1.4	10.0
Edit drafts or documents	439	3.1	10.7	1.3	11.8
Area of Responsibility 4: Resolutions					
<i>Counsel/Advice</i>					
Advise the client regarding the benefits, risks, and consequences of a course of action	206	3.4	6.2	1.4	10.9
Advise the client about behavioral expectations	11	3.0	11.6	1.2	13.4
Advise the client on specific legal questions and rules	128	3.2	9.1	1.6	6.9
Document communications and advice given to the client	30	3.3	7.3	1.4	10.3
Conduct necessary follow up	48	2.9	12.9	1.6	7.1
<i>Negotiation and Closing</i>					
Explain the terms, conditions, and status of negotiations	45	3.2	8.7	1.2	13.2
Coordinate the roles and authority of participants in negotiations	9	2.9	13.0	1.9	3.4
Participate in negotiations	149	3.7	3.3	1.4	10.2
Represent the client in mediation of transactional disputes	3	3.0	11.6	2.7	-7.7
Coordinate closing of a transaction	48	3.1	9.7	1.1	14.2
<i>Alternative Dispute Resolution</i>					
Evaluate options for alternative dispute resolution	7	2.9	13.4	1.9	3.8
Evaluate potential neutrals	1	2.0	24.3	3.0	-12.4
Communicate with neutrals	1	3.0	11.6	2.0	1.8
Prepare for alternative dispute resolution proceedings	21	3.4	6.7	1.4	9.9
Represent the client in alternative dispute resolution proceedings	45	3.8	2.0	1.6	6.8
<i>Litigation</i>					
Analyze jurisdictional issues	6	3.5	5.2	1.2	13.6
Analyze proper venue and statute of limitations	2	3.5	5.2	1.0	16.0
Research local rules	7	2.9	13.4	1.4	9.9
Identify parties' legal names and capacities	2	4.0	-1.1	1.0	16.0
Comply with statutory notice and service requirements	8	2.9	13.2	1.0	16.0
Analyze discovery needs	23	3.1	10.5	1.5	8.6
Develop discovery plan	16	3.4	6.8	1.6	7.1
Implement discovery plan	50	3.0	11.6	1.2	12.9

Subdomain or Task	N	Criticality		Performance Expectation	
		Mean	SD	Mean	SD
Analyze e-discovery requirements and obligations	4	3.3	8.4	1.5	8.9
Instruct the client regarding the preservation of evidence	0				
Instruct the client regarding the production of evidence pursuant to discovery requests	5	3.2	9.0	1.2	13.2
Review evidence for production	23	3.5	4.9	1.1	14.2
Prepare for depositions	26	2.8	13.5	1.1	14.9
Prepare witnesses to testify	17	3.4	6.3	1.6	7.6
Attend depositions	95	3.8	1.9	1.5	9.6
Review deposition transcripts	2	3.0	11.6	2.5	-5.3
Summarize deposition transcripts	4	2.8	14.7	1.0	16.0
Determine motion strategy and file relevant motions	5	2.4	19.2	1.0	16.0
Appear at hearings	34	3.4	6.3	1.3	11.4
Prepare for trial (e.g., subpoenas, exhibits, motions in limine, jury instructions)	216	3.6	4.5	1.3	12.3
Appear at trial (includes administrative bodies)	68	4.1	-2.2	1.4	10.8
Prepare post-trial motions	55	3.7	2.8	1.2	12.6
Appear at post-trial hearings	3	4.3	-5.4	1.7	6.5
Evaluate potential appeal	14	3.2	8.8	1.7	5.9
File notice of appeal	6	2.0	24.3	2.2	-0.6
Review preliminary hearing record	0				
Consider mediation and/or settlement	35	3.3	7.2	1.3	12.4

Appendix K: Legal Subtopics Based on Respondents in the First Three Years of Practice, Both Surveys

