



The Washington State Bar Association

Membership Study 2012



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Introduction

In early 2011 the Washington State Bar Association (WSBA) initiated a Membership Study, the stated purpose of which was to “gain an accurate picture of the profession’s composition [as well as to] understand the reasons why attorneys leave the profession.”¹ This initiative called for a statistically reliable descriptive study of the membership’s demographic characteristics and professional trends. The WSBA asserted that securing an objective picture of the “composition and retention of the WSBA membership with regard to diverse attorneys”² was essential to the organization’s strategic planning in support of the profession and the practice of law in Washington State. Given this scope, a major purpose of this study was to form a rational foundation on which to base future policy and program priorities, as well as establish dependable benchmarks within a program evaluation structure.

TrueBearing LLC and the WSBA Membership Study Team

WSBA selected Areté Resources, a Seattle-based research and evaluation firm, to conduct this study. During the course of the study, Areté completed a scheduled re-branding under the name TrueBearing LLC. More information about TrueBearing is available in Appendix A.

The WSBA Membership Study Team comprised representatives from WSBA leadership and governance and WSBA staff. This composition ensured that the study met a broad cross-section of institutional needs. Information about the membership and roles of the team members is also available in Appendix A.

Evaluation Goals

In consultation with TrueBearing, WSBA based the study on four interlocking goals: 1) to gather reliable demographic and career-related data about WSBA membership, generally; 2) to initiate an exploration of the characteristics and work experiences of diverse segments of the membership; 3) to explore patterns of professional transitions among the WSBA membership (particularly member departure from the profession), identifying causal factors as appropriate,

¹ Washington State Bar Association (2011). Membership Study: Request for Proposal, p. 5. Unpublished document. This document can be found in Appendix B.

² Washington State Bar Association (2011). Membership Study: Request for Proposal, p. 3. Unpublished document. This document can be found in Appendix B.

and 4) to establish benchmarks for statistically reliable data that can serve both as functional baselines for understanding future membership trends and as a guide to policy, program planning, and evaluation.

The WSBA leadership has stated its intention to use the Membership Study results to develop new programs and initiatives, including potentially creating new member support programs, developing or modifying existing services to members, and educating employers, members, stakeholders, and the public. In addition, WSBA intends to use the study findings as the bases for exploration of segments of the membership and emerging issues to which WSBA may respond in the future. Documents related to the proposal for this study are available in Appendix B.

Project Strategy

In response to the evaluation goals, TrueBearing in collaboration with the WSBA Membership Study Team developed a comprehensive and explicit action model, a set of instruments for inquiry, and a multi-method strategy for the collection of data. These are detailed below.

Action Model and Professional Transitions. A well-constructed action model accomplishes two things. First, an action model explicitly describes the logical relationships among various factors that are believed to cause the key problems or challenges that concern the organization. Second, an effective action model is framed in a manner that incorporates current efforts that the organization has taken to affect the target problem, while also exploring alternative strategies. Refined over time by targeted action research, an action model becomes an empirically refined “road map for change,” offering practical guidance for executive decision-making.

Among the foci of this study were professional transitions in the practice of law in Washington State. The Membership Study Team defined professional transition in terms of four possible types of events that may occur in one’s career: 1) changing one’s area of practice; 2) changing one’s employment setting within the legal profession; 3) retiring from the profession; and 4) securing employment outside the legal profession.

The first two events are examples of job instability or changes that may occur while still remaining within the profession of law. Framed in positive terms, *job stability* relates to

persistence in a job or with an employer over time, rather than changing one's area of practice or employment setting. This study investigated the team's concern that job instability may be associated with "premature" departure from the profession altogether.

The latter two events – retiring from the profession and securing employment outside the legal profession – involve exiting the practice of law itself. Retirement is generally a developmentally normal planned event. However, the Membership Study Team was primarily concerned with the pattern of attorneys leaving the legal profession to seek employment in a non-legal profession, characterized in this study as a form of career instability. Framed positively, *career stability* is the tendency of members to remain in the professional practice of law for the natural course of their careers, whether or not they change their practice area or employment setting along the way. This study investigated the factors that promote career stability.

The action model developed for this study incorporated factors the Membership Study Team believed were relevant to career stability based on anecdotal evidence, as well as specific factors linked to career stability in many settings as identified in the research literature. By combining factors specific to WSBA members with known factors that measure career stability in many professional contexts, the action model makes it possible for this study to produce reliable, easily understood information that has the potential to lead to productive action. The WSBA Membership Study Team and TrueBearing framed this study in practical terms so that it could serve as a foundation for proactive decision-making in support of the professional practice of law in Washington State. See Appendix C for more on the WSBA Membership Study action model.

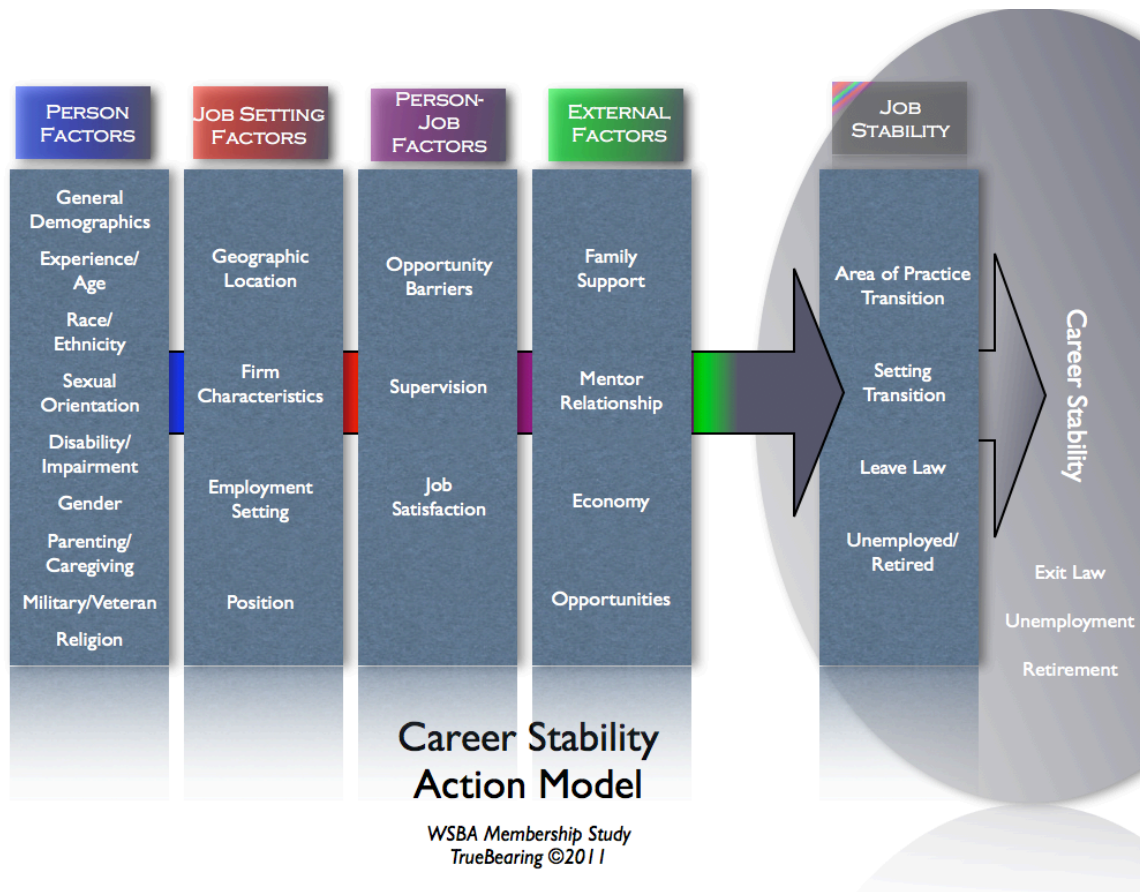


Figure 1. WSBA Membership Study Action Model.

Structure of Study

The Membership Study centered around three primary areas of inquiry consistent with the goals set forth initially:

Characteristics of the overall WSBA membership. The study collected and analyzed data from members and former members in four areas: individual professional characteristics; job setting characteristics; person-job factors (i.e., individual perceptions of the “goodness of fit” between oneself and the job); and factors external to the job setting, such as social support, work-life balance, and mentor relationships.

Characteristics and work experiences of diverse segments of the membership. The study collected and analyzed data on the incidence of selected groups within the membership, including general descriptive characteristics and workplace experiences, including encounters with professional social barriers, barriers to opportunity, and barriers to advancement. The diversity groups incorporated into the study were older members (over 40), persons of color,

sexual orientation minorities, women, primary parents and caregivers to older or disabled adults, persons with disabilities, and military personnel and veterans. Religious affiliation was also included without identifying any particular religious minority group.

Patterns of professional transition. The study's pool of participants included not only all current WSBA members (active, inactive, and other selected membership statuses) but also former members who discontinued WSBA membership for any reason within the past five years. Sampling from this population of WSBA members provided the basis for understanding why individuals leave the profession. Information was collected from all survey respondents on changes in work setting and area of practice within the last five years, as well as the primary reasons for such transitions and their perceived career and financial outcomes. Participants who had not transitioned during the last five years had an opportunity to identify particular challenges in their work situations. Finally, all participants currently employed in the legal profession were asked if they expected to remain in the law for the remainder of their careers.

Other Issues. The study gave all survey respondents an opportunity to offer open-ended input on current issues faced by the membership, feedback regarding satisfaction with WSBA services and programs, and suggested areas of improvement in services for members experiencing professional transition.

Phases of the Study. The plan for the study employed multiple data collection methods and sources. The study comprised three distinct phases to accommodate this multi-method strategy.

Phase 1. An online survey targeted to a randomly selected sample of ten percent of the entire WSBA membership, including all current members and those former members who exited the membership within the past five years. This phase utilized statistically sound sampling techniques to ensure results were both reliable and valid for purposes of generalizability. Selectees who did not have an e-mail address were sent a print survey to complete and return.

Phase 2. A series of online fora focused on selected themes and drew from particular segments of the membership identified by the Membership Study Team. WSBA selected groups within the membership for each online forum. This phase allowed for confidential

interactive discussion among WSBA members and added qualitative depth to the study findings.

Phase 3. An open survey was made available to all WSBA members for their voluntary participation. Although the results of an open survey are not statistically representative of the WSBA membership as a whole, the results nevertheless can provide valuable qualitative information, feedback, and recommendations from those members who chose to participate. Summary data for the open survey is available in Appendices G and H.

Structure of the Membership Study Report

The Membership Study Report comprises three elements: the Executive Summary, the Summary Report, and the Technical Appendices. The Executive Summary contains high-level findings and recommendations. The Summary Report consists of an introduction and description of evaluation goals; the project strategy implemented; the study methodology; selected results; discussion of findings; and recommendations. Finally, the Technical Appendices provide detailed results and supplementary information in tabular format. Following professional confidentiality standards, TrueBearing has omitted data that contain potentially identifying information and such data is not included in the Technical Appendices. In addition, analyses containing cells with fewer than ten subjects are not reported in order to protect confidentiality.

This is the first membership study of its kind that WSBA has commissioned. This study constituted a large and complex undertaking, and WSBA's goals and objectives were exploratory in nature. The Summary Report provides an overview of the primary descriptive outcomes of the study. As such, the Report focuses on the data most relevant to the four project goals; it does not include every item measured in the survey. For a comprehensive compilation of all items measured in the survey, see Appendix E and F.

The Summary Report contains a great deal of useful information and insight into the current state of the WSBA membership. In addition, the potential for further insight lies in more extensive analyses of the existing data. See the Recommendations section, *infra*, for specific areas that may warrant further exploration.

Methods

Phase 1: Random Sample Survey

Recruitment and sampling. To ensure a viable response rate as well as a workable data set, TrueBearing required a ten percent random sample of the segments of the current membership (and past members) identified as relevant to WSBA's goals. WSBA data management personnel randomly selected the sample, providing it directly to TrueBearing for all further work in order to preserve confidentiality of the membership. Data management staff drew the sample from across the entire WSBA membership roster with the exception of certain subgroups, (e.g., deceased, military, honorary members, and members lacking contact information). The sample included former members who had discontinued WSBA membership within the past five years. Once the sample was transmitted to TrueBearing, WSBA personnel were not involved in any aspects of data management or participant contact other than transmitting reminder email communications to the overall membership.

Modality. TrueBearing constructed the Membership Survey with input from the WSBA Membership Study Team. TrueBearing designed the survey to encompass the fourfold evaluation goals as identified by WSBA. (See Evaluation Goals, *supra*.) The survey employed 136 multiple choice and open-ended items assessing domains related to the project goals. These domains parallel the evaluation goals:

1. Characteristics of WSBA membership and job settings:
 - a. Personal and professional demographics
 - b. Work setting and position
2. Characteristics and work experiences of selected diversity groups
 - a. Membership in a diversity group
 - b. Workplace experiences
 - c. Professional barriers and opportunities
3. Factors related to professional transitions
 - a. Past and planned professional transitions
 - b. Job satisfaction
 - c. Social network support (including spouse/significant other and mentor)
 - d. Work-life balance

4. Items related to satisfaction with and feedback for WSBA regarding services and policies

Item branching was implemented to gather additional information from respondents in certain situations. Not every respondent was presented with every item. During pilot testing, the mean time to completion was 12-15 minutes.

Procedure. In late 2011, WSBA notified members that the Random Sample Survey Phase was approaching and that they might be selected as part of the random sample. In early January 2012, TrueBearing contacted those selected members with email addresses on file via email messaging to notify that they had been selected as part of the random sample. The survey was made available to these members via a web link for completion online.

Adapting established, research-based methods to an online modality, TrueBearing sent a series of carefully constructed reminder emails over a period of three weeks to this group to increase the rate of return.³ For information about the strategies used for follow-up, the methods used to handle missing, returned or bounced addresses, and the results of these strategies, see Appendix D or contact TrueBearing.

Phase 2: Online Fora

Recruitment. A total of seven fora were conducted over a non-consecutive seven-week period between October 2011 and February 2012. Fora 1 through 5 dealt with diversity themes. WSBA recruited participants for these fora by publishing a call for participants via communications from WSBA to the membership and via minority bar associations. Forum 6 and Forum 7 were composed of randomly selected participants from the population of current members and from the population of inactive or former members (within the past five years), respectively.

Forum 1: Members of racial or ethnic minority groups.

Forum 2: Sexual orientation minorities.

Forum 3: Women.

Forum 4: Primary parents and/or primary caregivers.

³ Methods were adapted from the following resource: Dillman, Don. *Mail and Internet Surveys: The Tailored Design Method*, 1999.

Forum 5: Persons living with disabilities and/or impairments.

Forum 6: Randomly selected sample of the current membership.

Forum 7: Randomly selected sample of inactive and former WSBA members (active within the last five years).

Each online forum group consisted of 8 to 15 participants and was moderated by TrueBearing staff. Each participant was assigned a non-identifying user name to preserve confidentiality during all aspects of enrollment and participation before, during, and after their participation. The results of the fora have been coded and reported using confidential protocols.

Modality. TrueBearing conducted the fora using a web-based enterprise chat program. Since standards in such programs are still developing, TrueBearing conducted preliminary testing to ensure compatibility with various Internet browsers and assistive technology to ensure accessibility and confidentiality for all participants. Each online forum consisted of linked virtual discussion rooms for moderated conversations among participants, similar to an online chat room format. Participants could enter any room at any time during the forum week, review that room's previous topics and comments in a transcript format, and enter their comments.

Procedure. Participants had access to the fora 24 hours a day for the entire forum period (in most cases, one full week). Broad themes for the discussion rooms included Professional Transitions, Exiting the Legal Profession, Workplace Experiences, and Economic Factors. The moderator began each room with a topic as a starting point and posed follow-up questions and new topics as the conversations progressed. The moderator opened an additional Open Discussion room to participants at the halfway point of the forum period and invited participants to address issues there that were not yet covered in other rooms as well as provide feedback and recommendations for WSBA.

For more information about the modality and procedures used in conduct the fora, contact TrueBearing.

Phase 3: Open Survey

Recruitment. WSBA announced the open membership survey to the membership via email communications, the WSBA website, and social media. Any member who wished to participate by taking the survey could do so by clicking a link in the email that directed them to

the external consultant's website where the survey link was located. The survey collector finished with a total of 2,397 respondents.

Modality. The open membership survey was substantively similar to the survey used in the random sample group in Phase 1. Members who wished to complete the survey clicked a web link that directed them to the online survey. As with the survey in Phase 1, items were primarily multiple-choice format, with some additional open-ended items. Item branching was implemented to gather additional information from respondents in certain situations, so not every respondent was presented with every item. The survey consisted of 143 items, including all branched items.

Procedure. The survey was available for a two-week period. Anyone who encountered problems with accessing or completing the survey was directed to contact the Survey Team.

Results

During the implementation of the Study, a referendum was announced proposing a reduction in the licensing fee. A review of the open-ended items in both the random and open surveys makes clear that this initiative galvanized a great deal of interest and controversy about members' costs and the scope of organizational priorities. This context did not directly bear on the key topics covered in this study, but it is a factor that should be borne in mind as one reviews the results of the Study.

The Results section begins with an analysis of the representativeness of the random sample from Phase 1. This analysis includes a description of demographic characteristics of the sample. A high-level tabular summary of the results of the Phase 1 survey follows, broken down by membership type. The bulk of the section comprises narrative and graphic summaries of the main survey items. A summary of the qualitative results from the random survey is also provided.

For Phase 2, qualitative data derived from the online fora is described in both summary graphic and narrative formats. Further information is available in Appendix I.

Results from Phase 3, the Open Survey, are provided in Appendices G and H.

Phase 1: Random Sample Survey

Representativeness of the random sample. The initial random sample of 3,606 selectees yielded 3,362 with email addresses and 244 with postal addresses only. After accounting for invalid email addresses, mailings marked “return to sender” and other factors preventing contact, a total of 2,216 successful contacts were successful. Of that number, 1,224 surveys (online and print) were returned. This yielded a gross return rate of 33.9 percent, and an effective rate of 55.2 percent. In the field of evaluation, these are viewed as excellent return rates for an exploratory study of this nature. Return patterns are detailed in Appendix D.

Where possible, TrueBearing compared the data obtained in this study against the membership data managed by WSBA. When comparisons are made between the two data sets in this report, TrueBearing used institutional data available as of January 2012. Note that the comparison of the study data and this institutional data is approximate, since the latter are updated on a rolling basis.

Nonetheless, the study sample statistically matched categories of institutional data on age, years licensed in Washington, and stated membership in selected diversity groups. (See Appendix D.) These findings lend confidence in the overall representativeness of the sample, and suggest that the findings on other more subjective areas covered by the survey are generally representative of WSBA's overall membership as well. On the other hand, poor response rates and other psychometric limitations across much of the institutional record render this source problematic as a benchmark. In general, the characteristics of the survey sample argue for its superiority as a reliable and valid index of overall membership patterns.

For example, relative to institutional data, the survey sample represents women as comprising a somewhat higher proportion of the WSBA membership as compared with the Association's records. However, while the survey results reflect a ten percent non-response rate on this item, the comparable WSBA figure reflects approximately 30 percent missing data. In other words, members chose not to indicate their gender to WSBA in their annual reporting at a rate *three times greater* than the non-response rate to the randomized survey. This high rate of missing data in WSBA institutional records therefore points to the *survey* results as very likely being more representative of the membership than WSBA's own institutional records. The implications of these discrepancies will be noted where relevant in this section as well as in the Discussion and Recommendations sections.

Characteristics of overall WSBA membership. As summarized in Table 1 and detailed in Appendix E, the obtained sample represents the following WSBA bar statuses: Active (86 percent), Inactive (10 percent), Judicial (.04 percent), Emeritus (.05 percent) and Former Member (.02 percent). Eighty-two percent of respondents work in a legal setting, six percent work in a business outside of the law, five percent are unemployed, and seven percent are retired. See the table below for further demographic characteristics of the sample.

Table 1. Selected Demographic Variables (Random Sample) and Bar Status

	Active	Inactive	Former
Age (mean)	48	55	64
Number of attorneys employed at worksite (mean; median)	50; 3	27; 1	1; 1
Annual estimated income (median)	\$90,000	\$80,000	\$100,000
Hours per week worked at worksite (mean)	37.9	28.1	14.7
Hours per week telecommuting (mean)	4.8	4.2	6.3
Years since licensure (median)	17	26	32
Overall satisfaction with WSBA, on a scale of 1 – 5, 5 being strongly agree (mean)	3.3	3.3	2.9
Index of job satisfaction on a scale of 1 – 5, 5 being strongly agree (mean)	3.6	3.5	3.9

Note that while Judicial and Emeritus status members were included in the random sample, there were fewer than 10 respondents in these categories so they are not reported above. The average age for Active members was 48, compared to 55 for Inactive and 64 for Former members. This latter figure, along with the lower hours per week worked for Former members (14.7) and high number of years since licensure (32), suggests that a portion of Former members in the sample may be retired or semi-retired.

The Active status group was by far the largest in the sample. This group is also both the youngest and the most newly licensed (with a median years since licensure of 17).

Individual characteristics. This section reports selected individual demographic characteristics. A complete compendium of results is available in Appendix E.

Age. The age range of respondents was 24 to 91 years of age. A categorical breakdown of survey age data (following the WSBA institutional data categories for comparison purposes) reveals that the 21-to-30 age group is technically the smallest cohort in the sample, although it should be noted that this is an artifact of the age group cutoff (given that the earliest age at which an attorney is eligible for the bar is typically the mid-20s). It may be more useful to consider that approximately 30 percent of the sample is 40 or younger. This approximates WSBA institutional data, which indicates that 28.5 percent of the membership is 40 or younger.

On the other hand, over half of the sample is 51 or older. Among older members, the 51-to-60 age group is the largest cohort in the WSBA membership (26 percent). It is notable that 21 percent of both the sample and of the WSBA membership according to institutional data is aged 61 and over—an age group for which retirement is a major consideration.

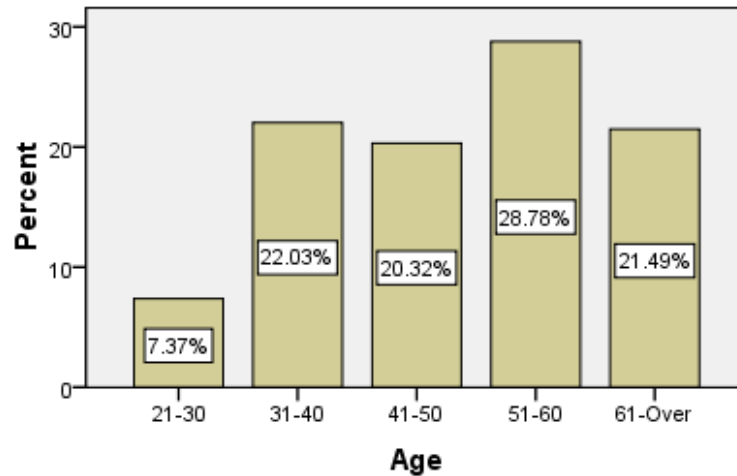


Figure 2. Percent of respondents by age category.

Sex. The majority of all survey respondents (55 percent) were male, with 45 percent women. By comparison, females comprise 50.2 percent of the general population of the State of Washington, slightly over a five percent discrepancy.⁴

One respondent identified as *Intersex*. Due to the low incidence, additional statistics cannot be reported due to confidentiality constraints. This incidence may slightly underestimate the expected incidence in comparable US populations, although reliable figures are difficult to obtain.⁵

⁴ U.S. Census Bureau, United States Census 2010: State and County QuickFacts. Available at <http://quickfacts.census.gov/qfd/states/53000.html>.

⁵ See Intersex Society of North America. *How common is intersex?* Available at <http://www.isna.org/faq/frequency> (describing issues of defining intersex and indicating estimated frequencies up to one percent); and Fausto-Sterling, A. (2000). *Sexing the body: Gender politics and the construction of sexuality*. New York: Basic Books (indicating 1.7 percent incidence).

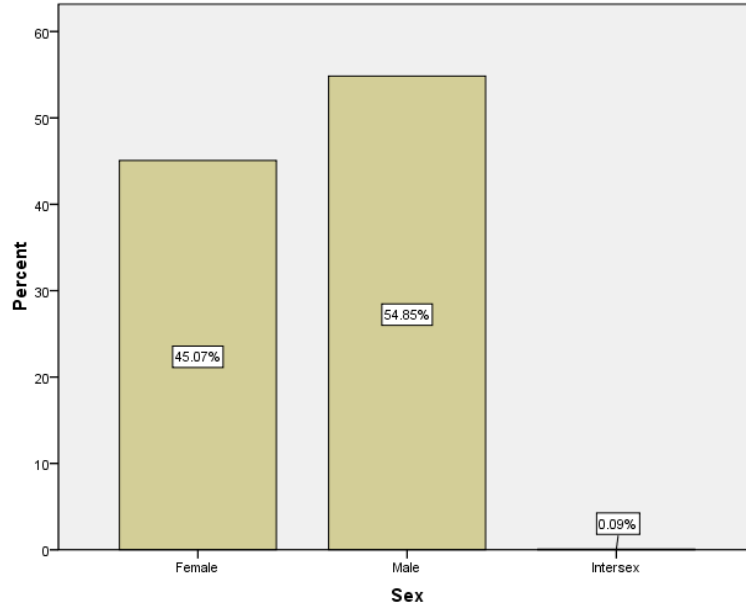


Figure 3. Percent of respondents by sex.

Marital status. The most frequent response on the question about marital status is Married (68 percent), followed by Single (16 percent), Divorced (9 percent) and Domestic Partner (4 percent). Separated and Widow/er are both represented at slightly over one percent.

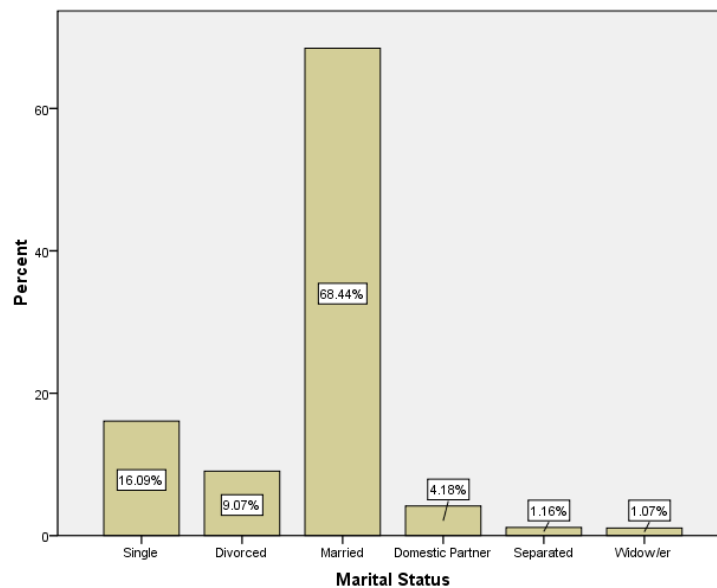
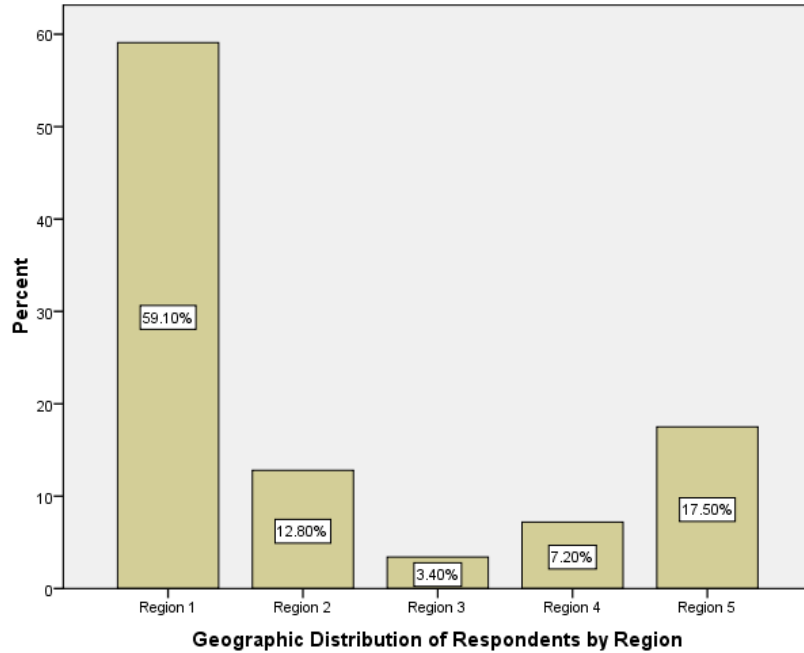


Figure 4. Percent of respondents by marital status.

Geographic distribution. Figure 5 makes clear that the preponderance of WSBA members work within the greater Puget Sound area (Region 1). However, over 40 percent of the membership actually works outside of this region. In fact, 19 percent report a work location outside of Washington altogether (Region 5). These “non-Puget” members express a variety of interests and concerns related to access to WSBA’s programs and services that may be reviewed in Appendix F.

For reference purposes, Table 2 presents the Washington counties that comprise the four regions of the state as defined for purposes of the study. An additional category, Region 5, references WSBA members residing outside of the state, either elsewhere in the United States or abroad.

Region 1	Region 2	Region 3	Region 4	Region 5
Western Washington/ Puget Sound East	Western Washington/ Puget Sound West- Olympic Peninsula	Central Washington	Eastern Washington	Outside of Washington
King Pierce Skagit Snohomish Whatcom	Clallam Clark Cowlitz Grays Harbor Jefferson Lewis Mason Pacific Skamania Thurston Wahkiakum	Benton Chelan Douglas Grant Kittitas Klickitat Okanogan Yakima	Adams Asotin Columbia Ferry Franklin Garfield Lincoln Pend Oreille Spokane Stevens Walla Walla Whitman	National and international- 175 locations



Region 1: Western Washington/ Puget Sound East
 Region 2: Western Washington/ Puget Sound West- Olympic Peninsula
 Region 3: Central Washington
 Region 4: Eastern Washington
 Region 5: Outside of Washington

Figure 5. Percent of respondents by region.

Figures 6 and 7 show the geographic distribution of members across the United States, and within the state of Washington. The blue dots signify the partially aggregated work location of all WSBA members in the sample in that each dot represents at least one respondent. Further disaggregation is not displayed due to confidentiality constraints.

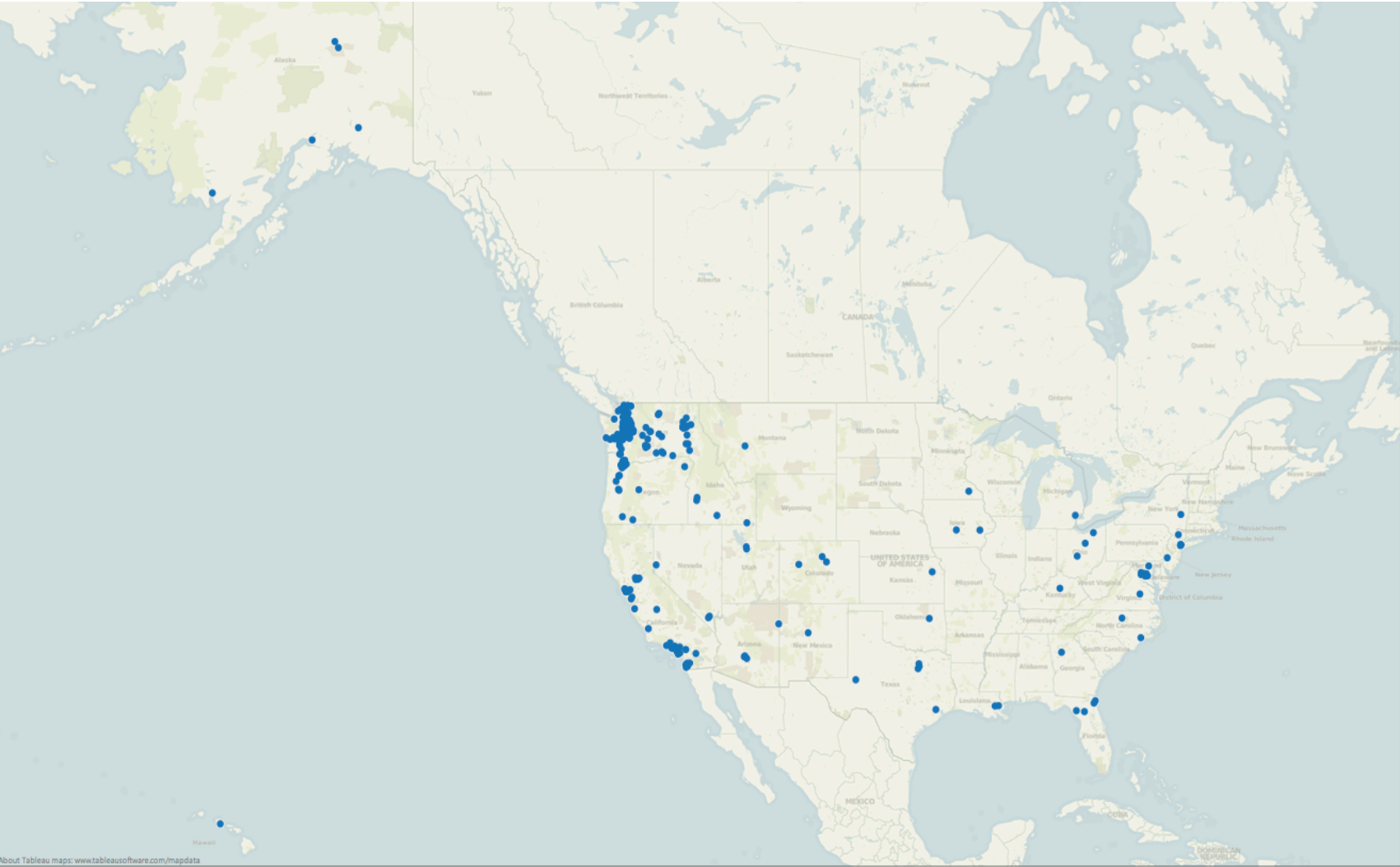


Figure 6. Respondent geographic locations, United States.

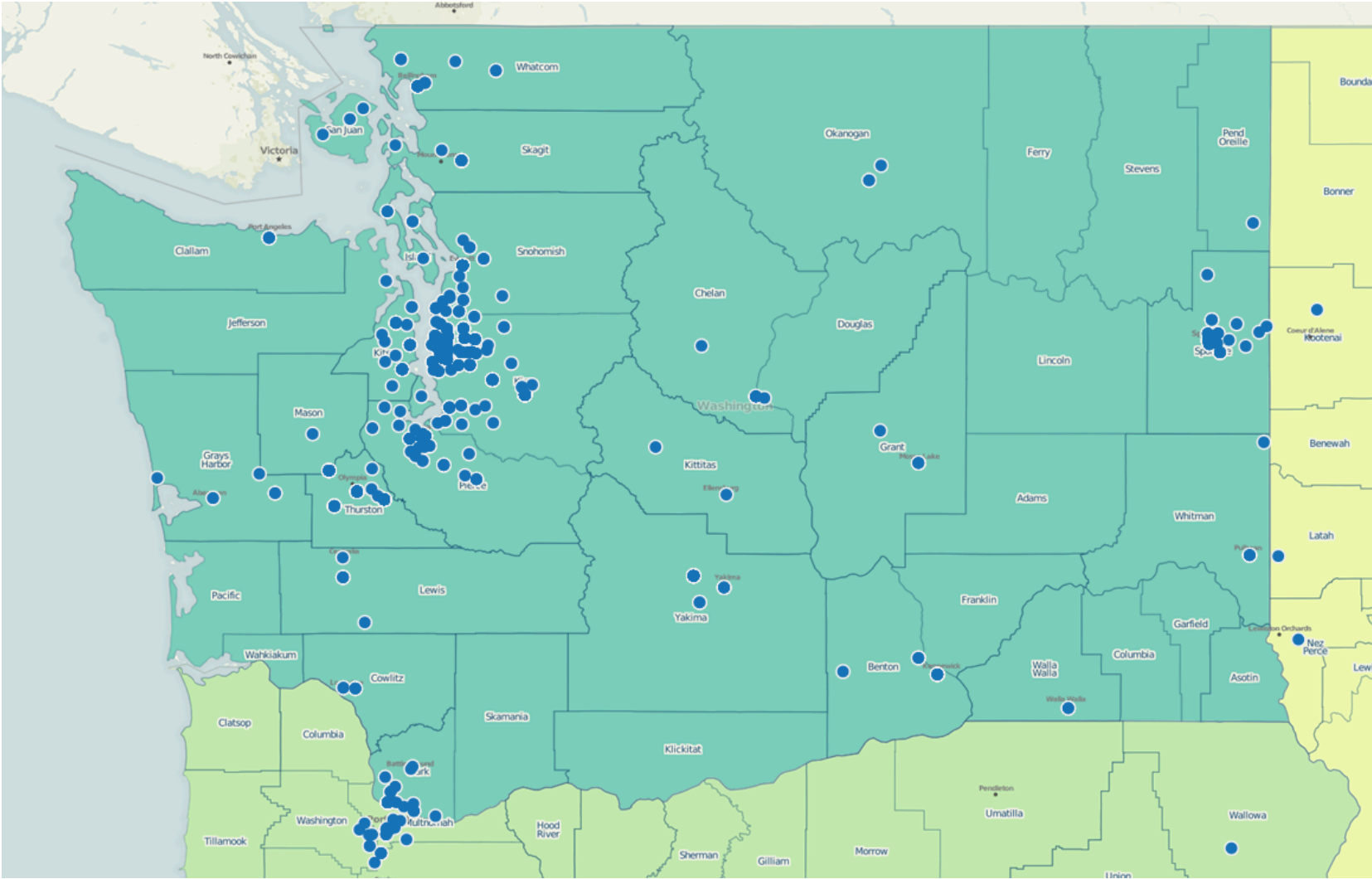


Figure 7. Respondent geographic distribution, Washington State.

Bar status. Eighty-six percent of the sample held Active status with the Association, followed by Inactive at 10 percent. Respondents indicating their status as either Judicial or Emeritus were below one percent. Note that former members make up two percent of the sample.