Knowledge Area or Subtopic	Traditional Survey						ESM						
	Criticality			Frequency			Criticality			Performance Expectation		Depth of Knowledge	
	N	Mean	Std	N	Mean	Std	N	Mean	Std	Mean	Std	Mean	Std
Administrative Law and Procedure													
Rule Making	115	3.6	1.3	120	2.8	1.4	24	3.2	1.0	1.2	0.7	3.3	1.1
Interpretation	171	3.8	1.3	175	3.6	1.2	126	3.1	0.9	1.3	0.8	3.6	1.1
Regulatory Enforcement	137	3.7	1.3	141	3.3	1.3	146	3.2	0.9	1.3	0.7	3.5	1.1
Agency Claims and Hearings	149	3.7	1.2	153	3.2	1.3	169	3.4	1.0	1.2	0.4	3.4	1.1
Judicial Review and Appeals	149	4.0	1.1	152	3.1	1.3	33	3.7	0.9	1.2	0.6	3.6	0.9
Business Associations													
Types of Business Entities	157	3.6	1.2	159	3.4	1.0	29	3.3	0.7	1.5	0.9	3.4	1.1
Formation and Governing Documents	144	3.7	1.3	145	3.1	1.2	63	3.0	1.0	1.4	0.7	3.1	1.1
Stock, Membership Interests	127	3.7	1.2	128	2.9	1.2	39	3.0	1.0	1.3	0.6	3.5	1.1
Governance	133	3.6	1.2	135	2.9	1.3	37	3.3	1.1	1.4	0.6	4.0	0.9
Fiduciary Duties	140	3.8	1.2	140	3.0	1.2	23	3.6	1.1	1.3	0.7	4.0	1.2
Corporate Powers, Ultra Vires	125	3.7	1.2	128	2.8	1.2	4	3.3	1.3	1.0	0.0	3.8	1.2
Limitations of Liability/Piercing Corporate Veil	143	4.0	1.2	144	3.0	1.2	9	3.2	0.7	1.9	0.8	3.1	0.5
Merger and Acquisition, Dissolution, Winding Up	126	3.7	1.3	129	2.7	1.3	43	3.0	0.8	1.3	0.7	2.6	1.0
Civil Procedure													
Jurisdiction	257	4.2	1.0	265	3.5	1.2	82	3.2	1.2	1.4	0.9	3.6	1.1
Pleadings	254	4.2	1.1	263	3.9	1.1	215	3.1	1.0	1.3	0.7	3.3	1.2
Motions	250	4.3	1.0	256	3.9	1.1	255	3.3	1.0	1.3	0.6	3.6	1.0
Discovery	241	4.2	1.1	251	3.8	1.2	483	3.2	0.9	1.3	0.7	3.2	1.1
Trials	232	4.3	1.1	243	2.8	1.4	96	3.6	0.9	1.2	0.5	3.7	1.1
Appeals	208	4.1	1.2	211	2.5	1.4	53	3.8	1.1	1.2	0.7	4.1	1.1
Enforcement of Judgments	204	4.0	1.1	215	2.6	1.4	36	3.3	1.2	1.3	0.8	3.4	1.3
Constitutional Law													
First Amendment	115	3.8	1.3	119	2.7	1.3	19	3.3	1.0	1.3	0.7	4.1	0.9
Separation of Powers	80	3.6	1.5	85	2.4	1.3	2	2.0	0.0	1.0	0.0	3.0	1.4

Knowledge Area or Subtopic	Traditional Survey						ESM							
	Criticality			Frequency			Criticality			Performance Expectation		Depth of Knowledge		
	N	Mean	Std	N	Mean	Std	N	Mean	Std	Mean	Std	Mean	Std	
Federalism	89	3.6	1.4	95	2.7	1.4	5	2.8	0.8	1.2	0.4	4.5	0.5	
Due Process and Equal Protection	145	4.2	1.0	149	3.6	1.2	46	3.4	1.2	1.4	0.9	3.6	1.1	
Sovereign Immunity	75	3.7	1.4	78	2.4	1.3	9	2.0	1.4	1.0	0.0	4.3	0.7	
Fourth Amendment	117	4.1	1.3	121	3.2	1.5	39	3.3	1.2	1.2	0.5	3.5	1.1	
Fifth Amendment	110	4.2	1.2	113	3.1	1.4	9	3.8	1.1	1.8	1.3	4.3	0.9	
Sixth Amendment	98	4.1	1.3	102	2.9	1.5	5	2.6	1.1	1.4	0.9	4.1	0.6	
Eighth Amendment	90	3.9	1.3	96	2.6	1.5	21	3.4	0.7	2.1	1.0	2.6	1.2	
Commerce Clause	65	3.8	1.3	69	2.1	1.3	1	2.0	nc	1.0	nc	4.0	nc	
Contracts														
Offer and Acceptance	230	3.8	1.2	236	3.1	1.3	62	3.6	0.9	1.3	0.7	3.7	1.2	
Modification, Amendment, Novation	241	3.8	1.1	243	3.2	1.3	63	3.1	0.7	1.5	0.9	3.4	1.1	
Performance	242	4.0	1.1	246	3.4	1.2	94	3.0	0.8	1.4	0.7	3.3	1.2	
Interpretation	249	3.9	1.2	255	3.5	1.2	167	3.2	1.0	1.3	0.7	3.5	1.1	
Consideration	214	3.6	1.4	221	3.0	1.4	12	3.1	1.2	1.8	0.9	3.3	1.2	
Enforceability	240	3.9	1.1	243	3.4	1.2	76	3.3	1.0	1.3	0.7	3.4	1.2	
Breaches and Remedies	244	4.0	1.1	245	3.4	1.2	218	3.3	0.9	1.3	0.7	3.7	1.0	
Effectiveness, Term, and Termination	243	3.9	1.1	244	3.4	1.3	88	3.1	0.9	1.3	0.7	3.2	1.1	
Criminal Law and Procedure														
Crimes (e.g., person, property)	111	4.1	1.2	116	3.7	1.3	132	3.5	1.0	1.3	0.6	3.5	1.2	
Criminal Procedure	105	4.2	1.1	109	3.7	1.3	115	3.1	0.9	1.3	0.7	3.2	1.2	
Sentencing	93	4.2	1.1	98	3.4	1.4	46	3.3	1.2	1.4	0.6	3.5	1.3	
Pre-Trial Writs	68	3.9	1.4	71	2.6	1.3	3	3.7	1.2	1.0	0.0	3.7	2.3	
Plea Negotiation	77	4.0	1.2	80	3.3	1.5	74	3.5	1.0	1.1	0.4	3.5	1.3	
Trial	77	4.3	1.2	79	3.1	1.4	46	3.4	1.6	1.2	0.5	3.4	1.3	
Appeal and Post-Trial Writs	72	4.1	1.2	76	3.0	1.4	72	3.2	1.1	1.3	0.8	3.7	1.2	
Labor and Employment														
Classification of Employee	154	4.0	1.1	157	3.3	1.1	35	3.2	0.8	1.1	0.3	3.5	1.4	