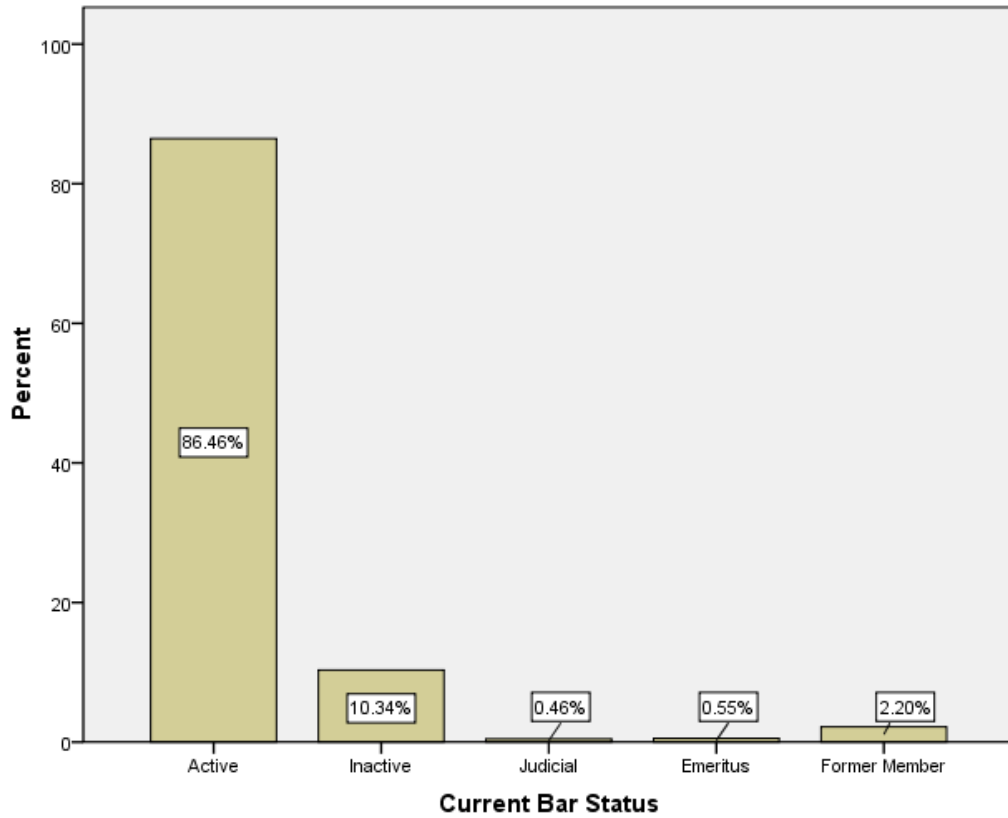


Figure 8. Percent of respondents by current bar status.

Actively practicing law. Distinct from a member's status with the bar is the issue of whether they are in fact actively practicing law. Nearly three-quarters of the overall sample (73 percent) state that they are "actively practicing law at this time." Note that some of the respondents to this item may be actively practicing outside of the state, as delineated in Appendix E.

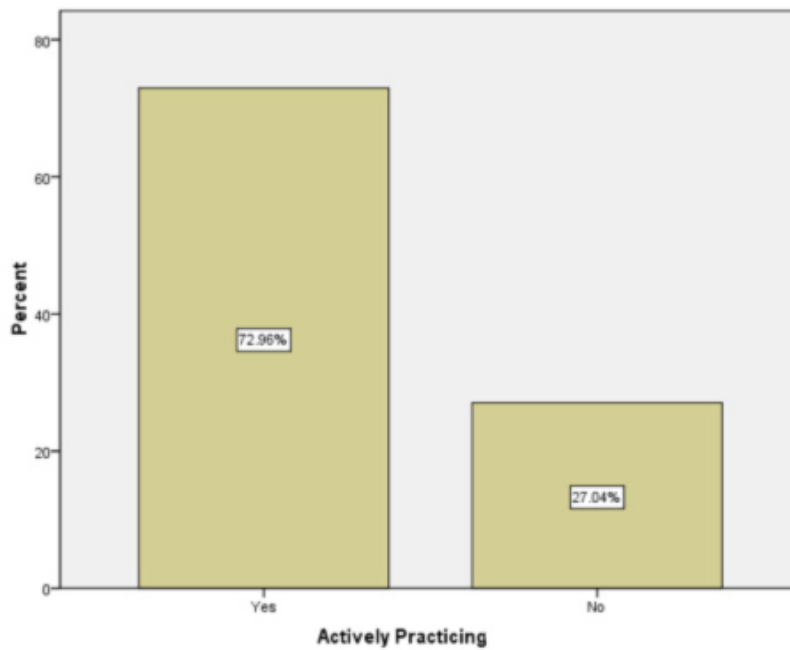


Figure 9. Percent of respondents actively practicing law.

Years since licensure. Those sampled in this study reported a mean of slightly over 19 years of experience post-licensure with a range of less than one year and 61 years post-licensure. Assuming that those years were spent in the practice of law, this variable may be taken as an index of years of professional experience.

Note that the distribution in Figure 10 is positively skewed, not uncommon in a situation in which attrition occurs over the course of careers due to illness, career change, retirement and other factors.

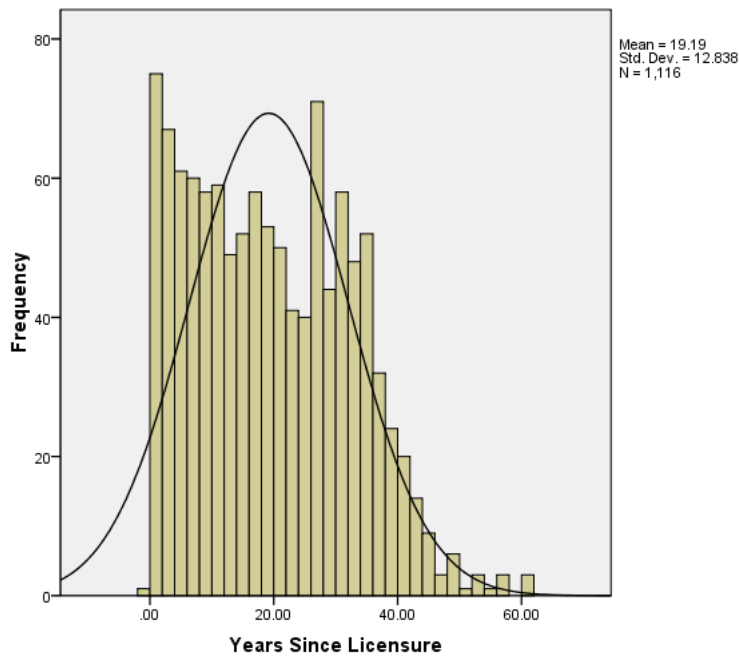


Figure 10. Frequency of respondents by number of years since licensure.

Estimated income. Participants were asked to estimate their gross annual income. The results indicate a positive skew with a mean of approximately \$131,150. This mean should be interpreted with caution as a relatively small cluster of very high earners inflates the result. The median score may be a more useful indication of typical income for respondents, indicating \$90,000 as the mid-point in the income range.

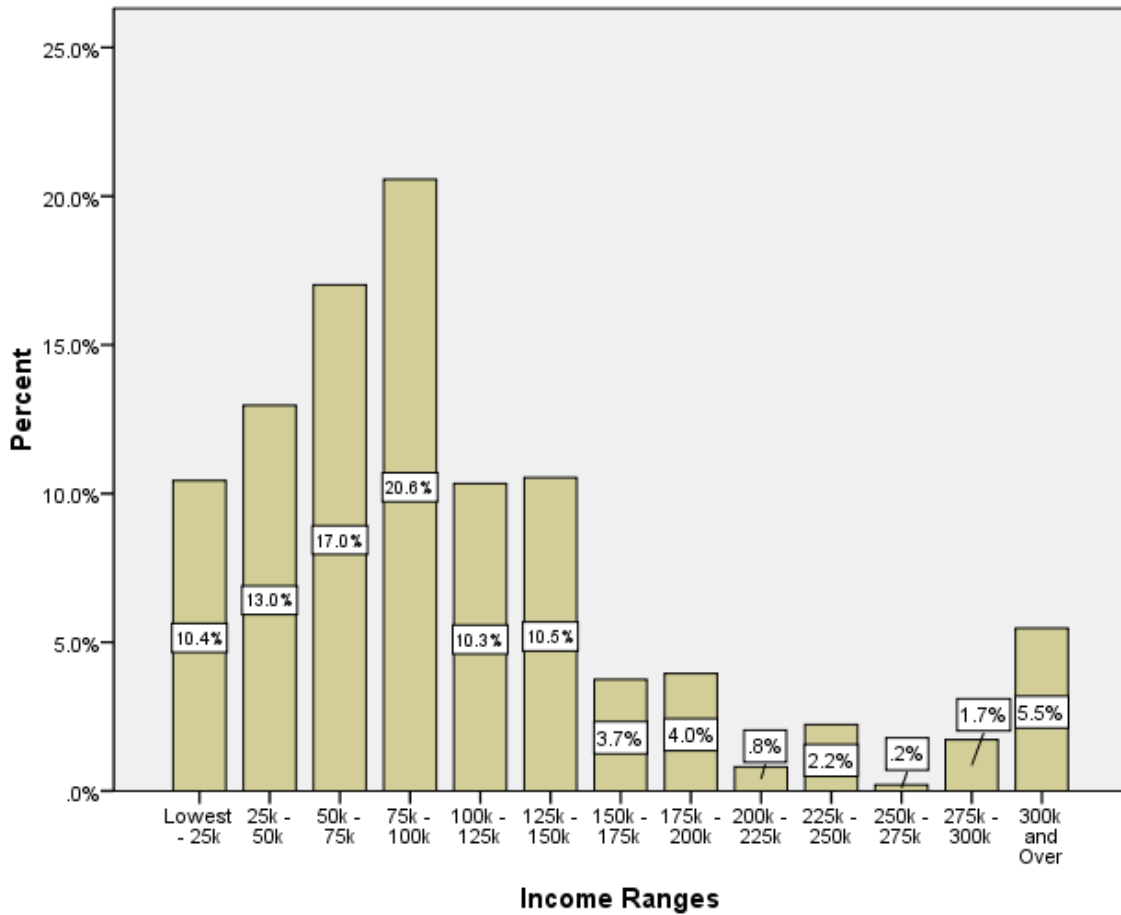


Figure 11. Percent of respondents by income category.

Hours worked. Overall, the reported average hours ranged from zero to 84 hours. After removing unemployed respondents from the analysis, the mean hours worked across the sample was 36.5 hours, distributed as shown in Figure 12.

Hours spent telecommuting varied widely as well, ranging as high as 60 hours, with an average of 5 hours per week.

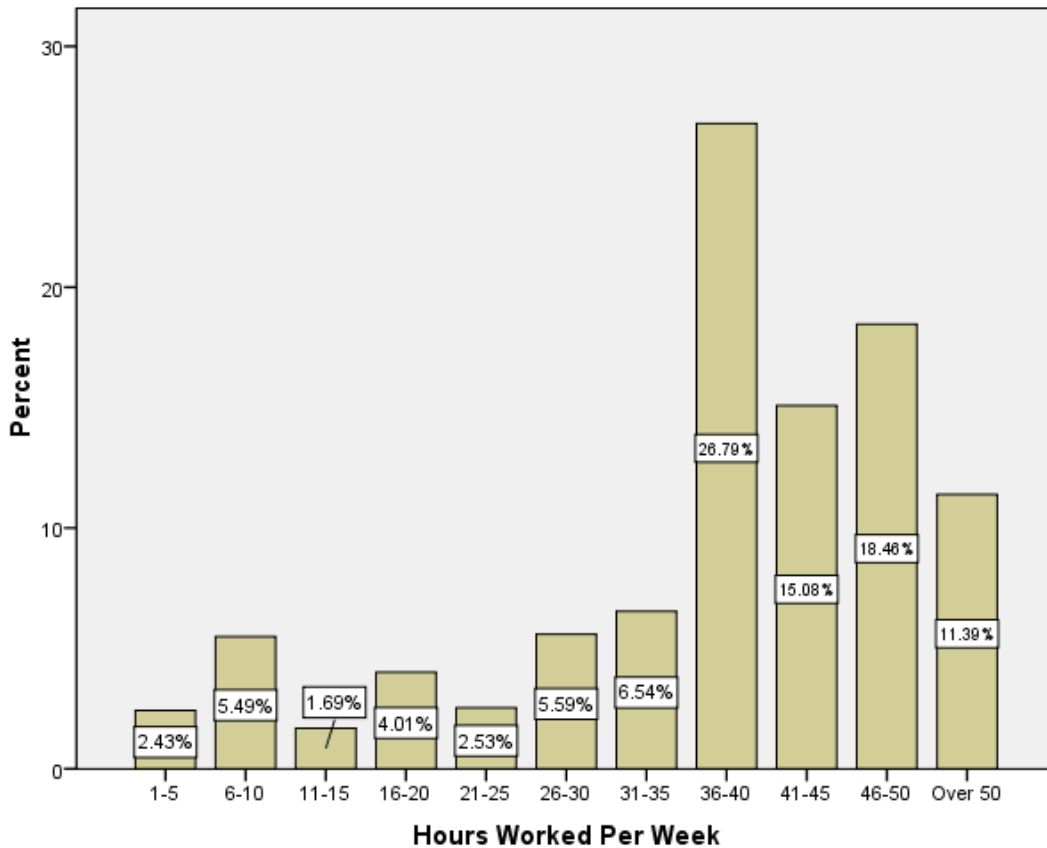


Figure 12. Percent of respondents by hours per week worked at worksite.

Job setting characteristics. Survey items explored various characteristics of the worksite, such as size, employment setting, and position.

Number of attorneys in worksite. All respondents were presented with this question, including those not presently practicing law. In addition, those in a very large work setting such as government heavily influence this statistic. The median score most clearly represents the typical number of attorneys in our respondents’ worksite. The median score of three is the point at which half of responses fall above and half below.

Employment status. A total of 82 percent of respondents work in a legal setting, and of that group 59 percent are employed in a law firm. Government settings are the next most common place of employment (17 percent), followed by Corporate (7 percent). The remaining legal settings in descending order are Public Interest – Other Nonprofit (3 percent), Education, (3 percent), Public Interest – Legal Services (2 percent), Superior and District Courts (1 percent), Mediation (0.4 percent) and Appellate and Federal Courts, at 0.3 percent each. Six percent of respondents overall work in a business outside of the law, five percent are unemployed, and seven percent are retired.

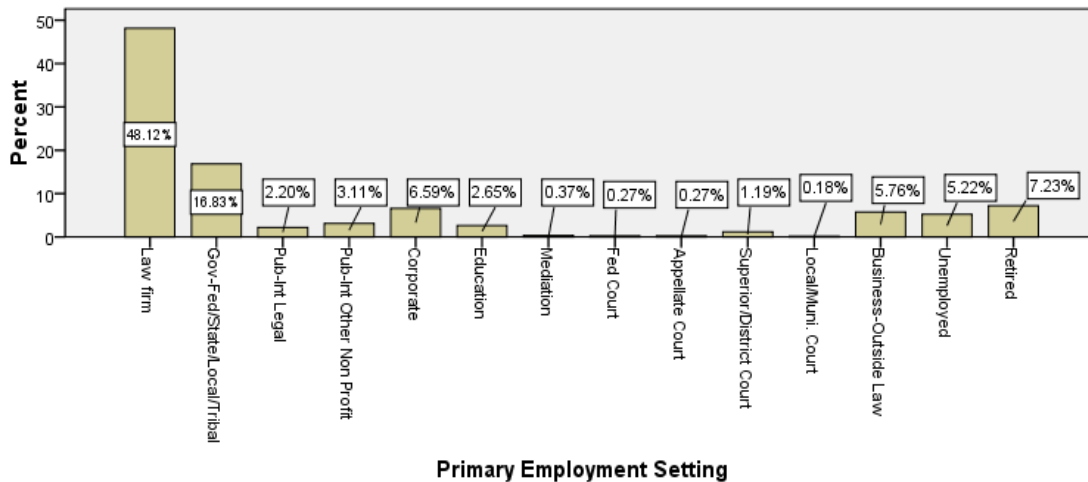


Figure 13. Percent of respondents by primary employment setting.

Law firm setting. Of the more than 48 percent of respondents who are employed in a law firm setting, fully 40 percent of that group are in solo practice. The frequency with which the remaining positions are held, in descending order, are: Partner (28 percent), Associate- 5 or more years (11 percent), Associate- 2-4 years (7 percent), Managing attorney (5 percent), Contract attorney (4 percent), First year associate (3 percent), Administrator (.5 percent), and Paralegal or Support staff (.2 percent).

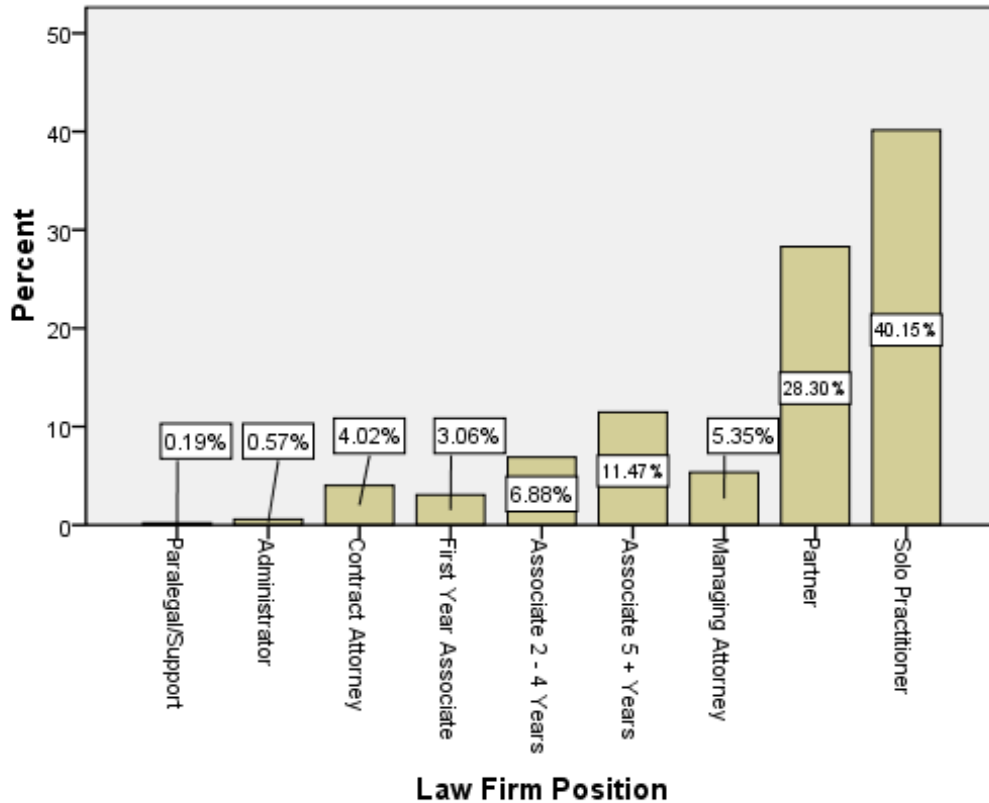


Figure 14. Percent of respondents by position within a law firm setting.

Government- Federal, state, local setting. Prosecutor or Attorney General is the most frequently cited position within the context of government work settings (37 percent), closely followed by Government agency attorney (34 percent). Less frequently reported are Government-appointed or elected staff (14 percent), Public Defender and Administrator (each at 6 percent), Paralegal or Support staff (3 percent) and Law clerk (1 percent).

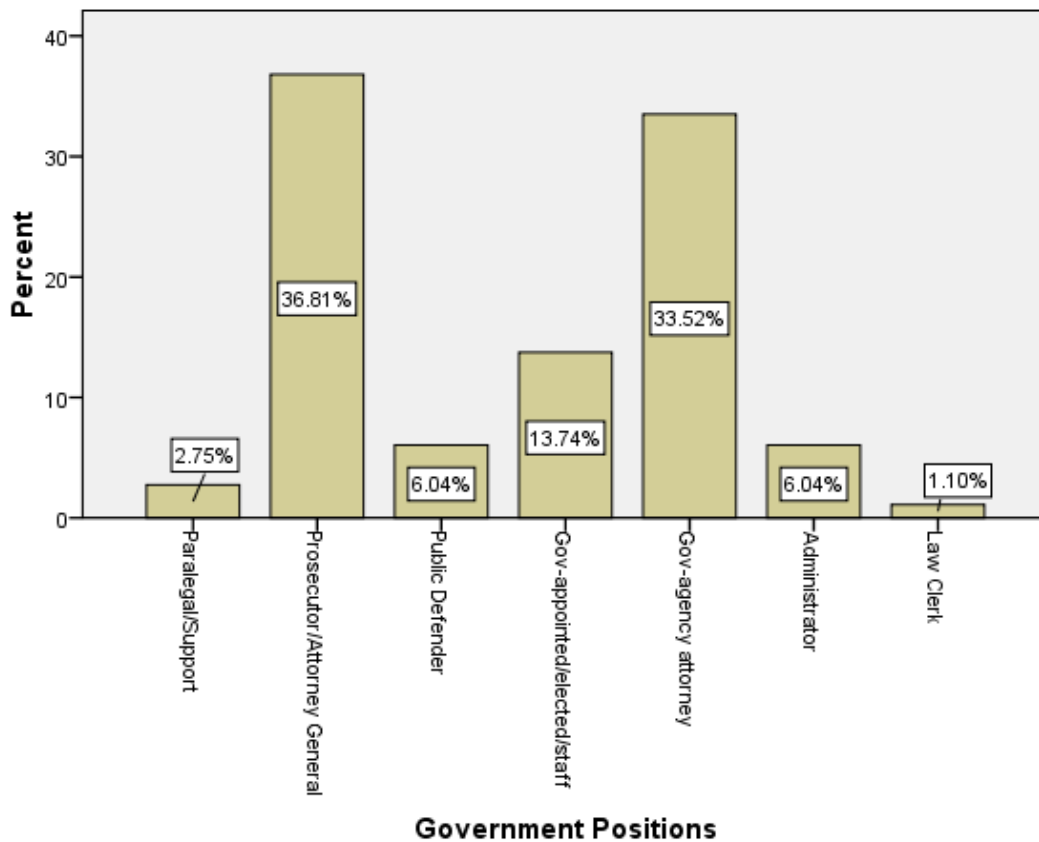


Figure 15. Percent of respondents by position within a government setting.

Public interest- Legal services. Over half of respondents working in a Public interest- Legal services setting serve in the role of Executive director (54 percent). Another 14 percent of respondents indicated that they work as Associates or staff attorneys 2-4 years, (14 percent), First year associate or staff attorney (11 percent), Managing attorney (7 percent), Associate or staff attorney over 5 years (7 percent), Administrator (4 percent) and Fellow (4 percent). Other response options that no respondents indicated included paralegal or support staff and contract attorney.

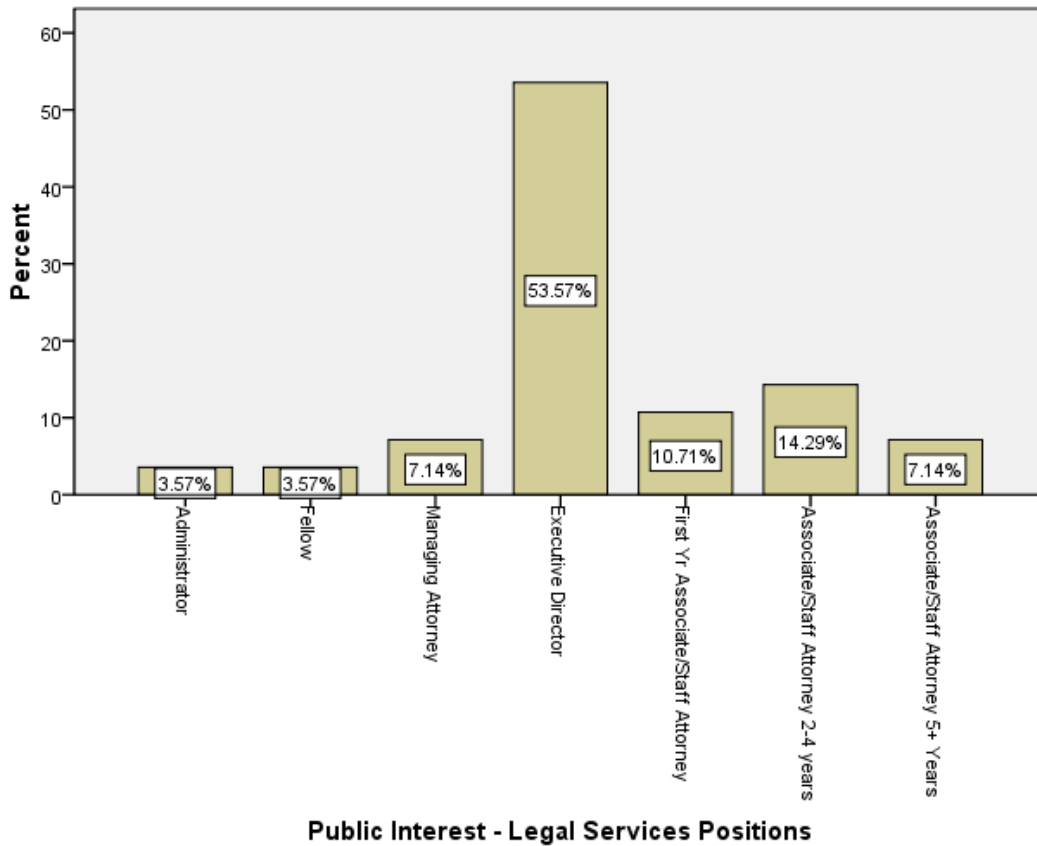
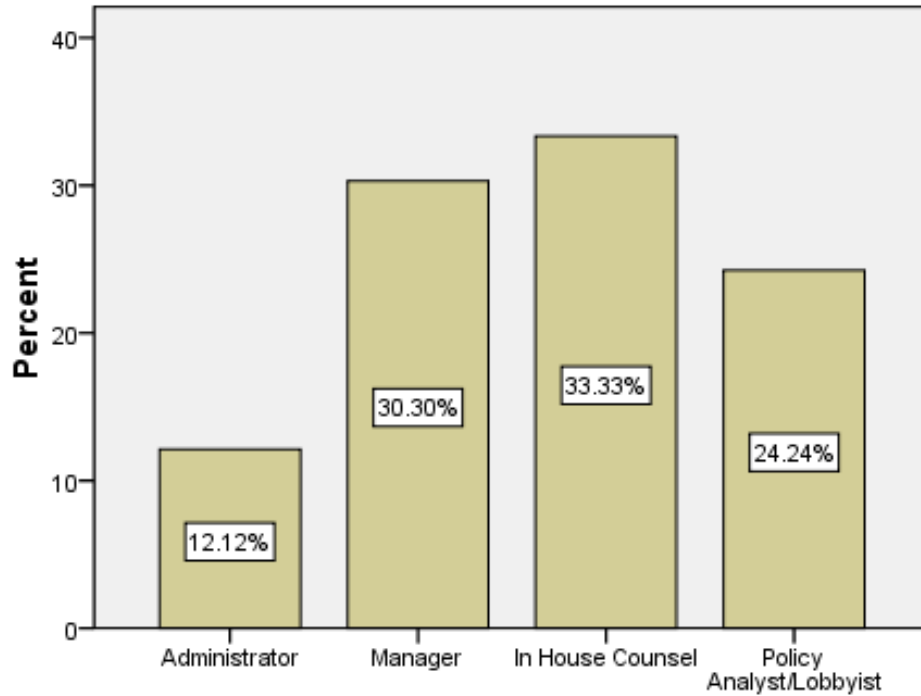


Figure 16. Percent of respondents by position within a public interest- legal services setting.

Public interest- Other nonprofit setting. In Public interest- Other nonprofit settings, In-house counsel and Managing attorney are the most frequently held positions (33 percent and 30 percent respectively), followed by Policy analyst or Lobbyist (24 percent) and Administrator (12 percent).



Public Interest - Other Nonprofit Positions

Figure 17. Percent of respondents by position within a public interest- other nonprofit setting.

Corporate setting. In-house counsel is the most frequently cited position in the Corporate setting at 86 percent. Considerably less frequently reported are Administrator (7 percent), Paralegal or Support staff (3 percent), and at slightly over one percent each, the roles of Contract attorney, Associate (5 or more years) and Lobbyist. There were no First year associates or Associates 2-4 years within this employment setting.

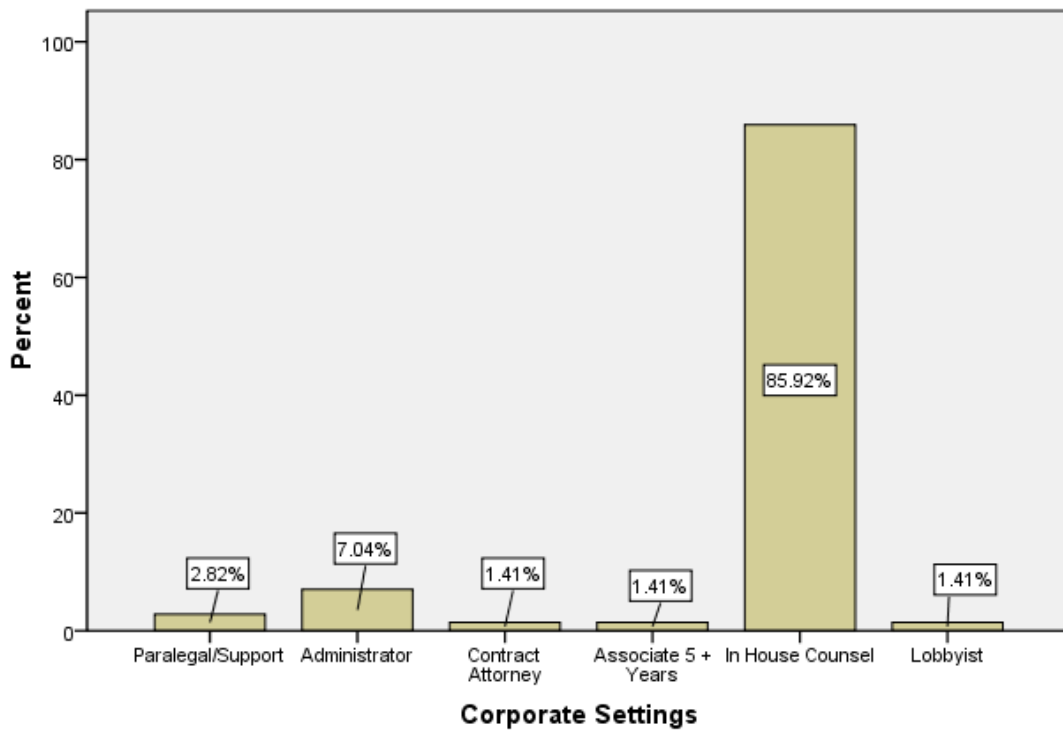


Figure 18. Percent of respondents by position within a corporate setting.

Judiciary setting. The most frequently held positions in the Judiciary setting are Judge or Justice (52 percent) and Administrator or Clerk (30 percent). Less frequently cited are Commissioner (13 percent) and Paralegal or Support staff (4 percent).

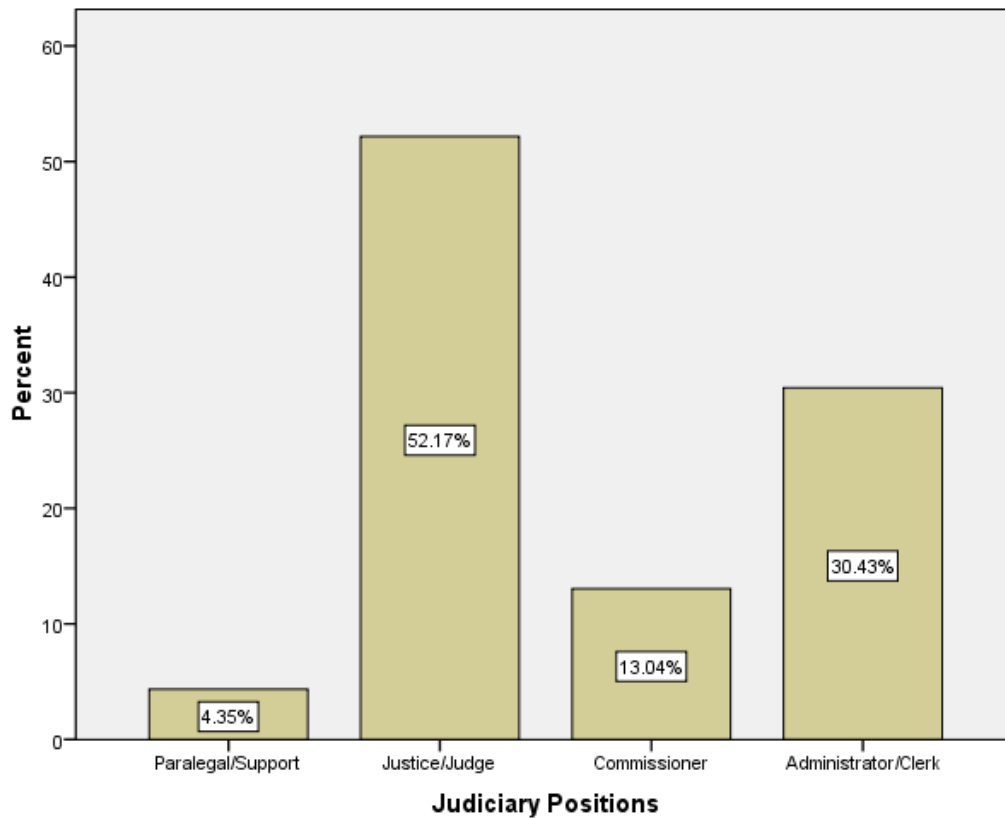


Figure 19. Percent of respondents by position within a judiciary setting.

Education setting. Seventy-six percent of respondents working in an Education setting serve as Professor or Instructor. Less frequently cited are In-house counsel (14 percent) and Academic administrator (10 percent).

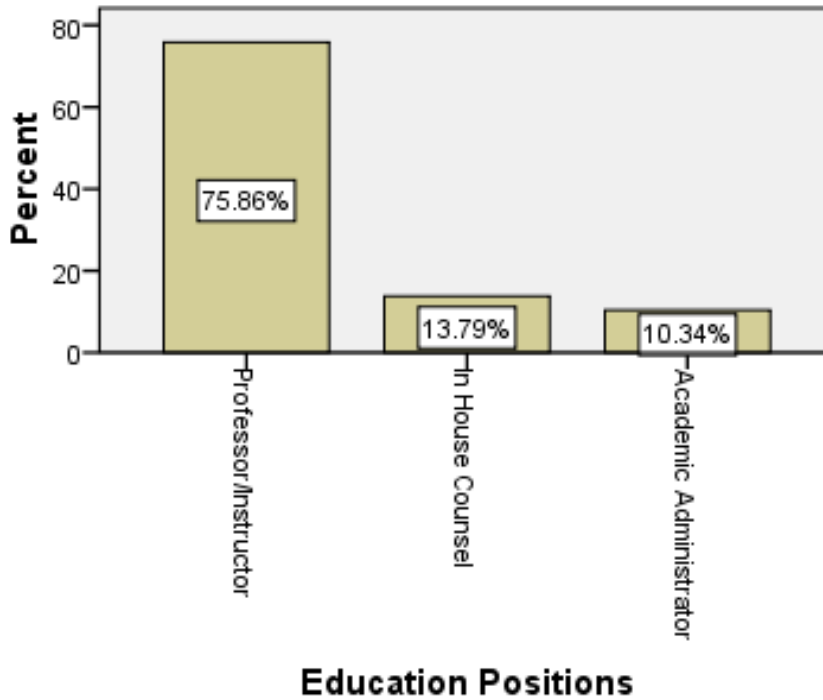


Figure 20. Percent of respondents by position within an education setting.

Mediation setting. One hundred percent of respondents working in Mediation settings serve as Mediators. Other response options for this employment setting (for which there were no endorsements) included Paralegal or Support staff and Administrator.

Characteristics and Work Experiences of Diversity Groups

Age and years of experience. Respondents were asked to indicate their year of birth and the year in which they were first licensed as an attorney, as well as the year they first were licensed in Washington. The responses are used as indicators of age and years of experience.

Age- Older members. In the state of Washington, individuals 40 years of age and over are considered a protected class for employment discrimination. Using this cut-point, approximately 79 percent of respondents fall into this class.

As a general benchmark, according to U.S Census data among residents of Washington State 21 years of age and older, 64% are 40 or over. A comparison suggests that the bar has a higher proportion of members 40 and over than does the state overall, a 15 percent discrepancy (note that this discrepancy may be mitigated to a some degree by the observed differences in range).

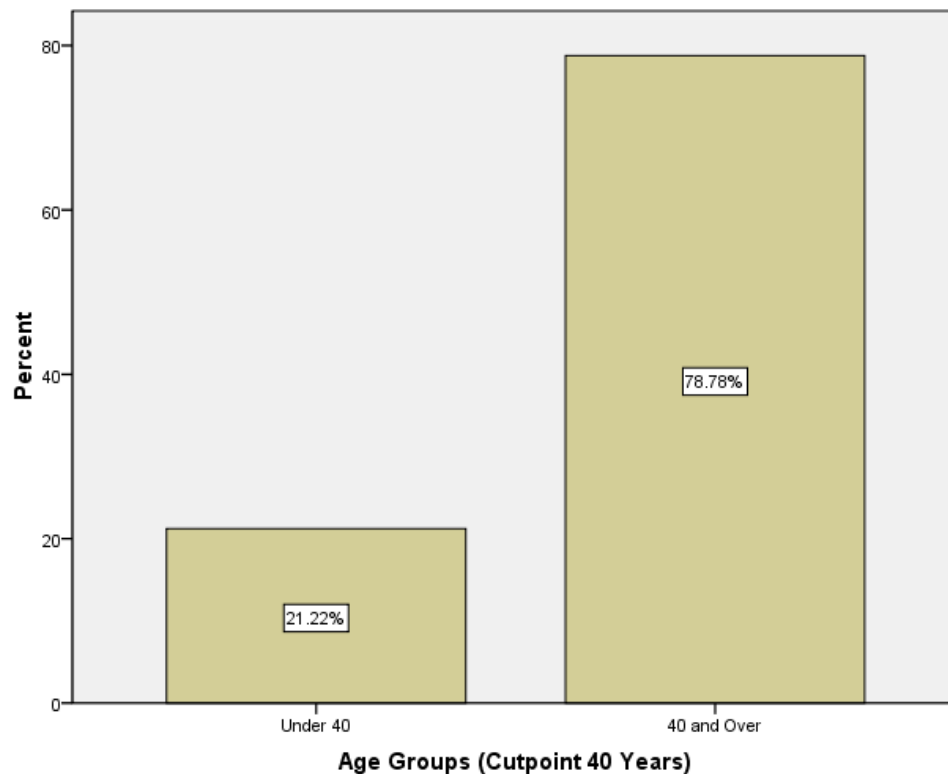


Figure 21. Percent of respondents by age group category.