Knowledge Area or Subtopic	Traditional Survey						ESM							
	Criticality			Frequency			N	Criticality			Performance Expectation		Depth of Knowledge	
	N	Mean	Std	N	Mean	Std		Mean	Std	Mean	Std	Mean	Std	
Wage and Hour	138	4.0	1.2	145	3.2	1.3	202	3.2	0.9	1.3	0.6	3.4	1.0	
Discrimination and Harassment	139	4.2	1.0	144	3.5	1.3	217	3.3	0.9	1.3	0.6	3.3	1.3	
Hiring and Termination	146	4.1	1.1	150	3.5	1.3	128	3.2	1.0	1.2	0.5	3.5	1.1	
Human Resource Policies	133	3.7	1.2	136	3.0	1.3	35	2.9	1.0	1.1	0.6	2.7	1.1	
Labor Organizations	106	3.8	1.2	114	2.7	1.3	76	3.8	0.9	1.1	0.5	3.9	1.1	
Environment and Land Use														
Due Diligence for Acquisition	33	3.6	1.6	37	2.9	1.4	4	1.8	1.0	1.0	0.0	3.4	1.1	
Environmental Impact Statements	48	3.8	1.4	49	2.8	1.3	10	2.8	0.9	1.7	1.1	3.6	1.3	
Eminent Domain	37	3.5	1.4	39	2.2	1.0	7	2.1	0.4	1.4	0.5	2.5	1.1	
Remediation	40	3.7	1.3	41	2.5	1.2	72	2.9	0.7	1.4	0.9	3.1	1.1	
Regulatory Compliance	52	4.0	1.4	52	3.6	1.3	22	2.7	0.6	1.0	0.0	3.0	1.3	
Entitlements	39	3.2	1.4	40	2.8	1.4	9	3.8	0.7	2.6	1.4	4.3	0.7	
Water Rights	42	3.3	1.4	43	2.4	1.3	18	3.1	0.9	1.6	1.0	3.1	0.9	
Estate Planning, Trusts, and Probate														
Estate Planning	63	4.0	1.1	65	3.6	1.4	193	3.4	1.0	1.4	0.9	3.2	1.2	
Guardianship and Probate Conservatorship	60	3.8	1.2	60	2.7	1.3	29	2.9	0.9	1.4	0.7	3.4	0.9	
Administration of Trusts	62	4.0	1.0	62	3.3	1.4	87	3.2	1.0	1.7	1.0	3.1	1.0	
Administration of Decedents' Estates	62	3.9	1.1	61	3.2	1.4	76	2.9	0.8	1.1	0.4	3.1	1.0	
Nonprobate Transfers	63	3.8	1.2	65	3.1	1.4	12	3.5	0.9	1.3	0.6	3.7	1.3	
Evidence														
Admissibility	204	4.3	0.9	204	3.6	1.2	140	3.6	1.0	1.3	0.7	3.8	1.1	
Privileges	197	4.2	1.0	197	3.5	1.2	72	3.4	0.8	1.3	0.7	3.7	1.1	
Documents	204	4.2	0.9	204	3.9	1.1	143	3.2	0.9	1.2	0.6	3.3	1.2	
Burdens and Presumptions	202	4.2	1.0	202	3.6	1.2	45	3.4	1.1	1.5	0.9	3.6	1.1	
Family Law														
Division of Property	51	4.2	1.1	53	3.8	1.3	69	3.0	0.9	1.2	0.5	3.2	1.1	
Support	57	4.0	1.1	58	3.6	1.4	64	3.1	1.0	1.2	0.5	3.1	1.2	

Knowledge Area or Subtopic	Traditional Survey						ESM							
	Criticality			Frequency			Criticality			Performance Expectation		Depth of Knowledge		
	N	Mean	Std	N	Mean	Std	N	Mean	Std	Mean	Std	Mean	Std	
Custody	66	4.2	1.1	66	3.7	1.4	82	3.2	0.9	1.3	0.7	3.1	1.3	
Adoption	50	3.6	1.4	53	2.5	1.5	1	4.0	nc	1.0	nc	3.0	nc	
Domestic Partnership	41	3.5	1.5	45	2.7	1.5	10	3.1	1.1	1.4	1.0	3.3	1.6	
Marriage and Dissolution	58	4.1	1.2	59	3.7	1.4	94	3.2	1.0	1.3	0.7	3.1	1.2	
Finance														
Principles of Finance and Valuation	34	3.8	1.2	34	3.1	1.3	13	3.5	1.2	1.3	0.6	3.9	1.2	
Capital Structure	35	3.9	1.1	36	3.3	1.3	6	3.2	0.8	1.2	0.4	3.8	0.8	
Financial Instruments	39	3.7	1.2	40	3.5	1.3	1	5.0	nc	4.0	nc	4.0	nc	
Fixed Income Markets	25	2.7	1.6	22	3.6	1.3	27	2.8	0.8	1.5	0.7	3.6	0.9	
Bankruptcy	35	3.5	1.4	36	2.7	1.3	4	4.3	1.2	2.8	1.3	4.5	1.0	
Securities and Securities Markets	34	3.5	1.3	34	2.6	1.4	5	3.4	0.9	1.4	0.9	3.7	1.7	
Financial Reporting and Disclosure	37	3.7	1.3	37	2.9	1.3	23	3.4	0.7	1.2	0.7	4.3	1.0	
Fraud, Corruption, and Regulatory Risk	34	3.9	1.1	34	2.9	1.3	13	3.7	0.8	1.3	0.9	4.3	1.1	
Legislation and Government														
Legislative Process	96	3.4	1.4	100	2.8	1.4	26	3.2	1.0	1.1	0.3	3.5	0.9	
Legislative History	112	3.4	1.3	114	2.9	1.2	16	3.4	1.2	1.9	1.1	4.0	0.6	
Lobbying	54	3.2	1.4	54	2.3	1.4	8	3.0	0.9	1.3	0.5	3.4	1.1	
Constitutional Bases	105	3.6	1.3	106	2.9	1.3	9	3.3	1.2	1.6	1.1	3.4	1.5	
Government	115	3.7	1.1	118	3.4	1.3	108	3.4	0.9	1.4	0.8	3.8	1.1	
Municipal Law	99	3.7	1.2	100	3.3	1.3	113	3.0	0.9	1.3	0.7	3.4	1.1	
Professional Responsibility														
Competence	228	4.4	0.9	231	4.0	1.2	100	3.0	0.9	1.3	0.7	3.1	1.1	
Confidentiality	241	4.5	0.9	242	4.2	1.0	69	3.3	0.9	1.4	0.8	3.2	0.9	
Conflicts of Interest	229	4.3	1.0	231	3.5	1.3	39	3.2	0.8	1.3	0.6	3.6	1.0	
Fees, Billing, and Trust Accounting	159	4.1	1.1	162	3.5	1.4	64	3.0	1.1	1.2	0.6	2.8	1.1	
Advocacy	215	4.2	1.1	217	4.0	1.2	91	3.4	1.0	1.3	0.8	3.5	1.1	
Real Property														