Table 3. Selected Demographic Variables by Age (40 and over) and Bar Status

	Active	Inactive	Former
Age (mean)	55	58	64
Number of attorneys employed at worksite (mean; median)	42; 2	31; 1	1; 1
Annual estimated income (median)	\$100,000	\$91,500	\$100,000
Hours per week worked at worksite (mean)	37.1	25.7	14.7
Hours per week telecommuting (mean)	4.8	4.3	6.3
Years since licensure (median)	24	28	32
Overall satisfaction with WSBA, on a scale of 1 – 5, 5 being strongly agree (mean)	3.3	3.4	2.9
Index of job satisfaction on a scale of 1 – 5, 5 being strongly agree (mean)	3.7	3.6	3.8

Note that in Table 3, only respondents with Active, Inactive, and Former status are included; other bar statuses in this group had fewer than 10 respondents and are not reported here. As might be expected, this group is older than the sample mean of 48, with more years since licensure (24 for this group compared with 17 for the sample).

Age- Younger members. On the younger end of the age range, one element of WSBA’s standard for “new attorneys” includes members 36 years old and under which in this sample constitutes 21 percent of all respondents.

Years post-licensure. WSBA considers new attorneys to include those members with fewer than five years experience post-licensure, in any state. In this sample, 16 percent of respondents fall into this range.

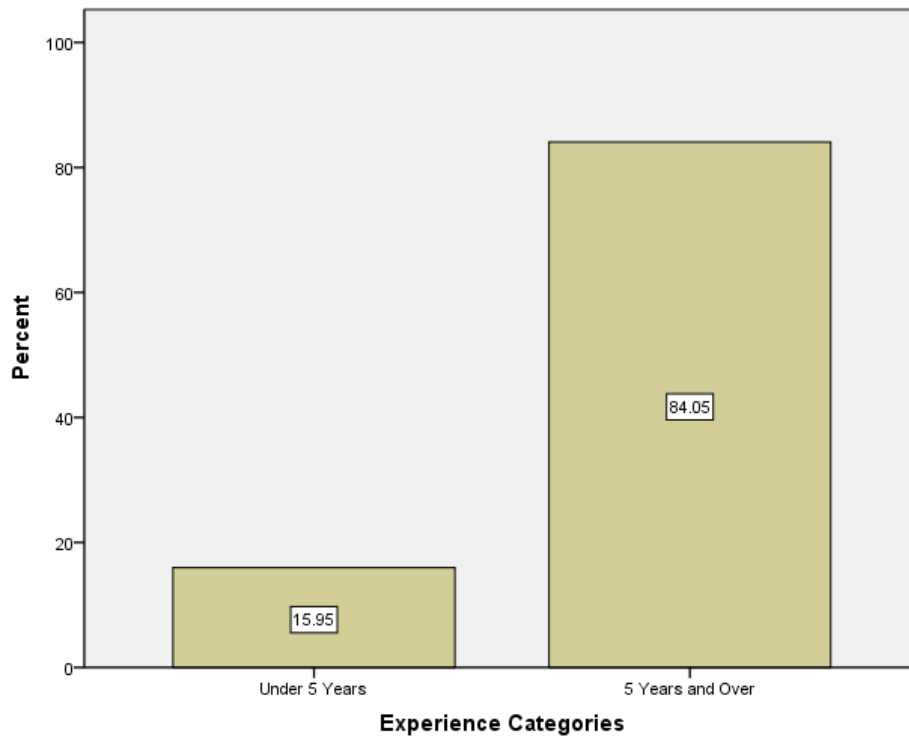


Figure 22. Percent of respondents by years of experience.

Age and geographic location. This section presents tabular results of the distribution of members 40 and older across the five regions defined for purposes of this study.

Table 4. Age x Region Crosstabulation

		Region					Total
		1.00	2.00	3.00	4.00	5.00	
Age under 40	Count	169	39	*	17	42	*
	% within Respondents	61.2%	14.1%	*%	6.2%	15.2%	*
	% within Region	29.2%	31.0%	*%	23.9%	24.3%	*
	% of Total	17.2%	4.0%	*%	1.7%	4.3%	*
Age 40 and over	Count	410	87	*	54	131	*
	% within Respondents	58.0%	12.3%	*%	7.6%	18.5%	*%
	% within Region	70.8%	69.0%	*%	76.1%	75.7%	*%
	% of Total	41.7%	8.9%	*%	5.5%	13.3%	*%
Total	Count	579	126	*	71	173	*
	% within All	58.9%	12.8%	*	7.2%	17.6%	100.0%
	% within Region	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
	% of Total	58.9%	12.8%	*	7.2%	17.6%	100.0%

**Not reported due to size < 10.*

Ethnicity and race. Ethnicity and race data, based on categories adapted from the U.S. Census, were collected as follows.

Ethnicity. 2010 Census data for Washington State indicates that 11.2 percent of the population is Hispanic or Latino. Spread across seven sub-groups, in this sample 4.4 percent of respondents identify themselves as Hispanic. In descending order of frequency, the sub-groups are European (1.6 percent), Other (1.3 percent), Mexican (.6 percent), Dominican (.5 percent), and Central American and South American (both at .1 percent).

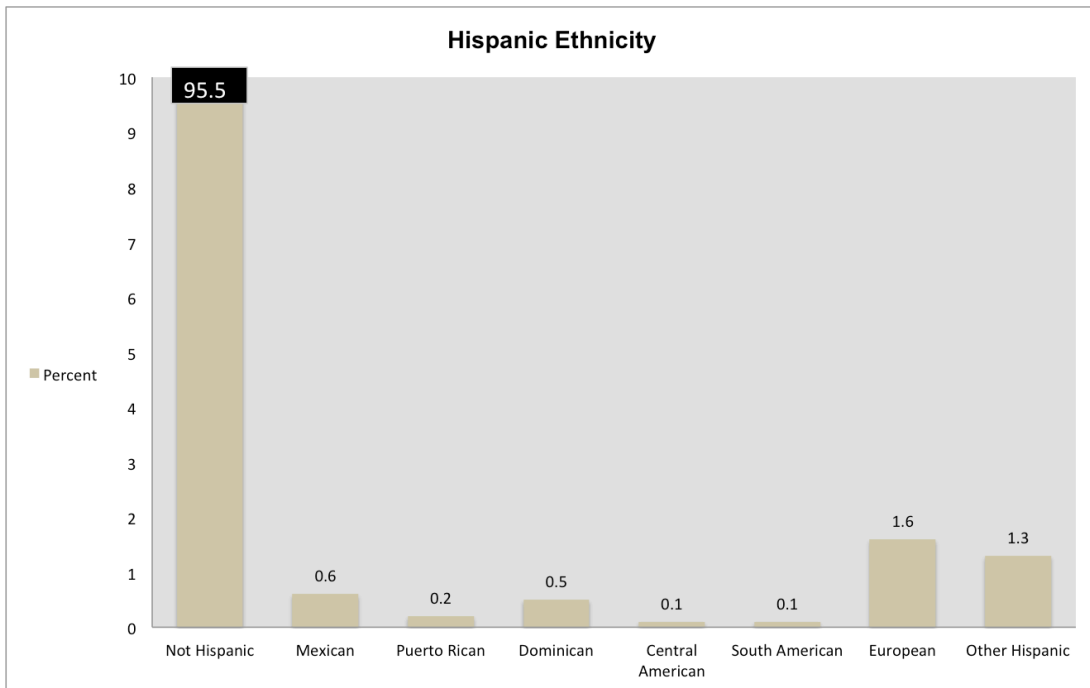


Figure 23. Percent of respondents by Hispanic ethnicity.

Race. Washington Census data for 2010 indicates that 22.7 percent of the state population is non-White. Twelve percent of sample respondents identified with a non-White racial group.

In descending order of frequency, the racial minority sub-groups are Multi-Racial (3.2 percent), Black/African American (1.8 percent), Chinese (1.1 percent), Some other race (.9 percent), Korean (.8 percent), Filipino and Japanese (both .7 percent), Alaska Native/American Indian (.6 percent), Middle Eastern (.5 percent), Asian Indian (.4 percent), Other Black African (.2 percent), Vietnamese (.2 percent), Other Asian (.2 percent), Other South Asian (.1 percent) Hawaiian (.1 percent), Samoan (.1 percent), and Other Pacific Islander (.1 percent).

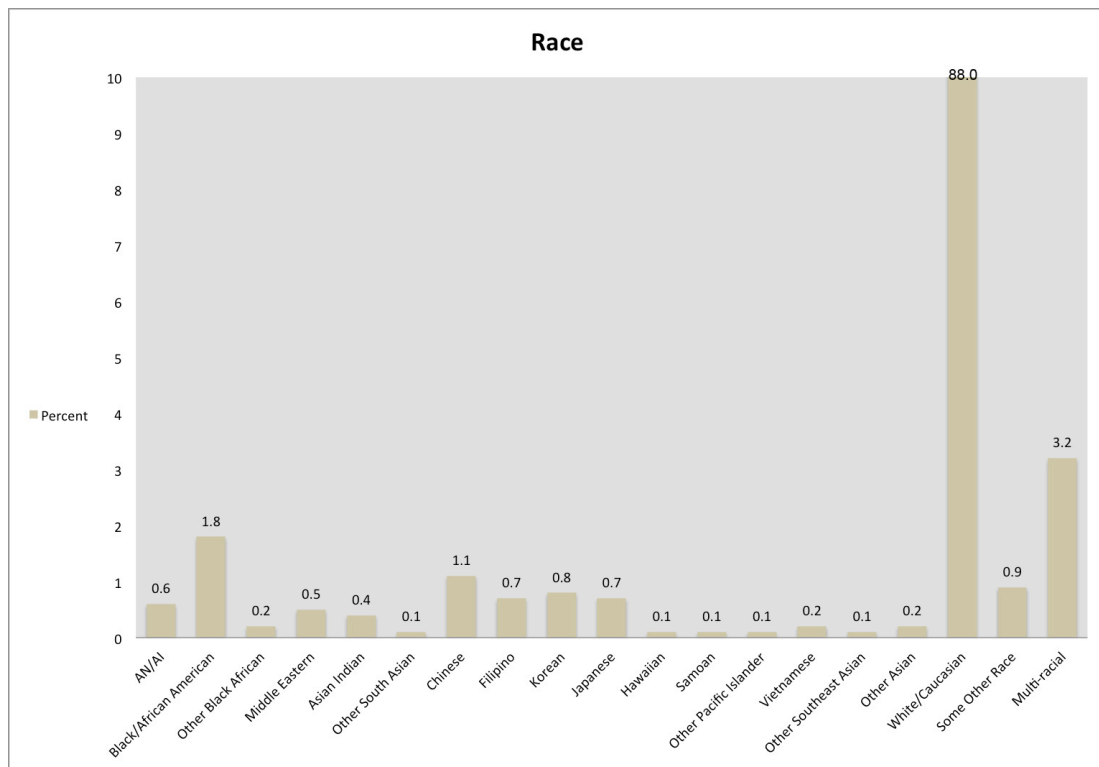


Figure 24. Percent of respondents by race.

Table 5. Selected Demographic Variables by Race (Non-White) and Bar Status

	Active
Age (mean)	43
Number of attorneys employed at worksite (mean; median)	51; 5
Annual estimated income (median)	\$80,000
Hours per week worked at worksite (mean)	38.4
Hours per week telecommuting (mean)	5.9
Years since licensure (median)	9
Overall satisfaction with WSBA, on a scale of 1 – 5, 5 being strongly agree (mean)	3.1
Index of job satisfaction on a scale of 1 – 5, 5 being strongly agree (mean)	3.5

Note that in Table 5, only respondents with Active status are included; other bar statuses in this group had fewer than 10 respondents and are not reported here. The median annual estimated income of \$80,000 is tied with the female group for second lowest median income reported. This group also has the lowest median number of years since licensure at 9, and the average age (43) is youngest of all diversity groups and younger than the average age for the sample (48).

Race and geographic location. This section presents tabular results of the distribution of person of color across the five regions defined for purposes of this study.

Table 6. Race x Region Crosstabulation

		Region					Total
		1.00	2.00	3.00	4.00	5.00	
Race- White	Count	443	110	26	60	136	775
	% within Respondents	57.2%	14.2%	3.4%	7.7%	17.5%	100.0%
	% within Region	87.2%	90.9%	*%	92.3%	87.7%	88.4%
	% of Total	50.5%	12.5%	3.0%	6.8%	15.5%	88.4%
Race- Non-White	Count	65	11	*	*	19	*
	% within Respondents	63.7%	10.8%	* %	* %	18.6%	*
	% within Region	12.8%	9.1%	* %	* %	12.3%	*
	% of Total	7.4%	1.3%	* %	* %	2.2%	*
Total	Count	508	121	*	*	155	*
	% within All	57.9%	13.8%	*	*	17.7%	*
	% within Region	100.0%	100.0%	*	*	100.0%	*
	% of Total	57.9%	13.8%	*	*	17.7%	*

**Not reported due to size < 10.*

Sexual orientation. Approximately nine percent of respondents report a non-straight sexual orientation. As a comparison, the American Community Survey (ACS) reported that 5.7 percent of the adult population of the state of Washington identified as Gay, Lesbian, or Bisexual in 2006.⁶ However, this ACS data is somewhat out of date and the sexual orientation categories implemented vary from those in this Study, so caution should be taken in interpretation. Note that the following categories may overlap, so care should be taken in interpretation of individual and combined frequencies. In descending order of frequency, Gay and Lesbian comprise 2.4 percent of the sample each, followed by Bisexual (1.5 percent), Other (1.1 percent), Asexual (1 percent) and Two-spirit (.1 percent). There were no responses endorsing Queer as a category.

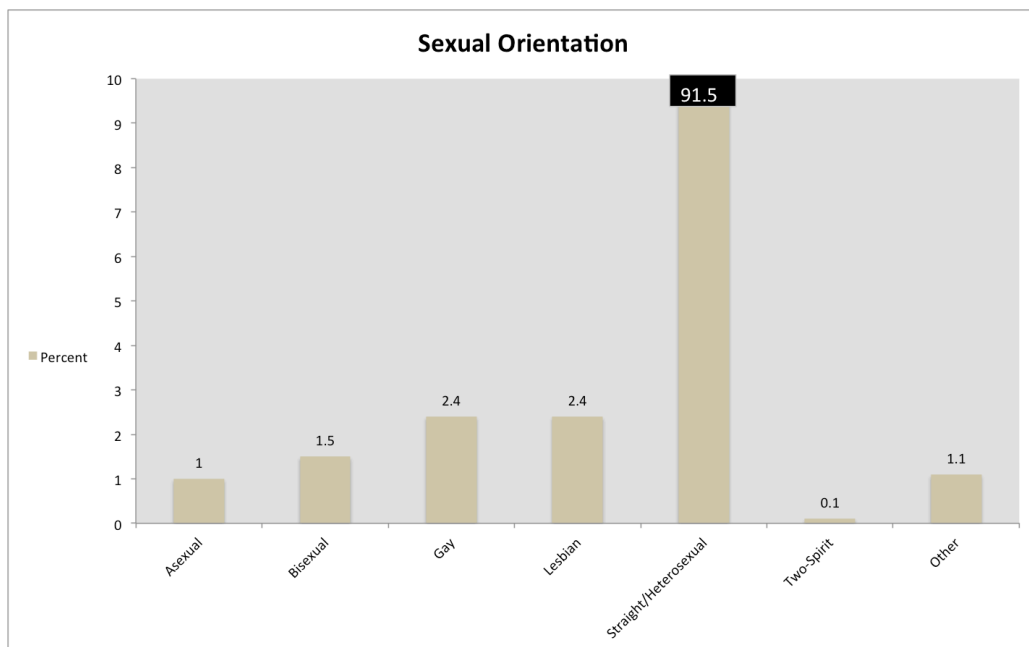


Figure 25. Percent of respondents by sexual orientation.

⁶ Gates, G. J. (2006). *Same-sex Couples and the Gay, Lesbian, Bisexual Population: New Estimates from the American Community Survey*. The Williams Institute on Sexual Orientation Law and Public Policy, UCLA School of Law October. Retrieved March 20, 2012.

*Table 7. Selected Demographic Variables by
and Bar Status*

	Active
Age (mean)	47
Number of attorneys employed at worksite (mean; median)	37; 5
Annual estimated income (median)	\$75,000
Hours per week worked at worksite (mean)	41.9
Hours per week telecommuting (mean)	5.4
Years since licensure (median)	15
Overall satisfaction with WSBA, on a scale of 1 – 5, 5 being strongly agree (mean)	3.2
Index of job satisfaction on a scale of 1 – 5, 5 being strongly agree (mean)	3.6

Note that in Table 7, only respondents with Active status are included; other bar statuses in this group had fewer than 10 respondents and are not reported here. At \$75,000 for the median reported annual income, this group had the lowest median income of the diversity groups. Also note the average hours worked per week at a worksite, at 41.9, is the highest of the diversity groups.

Sexual orientation and geographic location. This section presents tabular results of the distribution of sexual orientation minorities across the five geographic regions defined for purposes of this study.

Table 8. Sexual Orientation x Region Crosstabulation

		Region					Total
		1.00	2.00	3.00	4.00	5.00	
Sexual Orientation-Straight	Count	452	114	28	63	139	796
	% within Respondents	56.8%	14.3%	3.5%	7.9%	17.5%	100.0%
	% within Region	91.1%	94.2%	100.0%	96.9%	94.6%	92.9%
	% of Total	52.7%	13.3%	*%	*%	16.2%	92.9%
Sexual Orientation-Non-Straight	Count	44	*	*	*	*	61
	% within Respondents	72.1%	*%	*%	*%	*%	100.0%
	% within Region	8.9%	*%	*%	*%	*%	7.1%
	% of Total	5.1%	*%	*%	*%	*%	7.1%
Total	Count	496	*	*	*	*	*
	% within All	57.9%	*	*	*	*	*
	% within Region	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
	% of Total	57.9%	*	*	*	*	100.0%

*Not reported due to size < 10.