Knowledge Area or Subtopic	Traditional Survey						ESM							
	Criticality			Frequency			Criticality			Performance Expectation		Depth of Knowledge		
	N	Mean	Std	N	Mean	Std	N	Mean	Std	Mean	Std	Mean	Std	
Estates, Easements, and Future Interests	95	3.7	1.2	96	2.9	1.3	33	3.0	0.8	1.4	0.9	3.1	1.1	
Landlord Tenant	101	3.7	1.2	105	3.1	1.4	173	3.3	0.9	1.3	0.7	3.3	1.0	
Conveyances	99	3.7	1.2	102	3.0	1.4	57	3.3	1.1	1.2	0.6	3.4	1.2	
Title	108	3.8	1.2	111	3.3	1.3	69	3.2	1.1	1.3	0.6	3.6	1.0	
Secured Transactions														
Real Property Liens	27	3.9	1.1	27	3.4	1.2	13	2.8	0.6	1.3	0.5	3.3	1.0	
Personal Property Liens	24	3.8	1.2	25	2.9	1.5	9	3.3	0.9	1.9	0.9	3.3	0.7	
Enforcement and Foreclosure	23	4.0	1.1	23	3.3	1.4	2	3.5	0.7	1.5	0.7	2.7	0.5	
Securities														
Definition of Security	28	3.7	1.3	28	2.9	1.2	2	3.0	1.4	1.0	0.0	2.7	0.9	
Public Offerings	15	3.9	1.2	16	2.7	1.3	9	3.1	1.1	1.6	0.9	3.2	1.4	
Exemptions and Private Offerings	21	4.0	1.2	23	3.3	1.2	27	3.3	0.9	1.3	0.7	3.2	1.3	
Securities Markets and Professionals	20	3.7	1.3	20	2.9	1.3	2	3.0	2.8	2.0	1.4	3.5	2.1	
Insider Trading	19	3.9	1.3	19	2.7	1.1	1	3.0	nc	2.0	nc	2.7	nc	
Reporting and Regulatory Compliance	23	3.8	1.3	23	3.1	1.3	37	3.8	1.0	1.2	0.6	4.0	1.2	
Tax														
Income Taxation	54	3.9	1.1	54	3.4	1.4	36	3.4	0.9	1.8	1.1	3.7	1.1	
Corporate and Partnership Taxation	55	3.9	1.1	56	3.2	1.4	76	3.3	0.8	1.6	1.1	3.7	1.1	
Property Taxation	46	3.6	1.3	47	2.7	1.3	4	3.3	0.5	1.8	1.5	3.7	0.7	
Estate and Gift Taxation	37	3.8	1.3	38	2.9	1.5	8	3.3	1.3	1.3	0.5	3.2	0.9	
Torts														
Negligence	139	4.2	0.9	140	3.8	1.1	380	3.1	1.0	1.2	0.6	3.3	1.2	
Intentional Torts	127	4.0	1.1	130	3.3	1.2	84	3.4	1.0	1.2	0.5	3.9	1.0	
Strict Liability	111	4.0	1.1	112	3.0	1.3	7	3.4	1.0	1.6	0.5	4.6	0.6	
Products Liability	102	4.0	1.2	103	2.7	1.4	102	3.4	0.8	1.2	0.4	3.4	1.2	
Remedies	132	4.2	0.9	135	3.8	1.1	22	3.5	1.1	1.6	1.1	3.4	1.4	

Appendix L: Findings for Non-Legal Topics

Non-Legal Topic	Traditional Survey								ESM						
	Criticality				Frequency				Criticality			Performance Expectation		Depth of Knowledge	
	N	Mean	Med	Std	N	N	N	Std	N	Mean	Std	Mean	Std	N	Mean
Accounting and Budgeting	3224	3.4	3	1.2	3345	3.2	3	1.2	64	2.8	0.9	1.2	0.6	65	2.4
Artificial Intelligence Technology	1730	2.7	3	1.3	1875	2.3	2	1.2	2	2.0	0.0	1.0	0.0	2	3.0
Computers and Other Technology	3646	3.4	3	1.3	3784	3.6	4	1.3	127	3.1	1.0	1.5	0.9	131	2.8
Research Design (e.g., developing hypothesis, sampling plan, generalizability)	1716	2.8	3	1.3	1832	2.4	2	1.3	14	2.6	0.8	1.1	0.5	14	3.2
Statistics (e.g., descriptive statistics, hypothesis testing)	1721	2.7	3	1.3	1826	2.3	2	1.1	7	2.9	0.7	1.0	0.0	7	3.2
Supervisory Practices	2737	3.3	3	1.3	2830	3.2	3	1.3	79	2.9	1.0	1.7	1.1	80	3.1
Time Management	3892	3.6	4	1.3	3957	4.0	5	1.2	153	3.0	1.1	1.2	0.7	154	2.7
Other									223	2.9	0.9	1.3	0.8	227	3.1