Sex and gender identity. The concepts of sexual identity, gender identity and sexual orientation are complex, consisting of a rich interplay among biological, psychological and cultural constructs. See the sections that follow for resources regarding the constructs under study.

Sexual identity. In the Membership Study, 45 percent of respondents are women as reflected in Figure 26. As compared to Washington State population overall, where women are 50.2 percent of the population, women are still underrepresented in the membership. See Appendix D for WSBA institutional data and selected 2010 US Census data. Nevertheless, this proportion appears to be rising, as those newer to the profession tend to be proportionately more female as compared to the past membership.

One individual in the sample indicated an intersex sexual identity. This incidence may slightly underestimate the expected incidence in comparable US populations, although reliable figures are difficult to obtain and definitions vary widely.⁷

Due to confidentiality restraints on reporting, no further data on the intersex respondent can be made. Instead, the sex and gender identity data in this report will be confined to reporting on women as a diversity group.

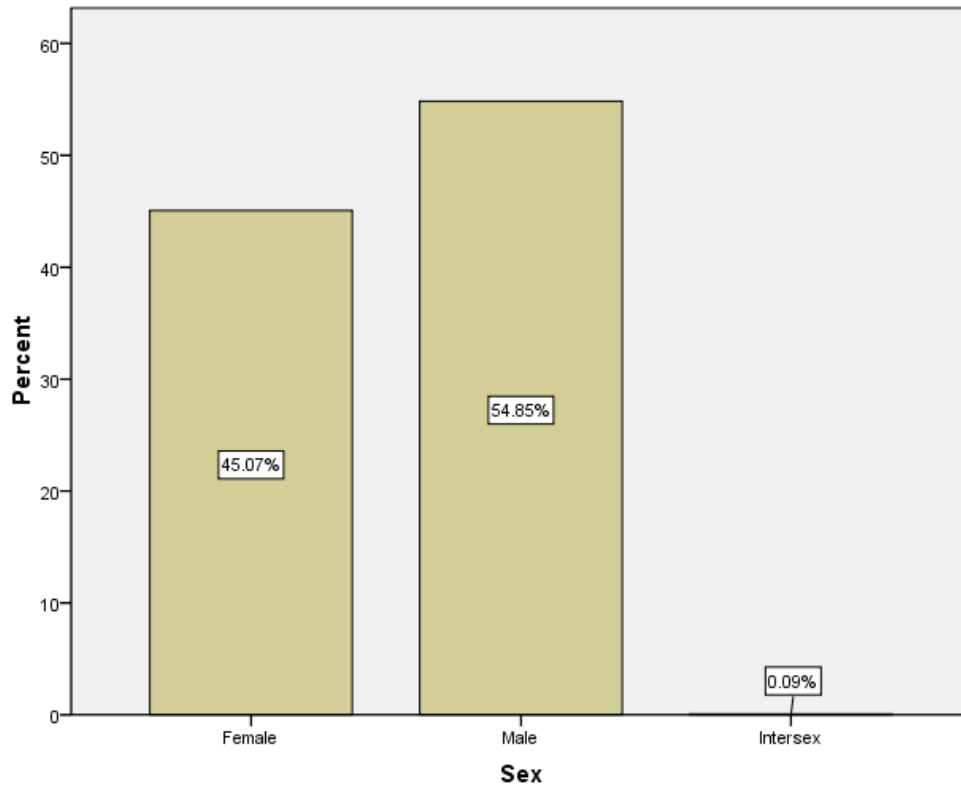


Figure 26. Percent of respondents by sex.

⁷ Intersex Society of North America, *How Common is Intersex?* Available at <http://www.isna.org/faq/frequency> (suggesting a one percent incidence); Fausto-Sterling, Anne (2000). *Sexing the Body: Gender Politics and the Construction of Sexuality*. New York: Basic Books (suggesting a 1.7 percent incidence).

Table 9 summarizes selected demographic variables as reported by women in the sample. Note that the annual estimated income reported by female respondents was among the lowest of the diversity groups at \$80,000 for Active members.

Table 9. Selected Demographic Variables by Sex (Female) and Bar Status

	Active	Inactive
Age (mean)	45	51
Number of attorneys employed at worksite (mean; median)	61; 5	36; 3
Annual estimated income (median)	\$80,000	\$75,000
Hours per week worked at worksite (mean)	36.9	32.1
Hours per week telecommuting (mean)	5.0	4.8
Years since licensure (median)	13	19
Overall satisfaction with WSBA, on a scale of 1 – 5, 5 being strongly agree (mean)	3.3	3.4
Index of job satisfaction on a scale of 1 – 5, 5 being strongly agree (mean)	3.6	3.4

Note that in Table 9, only women with Active and Inactive status are included; other bar statuses in this group had fewer than 10 respondents and are not reported here.

Gender identity. Four individuals identified themselves as transgender, which is an incidence of .35 percent. See Figure 27. Given the low incidence, more detailed statistics cannot be reported due to confidentiality constraints. As already noted the sexual identity data in this report will be confined to reporting on women as a diversity group.

It is difficult to obtain an accurate estimate of the incidence of transgender people in the general population due to a lack of population studies that accurately account for all gender identities and expressions encompassed by the term transgender.⁸

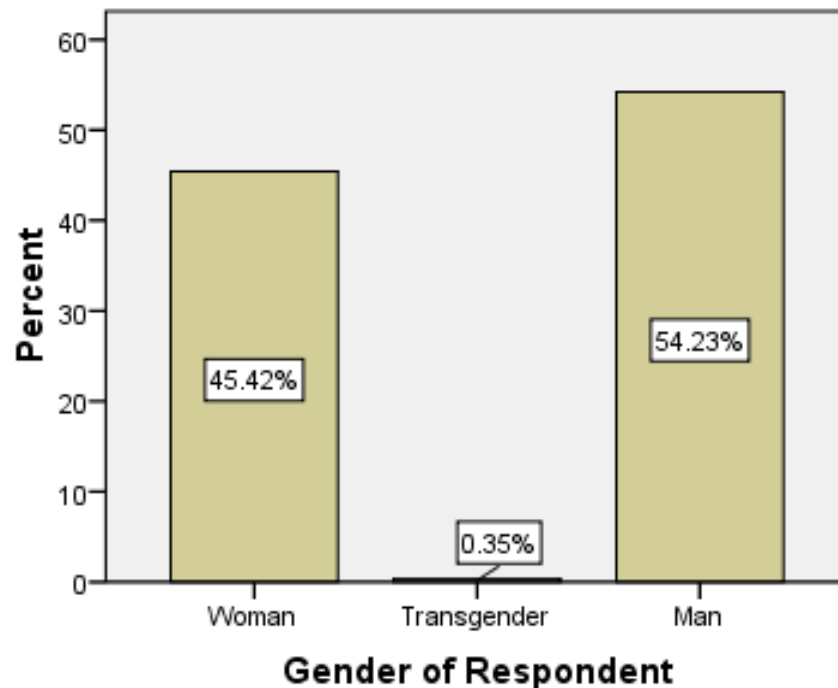


Figure 27. Percent of respondents by gender.

⁸ American Psychological Association (2011). *Answers to your questions about transgender people, gender identity, and gender expression*. APA Lesbian, Gay, Bisexual, and Transgender Concerns Office and APA Public and Member Communications. Available at: <http://www.apa.org/topics/sexuality/transgender.aspx>.

Women and geographic location. This section presents tabular results of the distribution of women across the five geographic regions defined for purposes of this study.

Table 10. Women x Region Crosstabulation

		Region					Total
		1.00	2.00	3.00	4.00	5.00	
Men	Count	331	62	23	50	89	555
	% within Respondents	59.6%	11.2%	4.1%	9.0%	16.0%	100.0%
	% within Region	56.2%	48.8%	67.6%	69.4%	51.1%	55.7%
	% of Total	33.2%	6.2%	2.3%	5.0%	8.9%	55.7%
Women	Count	258	65	11	22	85	441
	% within Respondents	58.5%	14.7%	2.5%	5.0%	19.3%	100.0%
	% within Region	43.8%	51.2%	32.4%	30.6%	48.9%	44.3%
	% of Total	25.9%	6.5%	1.1%	2.2%	8.5%	44.3%
Total	Count	589	127	34	72	174	996
	% within All	59.1%	12.8%	3.4%	7.2%	17.5%	100.0%
	% within Region	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
	% of Total	59.1%	12.8%	3.4%	7.2%	17.5%	100.0%

Parenting and caregiving. Over 38 percent of respondents identified themselves as a primary parent, a caregiver of a disabled or elderly person, or both. It is worth noting that 16 percent of this group serve simultaneously as both a parent and a caregiver. Comparable figures from the 2010 Census for Washington State parents and caregivers were not available.

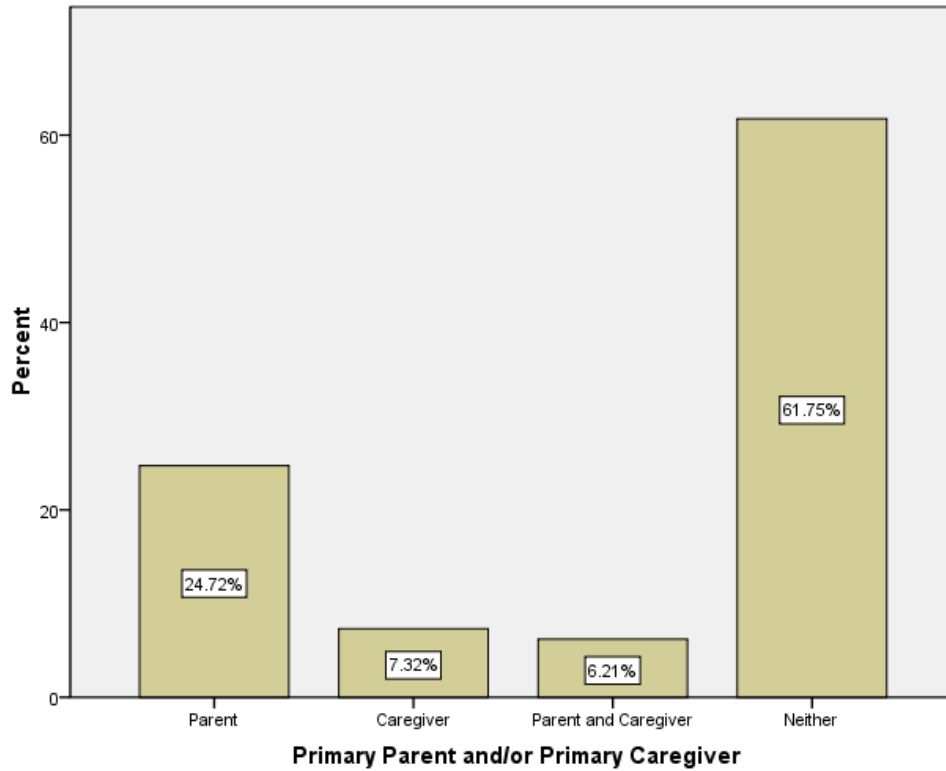


Figure 28. Percent of respondents by primary parent or primary caregiver status.

Table 11. Selected Demographic Variables by Parents and Caregivers and Bar Status

	Active	Inactive
Age (mean)	49	52
Number of attorneys employed at worksite (mean; median)	47; 4	40; 1
Annual estimated income (median)	\$91,500	\$84,000
Hours per week worked at worksite (mean)	37.4	32.3
Hours per week telecommuting (mean)	4.9	5.8
Years since licensure (median)	18	22
Overall satisfaction with WSBA, on a scale of 1 – 5, 5 being strongly agree (mean)	3.3	3.2
Index of job satisfaction on a scale of 1 – 5, 5 being strongly agree (mean)	3.7	3.4

Note that in Table 11, only respondents with Active and Inactive statuses are included; other bar statuses in this group had fewer than 10 respondents and thus are not reported here. Parents and caregivers as a group do not report telecommuting significantly more or fewer hours per week than other groups- in fact, they line up with the figures from the sample as a whole (the sample averaged 37.9 hours worked at worksite and 4.8 hours telecommuting).

Parent or caregiver status and geographic location. This section presents tabular results of the distribution of parents and caregivers across the five geographic regions defined for purposes of this study.

Table 12. Parents/Caregivers x Region Crosstabulation

		Region					Total
		1.00	2.00	3.00	4.00	5.00	
Non-Parents and Caregivers	Count	308	81	19	42	103	553
	% within Respondents	55.7%	14.6%	3.4%	7.6%	18.6%	100.0%
	% within Region	58.7%	65.9%	*%	61.8%	64.8%	*%
	% of Total	34.1%	9.0%	2.1%	4.7%	11.4%	61.2%
Parents, Caregivers, and Both	Count	217	42	*	26	56	*
	% within Respondents	62.0%	12.0%	*%	7.4%	16.0%	*
	% within Region	41.3%	34.1%	*%	38.2%	35.2%	*
	% of Total	24.0%	4.7%	*%	2.9%	6.2%	*
Total	Count	525	123	*	68	159	*
	% within All	58.1%	13.6%	*	7.5%	17.6%	*
	% within Region	100.0%	100.0%	100.0%	100.0%	100.0%	*
	% of Total	58.1%	13.6%	*	7.5%	17.6%	100.0%

**Not reported due to size < 10.*

Persons living with disabilities or impairments. Items pertaining to this group were structured broadly in order to capture individuals who experience functional challenges whether or not they fall into traditional categories of disability. Given the rise in age-related impairments in the US population, the Study Team concluded that this was an appropriate strategy.

Note that respondents for this item could endorse more than one category, and this should be kept in mind when interpreting the results.

Overall, 79 percent of respondents indicated that they had no disability or impairment. In descending order of frequency, respondents reported the following: health-related impairment (6 percent), mobility (4 percent), auditory (3 percent), other (2 percent), age-related (2 percent), visual and learning disability (both at 1 percent), cognitive (.5 percent), and speech (.2 percent). 2010 Census data estimates for disability status of the population of Washington were not available. For a rough comparison, the American Community Survey (ACS) estimates that ten percent of the civilian, non-institutionalized, 18-to-64 year old population in Washington State in 2010 had a disability.⁹ It should also be noted that for the 65-and-over group, the ACS rate rises to 38 percent.

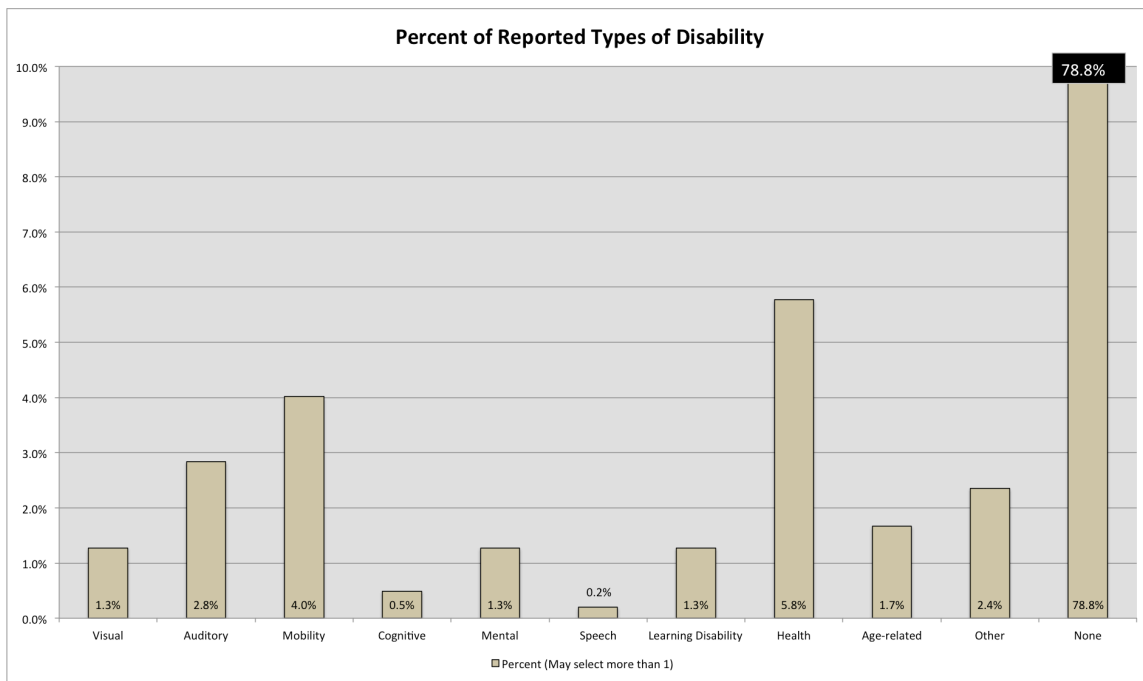


Figure 29. Percent of respondents by reported type of disability or impairment.

⁹ U.S. Census Bureau (2010). American Community Survey: Population and Housing Narrative Profile: 2010 American Community Survey 1-Year Estimates, Washington State.

It is important to note that of those acknowledging disability or impairment, fully 21 percent reported the presence of more than one condition.

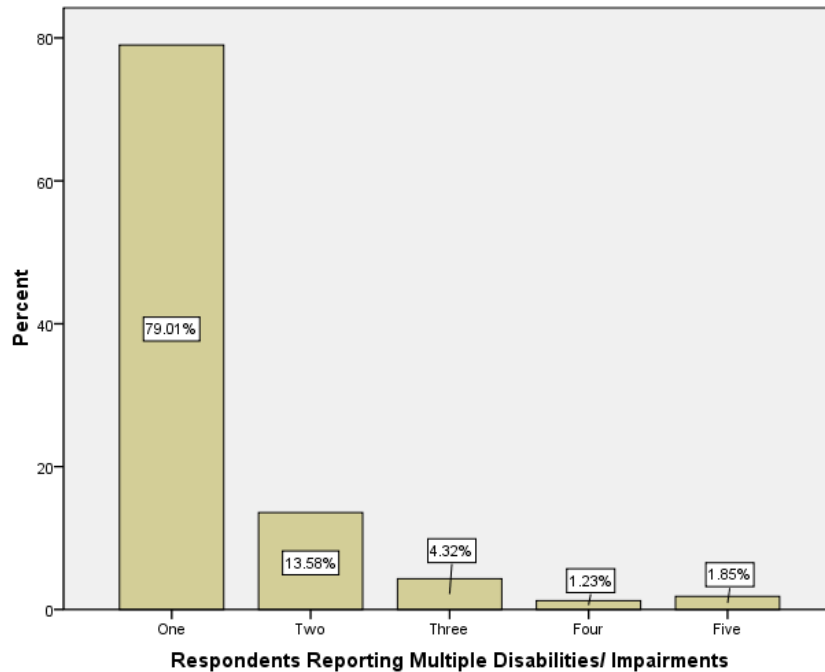


Figure 30. Percent of respondents reporting more than one disability or impairment.

Table 13. Selected Demographic Variables by Persons with Disabilities or Impairments and Bar Status

	Active	Inactive
Age (mean)	52	57
Number of attorneys employed at worksite (mean; median)	62; 3	63; 1
Annual estimated income (median)	\$90,000	\$80,000
Hours per week worked at worksite (mean)	40.1	34.1
Hours per week telecommuting (mean)	6.5	4.3
Years since licensure (median)	21	27
Overall satisfaction with WSBA, on a scale of 1 – 5, 5 being strongly agree (mean)	3.0	3.3
Index of job satisfaction on a scale of 1 – 5, 5 being strongly agree (mean)	3.5	3.4

Note that in Table 13, only respondents with Active and Inactive statuses are included; other bar statuses in this group had fewer than 10 respondents and are not reported here. This group skews slightly older than the sample with an average age of 52 for Active members.

Persons with disabilities and impairments and geographic location. This section presents tabular results of the distribution of person with disabilities and impairments across the five geographic regions defined for purposes of this study. Due to the nature of this item’s construction, which allowed for multiple responses, there is no “non-disability/impairment” group.

Table 14. Persons with Disabilities or Impairments x Region Crosstabulation

		Region					Total
		Region 1	Region 2	Region 3	Region 4	Region 5	
Persons with disabilities or impairments	Count	81	29	*	12	19	*
	% within Respondents	54.4%	19.5%	***	8.1%	12.8%	*
	% within Region	100.0%	100.0%	*	100.0%	100.0%	*
	% of Total	54.4%	19.5%	***	8.1%	12.8%	*
Total	Count	81	29	*	12	19	*
	% within Respondents	54.4%	19.5%	***	8.1%	12.8%	*
	% within Region	100.0%	100.0%	*	100.0%	100.0%	*
	% of Total	54.4%	19.5%	***	8.1%	12.8%	100.0%

**Not reported due to size < 10.*

Military or veteran status. Eighty-seven percent of respondents to this survey indicated that they have never served in the military. Of the remainder, 11 percent are veterans, followed by reservists (0.9 percent), and active duty (0.6 percent).

A 2011 publication from the Department of Veterans Affairs indicated that there were 60,000 active duty military personnel, 28,000 National Guard and reservists, and 670,000 veterans in Washington.¹⁰ These figures indicate that military personnel and veterans comprised approximately 11 percent of the state population in 2011. This incidence statewide approximately matches that found in the WSBA membership.

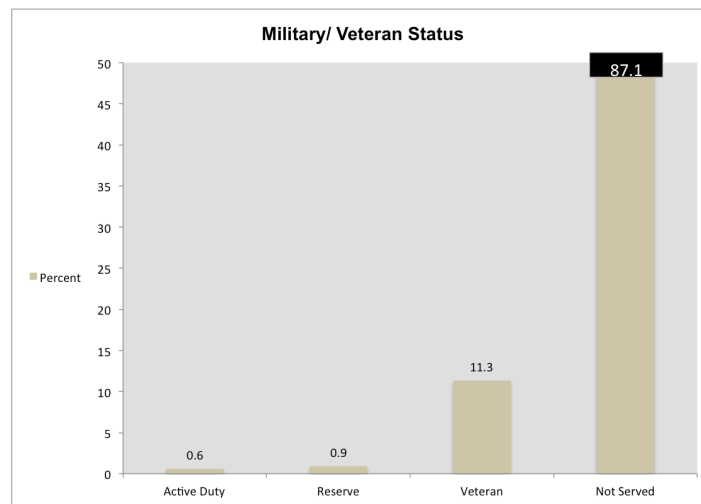


Figure 31. Percent of respondents by military or veteran status.

¹⁰ Washington State Department of Veterans Affairs (2011). *How Washington State supports its veterans and their families*. Available at www.dva.wa.gov/PDF%20files/WDVA%20Priorities.pdf.

*Table 15. Selected Demographic Variables
by Military and Veteran Status and Bar Status*

	Active	Inactive
Age (mean)	59	59
Number of attorneys employed at worksite (mean; median)	49; 2	13; 1
Annual estimated income (median)	\$100,000	\$110,000
Hours per week worked at worksite (mean)	36.9	31.1
Hours per week telecommuting (mean)	4.7	3.6
Years since licensure (median)	29	38
Overall satisfaction with WSBA, on a scale of 1 – 5, 5 being strongly agree (mean)	3.0	3.6
Index of job satisfaction on a scale of 1 – 5, 5 being strongly agree (mean)	3.7	3.7

Note that in Table 15, only respondents with Active and Inactive status are included; other bar statuses in this group had fewer than 10 respondents and are not reported here.

Military and veteran status and geographic location. This section presents tabular results of the distribution of military personnel and veterans across the five geographic regions defined for purposes of this study.

Table 16. Military/Veteran x Region Crosstabulation

		Region					Total
		1.00	2.00	3.00	4.00	5.00	
Non-military personnel and non-veterans	Count	453	110	22	49	132	766
	% within Respondents	59.1%	14.4%	2.9%	6.4%	17.2%	100.0%
	% within Region	88.3%	90.2%	78.6%	74.2%	86.8%	86.9%
	% of Total	51.4%	12.5%	2.5%	5.6%	15.0%	86.9%
Military personnel and veterans	Count	60	12	*	17	20	*
	% within Respondents	52.2%	10.4%	*%	14.8%	17.4%	*
	% within Region	11.7%	9.8%	*%	25.8%	13.2%	*
	% of Total	6.8%	1.4%	*%	1.9%	2.3%	*
Total	Count	513	122	*	66	152	*
	% within All	58.2%	13.8%	*	7.5%	17.3%	*
	% within Region	100.0%	100.0%	*	100.0%	100.0%	*
	% of Total	58.2%	13.8%	*	7.5%	17.3%	100.0%

**Not reported due to size < 10.*

Religious affiliation. The most commonly identified religious affiliations in the sample are Catholic (17 percent) and Christian- Mainline Protestant (17 percent), closely followed by Agnostic (15 percent) and None (15 percent). In descending order, the following frequencies were observed: Christian- Other (10 percent), Atheist (8 percent), Other (6 percent), Judaism- Reform (5 percent), Christian- Evangelical Protestant (4 percent), Hindu and Muslim (both at .3 percent), and Judaism- Orthodox (.2 percent). Since specifications for religious affiliation were not identified as a primary focus of this Study, and given the conceptual and logistical difficulties inherent in analyzing religious affiliation as a diversity factor, only basic descriptive data is reported here.

According to the Pew Forum U.S. Religious Landscape Survey, religious affiliations in the population of Washington state are distributed as follows (+/- four percent margin of error): 25 percent Evangelical Protestant, 23 percent Mainline Protestant, 23 percent Unaffiliated, 16 percent Catholic, one percent Jewish, <0.5 percent Hindu, <0.5 percent Muslim, 1-1.5 percent Other World Religions and Faiths.¹¹ Overall, some broad discrepancies between the WSBA membership and the general population may be observed. However, it is important not to over-interpret these figures, given differences in methodology and categories used.

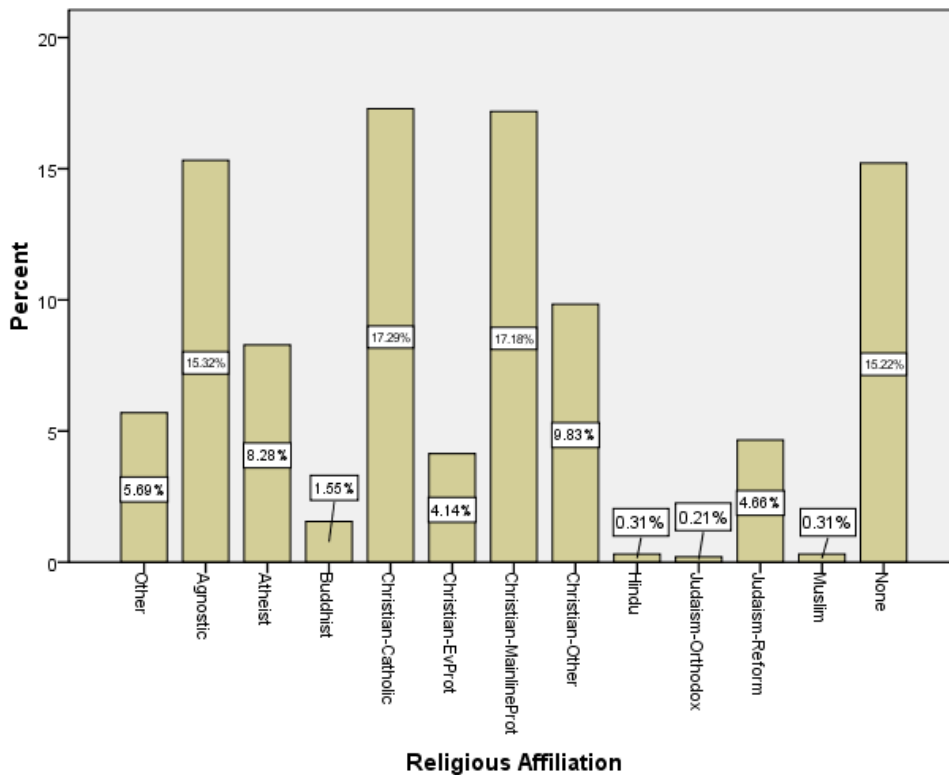


Figure 32. Percent of respondents by religious affiliation.

¹¹ The Pew Forum on Religion & Public Life (2008). *U.S. Religious Landscape Survey*. Full report available at <http://religions.pewforum.org/reports>; map-based state data available at <http://religions.pewforum.org/maps>.

Barriers related to diversity. This study inquired about the degree to which members of diversity groups experience various professional barriers: specifically, social barriers, barriers to opportunity, and barriers to advancement.

Social barriers were characterized as conditions in which “I may have been excluded, misunderstood, or treated differently by my supervisor, colleagues, or clients due to my (membership in a particular diversity group).”

Barriers to opportunity were characterized as conditions in which “I may have been given fewer opportunities to work with clients, limited responsibility, or less training due to my (membership in a particular diversity group).”

Barriers to advancement were characterized as conditions in which “I may have not received a raise or promotion due to my (membership in a particular diversity group).”

Figure 33 depicts the incidence of responses of “Always,” “Often,” or “Sometimes” regarding the experience of each type of barrier by respondents. Figure 33 compiles this data across the following diversity groups: age (40 and over), racial or ethnic minorities, sexual orientation minorities, women, parents and caregivers, persons with disabilities or impairments, and military personnel and veterans.

In general, each diversity group rated social barriers as being most prominent (with two exceptions: parents and caregivers rated opportunity barriers slightly higher, and military personnel and veterans rated advancement barriers slightly higher).

Averaging across the three barriers, the group that most frequently encountered barriers overall is racial and ethnic minorities with a mean score of 18.6. Following in descending order are: Persons with disabilities (17.8), women (15.5), parents and caregivers (14.7), sexual orientation minorities (13.8), and age 40 and over (12.7), and military personnel and veterans (6.3).

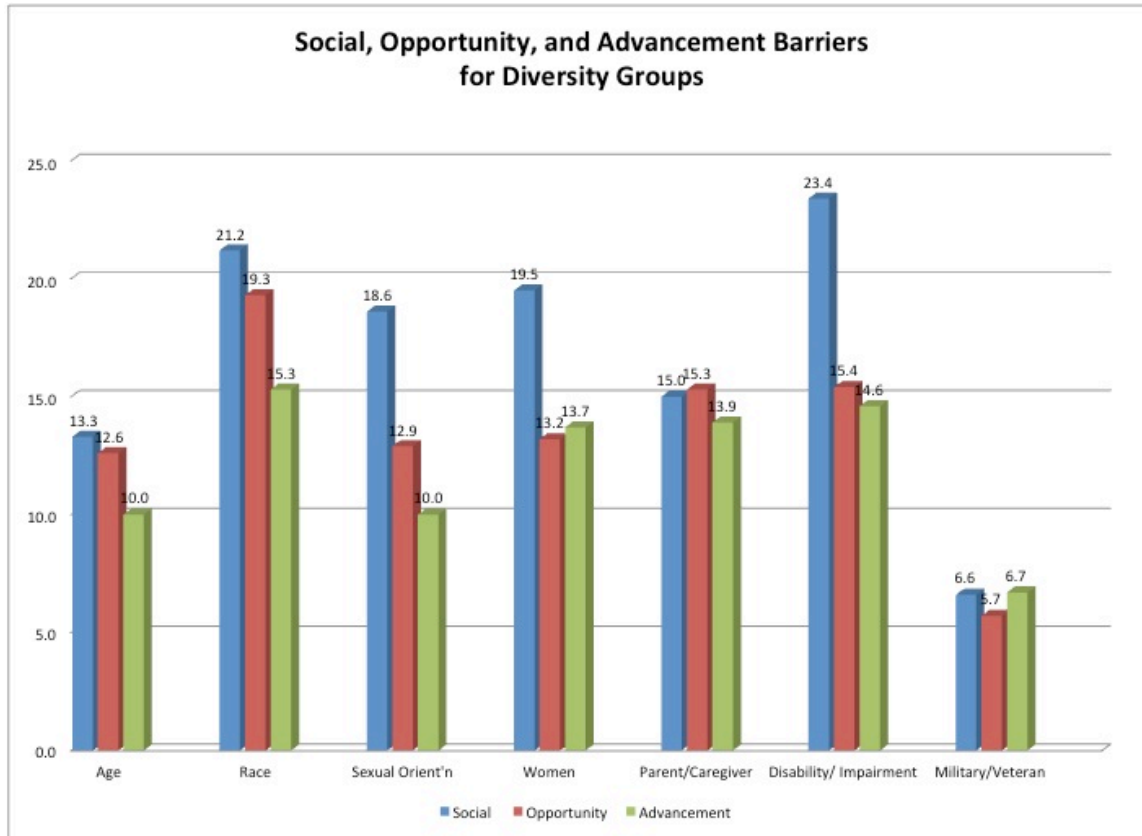


Figure 33. Percent of respondents within diversity groups reporting social, opportunity, and advancement barriers.

Accommodation. In the case of certain minority groups (i.e., persons with disabilities and impairments, parents and caregivers, and military personnel and veterans), the issue of workplace accommodation arises. These results are detailed in Appendix E.

Discrimination. Each respondent in the diversity groups was asked about the degree of intensity of any discrimination experienced in the last five years at work or during the hiring process. This item is designed for use as an index of *intensity* of barriers faced by those in minority populations.

Persons with disabilities or impairments reported experiencing barriers at the higher levels of intensity, followed by females, sexual orientation minorities, racial minorities, age 40 and over, military personnel and veterans, and parents and caregivers.

Other diversity-related findings. The survey domains can be analyzed and filtered by the identified diversity groups in a number of potential ways. Selected additional diversity-related findings follow.

Geography and diversity. Both quantitative and qualitative data suggest there are meaningful differences in the way the selected diversity groups are distributed across the state of Washington, and the distribution of each diversity group across five regions are shown in tables within each diversity group, above. In general, of the total number of individuals within WSBA that belong to diversity groups, they are represented most frequently in Region 1, with the ranking of other regions varying by group.

Beyond the distribution of diversity across the state, it is apparent from a preliminary analysis that the experiences of members of diversity groups vary widely by geography. However, developing a thorough understanding of experiences of diversity across different regions is complex, involving challenges with respect to technical disaggregation, confidentiality, and reporting that will require further specification to address.

Solo practice and diversity. For data suggested that WSBA members who are also members of one or more diversity groups may be more likely to be solo practitioners. This perception is generally borne out by objective survey data.

As noted, solo practice is the single largest employment group represented across the membership, in that approximately 19 percent of all Active status respondents described themselves as solo practitioners. However, the percentage of diversity group members in Active status who identify themselves as being in solo practice range around this overall average in notable ways:

Older members. Of all Active status members 40 years of age and over, 51 percent are in solo practice. This rate is over two and a half times the overall membership incidence of solo practitioners (at 19 percent), underscoring the notion that solo practice is a prominent category into which more senior members are found.

Ethnic and racial minorities. Thirty-one percent of this group is in solo practice, about half again as high as the overall average.

Sexual orientation minorities. Twenty-eight percent of this group indicates that they are in solo practice, a rate half again as high as the overall average.

Women. Thirty-eight percent of women identify as solo practitioners; this is about double the overall rate.

Parents and caregivers. Forty-six percent of parents and caregivers identify as solo practitioners, about two and one half times the overall average.

Persons with disabilities and impairments. At forty-seven percent, this group reports being in solo practice at a rate two and one half times the overall average.

Military personnel and veterans. Fifty-nine percent of this group is in solo practice, approximately three times the overall average.

In many cases across the membership, entry into solo practice may be experienced as a welcome and positive phase of professional development, as suggested by the large proportion of older and more experienced members in this category. However, in other cases, entry into solo practice may be less a matter of choice and more a matter of necessity due to barriers to entry faced in other employment settings. The relatively high incidence of solo practice across all diversity groups is notable and worthy of further exploration.

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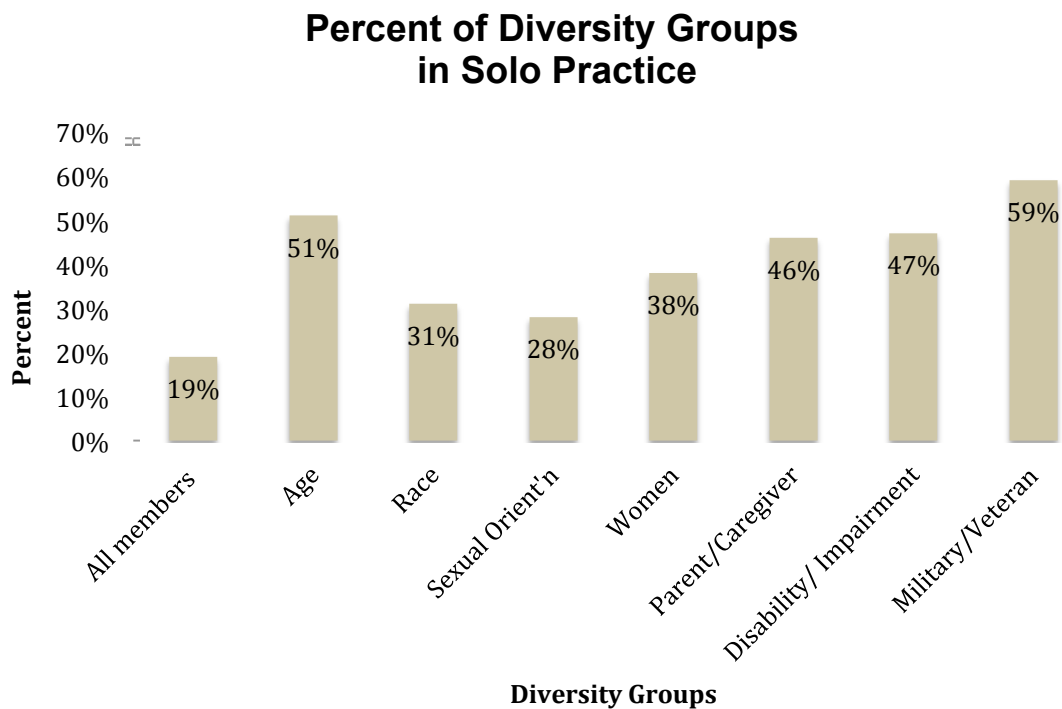
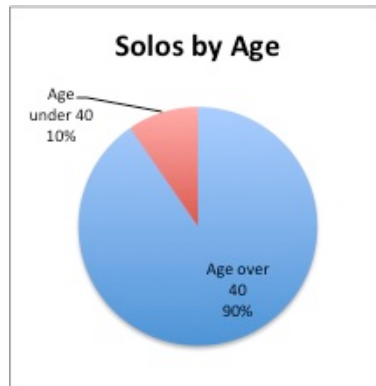


Figure 35. Percent of respondents across diversity groups report being in solo practice.

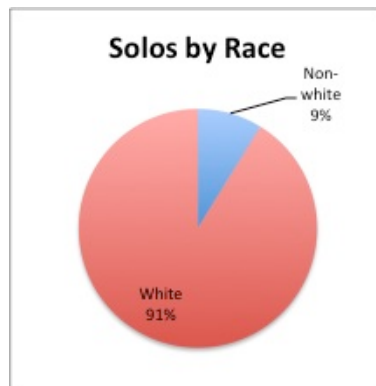
The foregoing results show that most diversity groups exceed the overall membership in terms of the proportion of the group that is found in solo practice. However, another way to

explore the relationship between diversity and solo practice is to look at the proportion of Active status *solo practitioners* who happen to be members of a diversity group.

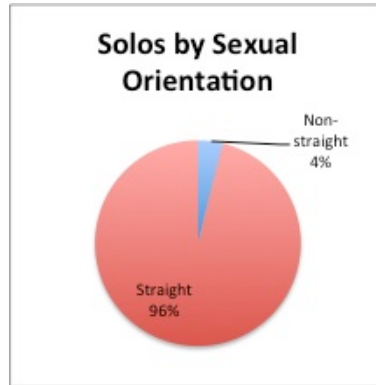
Ninety percent of active solos are 40 and over, compared to 79 percent of the sample overall. In other words, older members appear more frequently in solo practice than one would expect based on their incidence in the overall membership.



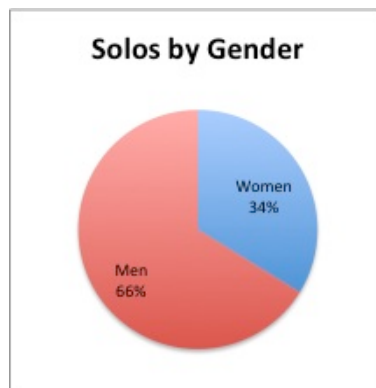
Nine percent of active solos belong to a racial or ethnic minority, compared to 12 percent of the sample overall. This means that ethnic and racial minorities are under-represented among those in solo practice.



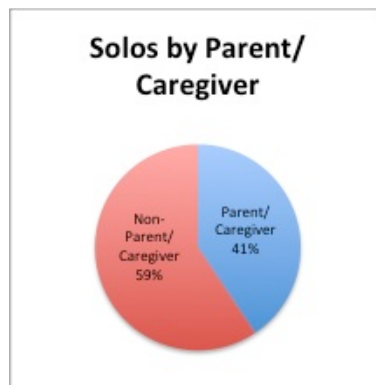
Four percent of active solos belong to a sexual orientation minority, compared to nine percent of the sample overall. This means that sexual orientation minorities are under-represented among those in solo practice.



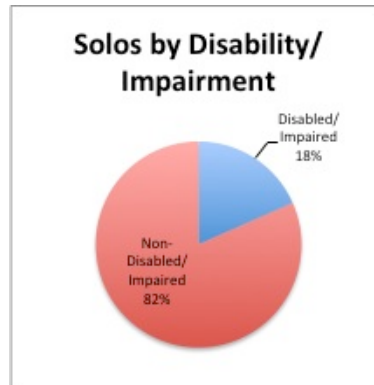
Thirty-four percent of active solos are women, compared to 45 percent of the sample overall. This means that women are under-represented among those in solo practice, relative to their incidence in the overall membership.



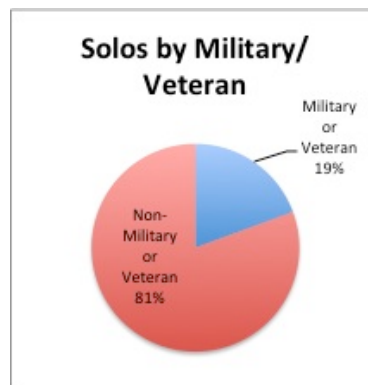
Forty-one percent of active solos are parents and/or caregivers, compared to 38 percent of the sample. This means that parents and caregivers are slightly over-represented among solos.



Eighteen percent of active solos are persons with disabilities or impairments, compared to 21 percent of the sample overall. This means that this group is slightly under-represented among those in solo practice.



Nineteen percent of active solos are military personnel and veterans, compared to 13 percent of the sample overall. This means that military personnel and veterans are over-represented among those in solo practice, as compared to their incidence in the overall membership.



When interpreting the charts above, bear in mind that respondents may belong to more than one diversity group.

Person-Job factors. In addition to individual member traits and qualities specific to the work-site, there are other factors implicated in patterns of professional transition that reflect the “goodness of fit” between an individual and their worksite, known as person-job factors.

Job satisfaction. One of the primary person-job factors addressed in this study is *job satisfaction*, or the degree of contentment an individual has with respect to his job. Job

satisfaction has a well-established, albeit complex relationship to professional transition. Given the importance of this factor, and the distinctive aspects of the professional practice of the law, TrueBearing developed a job satisfaction scale specific to legal practice for this study. This scale comprised four distinctive dimensions that related strongly to job satisfaction in this sample.

Job relationships. High scores on this dimension reflect a positive evaluation of peer, supervisor, and client relationships.

Job autonomy and task integrity. High scores on this dimension reflect a positive evaluation of the degree of independence afforded by the job as well as a sense of the job having continuity, such that an individual feels he or she is engaged in a coherent and complete process.

Job meaning and stimulation. High scores on this dimension reflect a positive evaluation of the personal value of the job's activities to the individual, coupled with a sense of engagement and interest.

Extrinsic factors. High scores on this dimension reflect a positive evaluation of such “objective” factors as salary, benefits and environmental work conditions.

The accompanying chart demonstrates that respondents generally felt moderately satisfied on all four dimensions. In descending order, respondents are most satisfied by Autonomy and Task Integrity (3.9), followed by Relationships (3.8), Extrinsic factors (3.4) and Work Meaning (3.3).

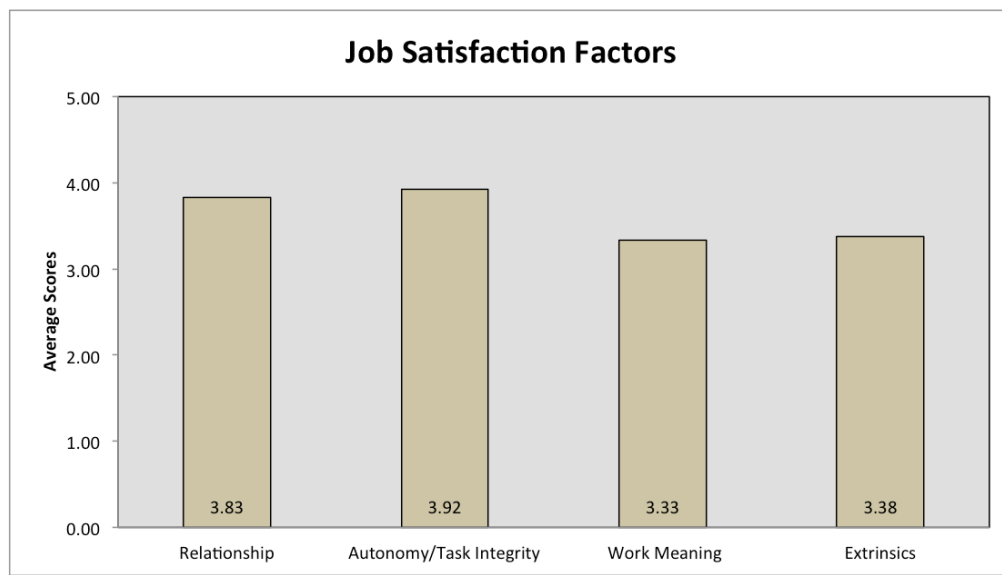
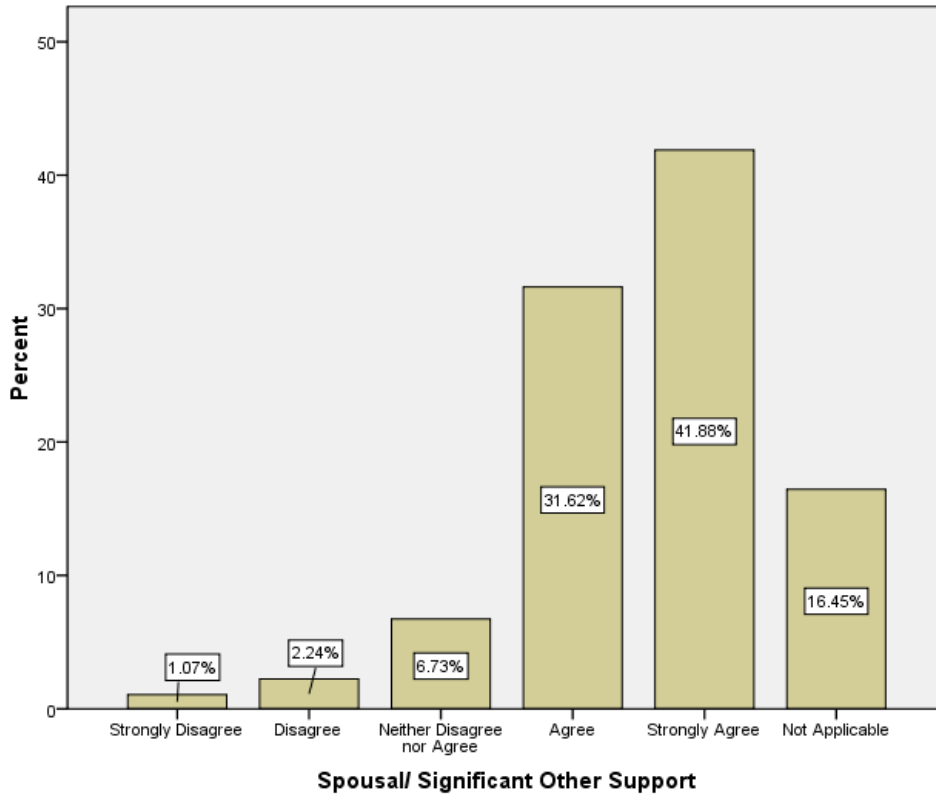


Figure 36. Average scores of respondents by job satisfaction factors.

External factors. The survey asked respondents to provide information related to various external (non-job) factors that the action model predicted would affect career stability. These included perceived support from one's spouse or significant other, work-life balance, and mentoring (specifically, mentor presence or absence, quality of mentor relationship, and serving as a mentor).

Spousal or significant other support. Respondents were asked the extent to which they agreed with the statement “My spouse or significant other is supportive of my career.” Nearly three quarters (74 percent) agreed with the statement to some extent. Sixteen percent selected not applicable. Approximately seven percent neither agreed nor disagreed, and three percent disagreed or strongly disagreed.



“My spouse or significant other is supportive of my career.”

Figure 37. Percent of respondents by endorsement of spousal or significant other support.

Work-life balance. Nearly half (49 percent) of respondents agreed that they were able to meet the demands of both family and career. Fourteen percent neither agreed nor disagreed, and another 14 percent disagreed. Thirteen percent strongly agreed that they are able to meet family and career demands, and three percent strongly disagreed. Seven percent selected “not applicable.”

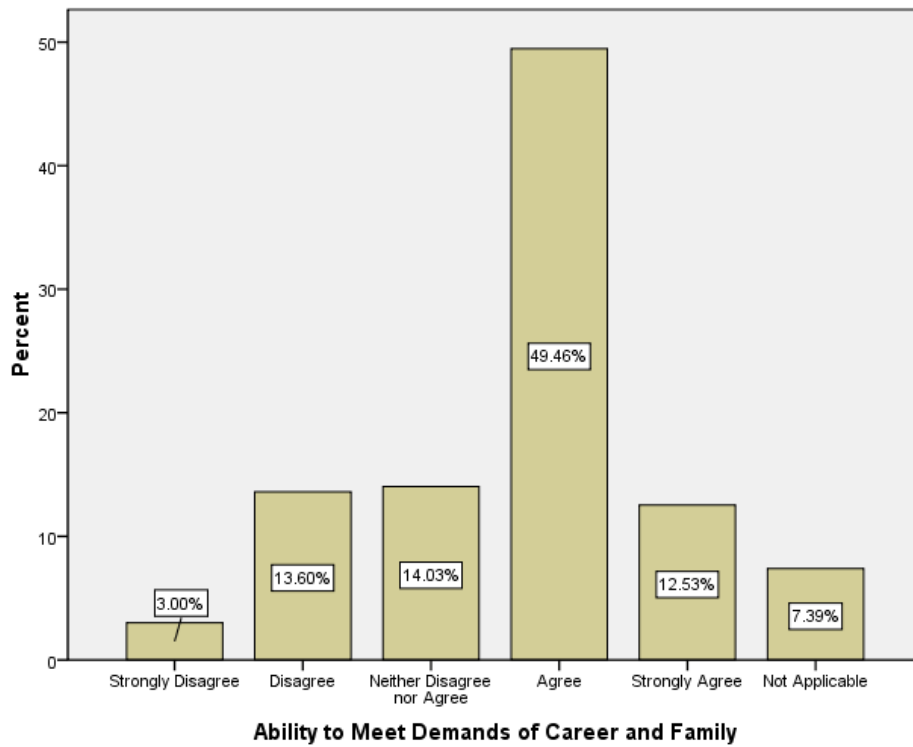
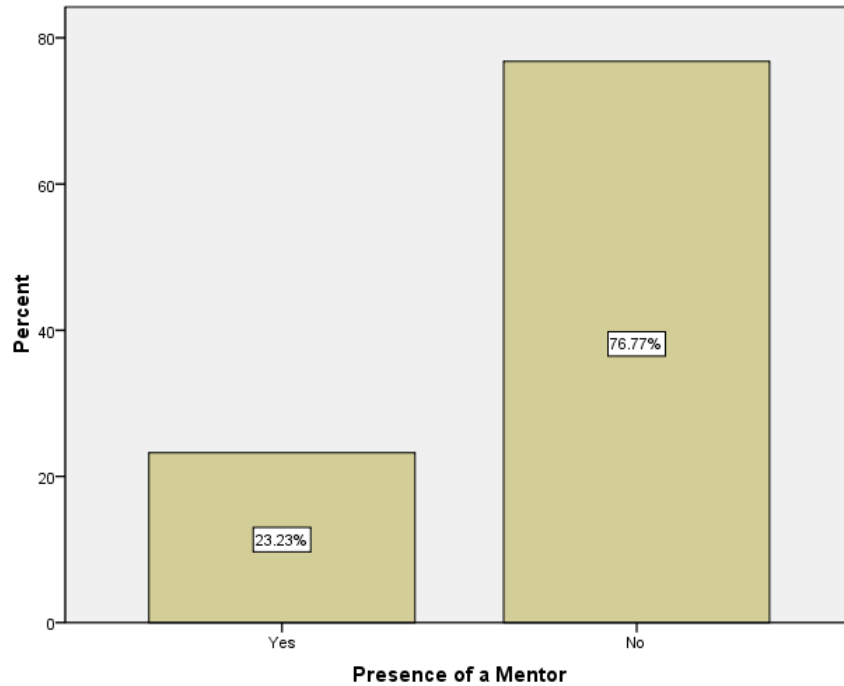


Figure 38. Percent of respondents by endorsement of ability to meet demands of career and family.

Mentor relationship. Over three-quarters of the sample (77 percent) did not currently have a mentor, while 23 percent reported having a mentor. These figures may be impacted by the age and career stage of respondents in the sample; see the Discussion section for more on mentors.



“I currently have a mentor (i.e., a senior colleague other than my supervisor from whom I receive professional guidance and support).”

Figure 39. Percent of respondents by presence of a mentor.

Mentor quality ratings. Those respondents that had mentors were asked to rate their mentor relationships on four dimensions: respect, guidance, recognition of abilities, and advocacy for mentee’s career. The average ratings across the four dimensions are very similar to one another, and as a group suggest very strong ratings of mentors. The average ratings range from 4.39 (respect) to 4.14 (advocacy for career) on a 5-point scale with 5 representing Strong Agreement.

Professional transitions. Forty-three percent of respondents changed either their area of practice or their employment setting within the last 5 years. Note that this figure represents a ceiling on job transition, as some respondents changed both area of practice and setting simultaneously.

Job stability: Transitions in area of practice. Twenty-five percent of respondents acknowledged having changed their area of professional practice at least once during the last five years.

Area of practice exited. The top five most frequently cited areas of practice from which respondents exited are found in Figure 40, in descending order: Criminal (12 percent), Civil litigation, Family and Litigation (each at 7 percent), and None – Employed but not actively practicing law (6 percent). The remaining frequencies may be found in Appendix E.

Area of practice entered. The top five most frequently cited areas of practice which respondents entered are found in Figure 41, in descending order: None – employed but not actively practicing law (13 percent), Family (8 percent), Civil litigation (7 percent), Criminal (6 percent) and Business/ Commercial (5 percent). The remaining frequencies may be found in Appendix E.

Reason for change in area of practice. Respondents who undertook a change in their area of practice cite the following as the main reason for this transition: Career strategy (18 percent), Did not have a choice (18 percent), Work appeal (15 percent), More money or better benefits (8 percent) and Personal or family reasons unrelated to work (8 percent).

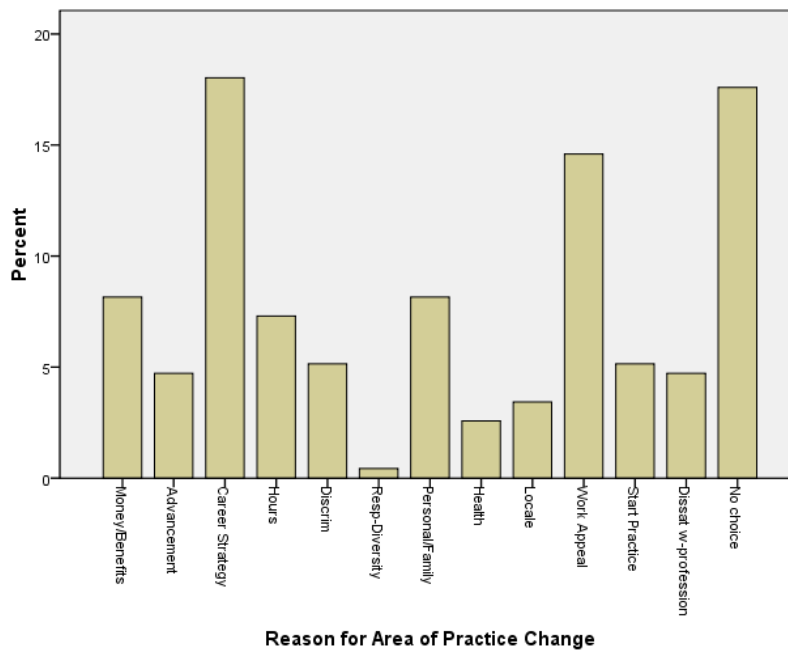


Figure 42. Percent of respondents reporting changing area of practice in the last five years, by reason for change in area of practice.

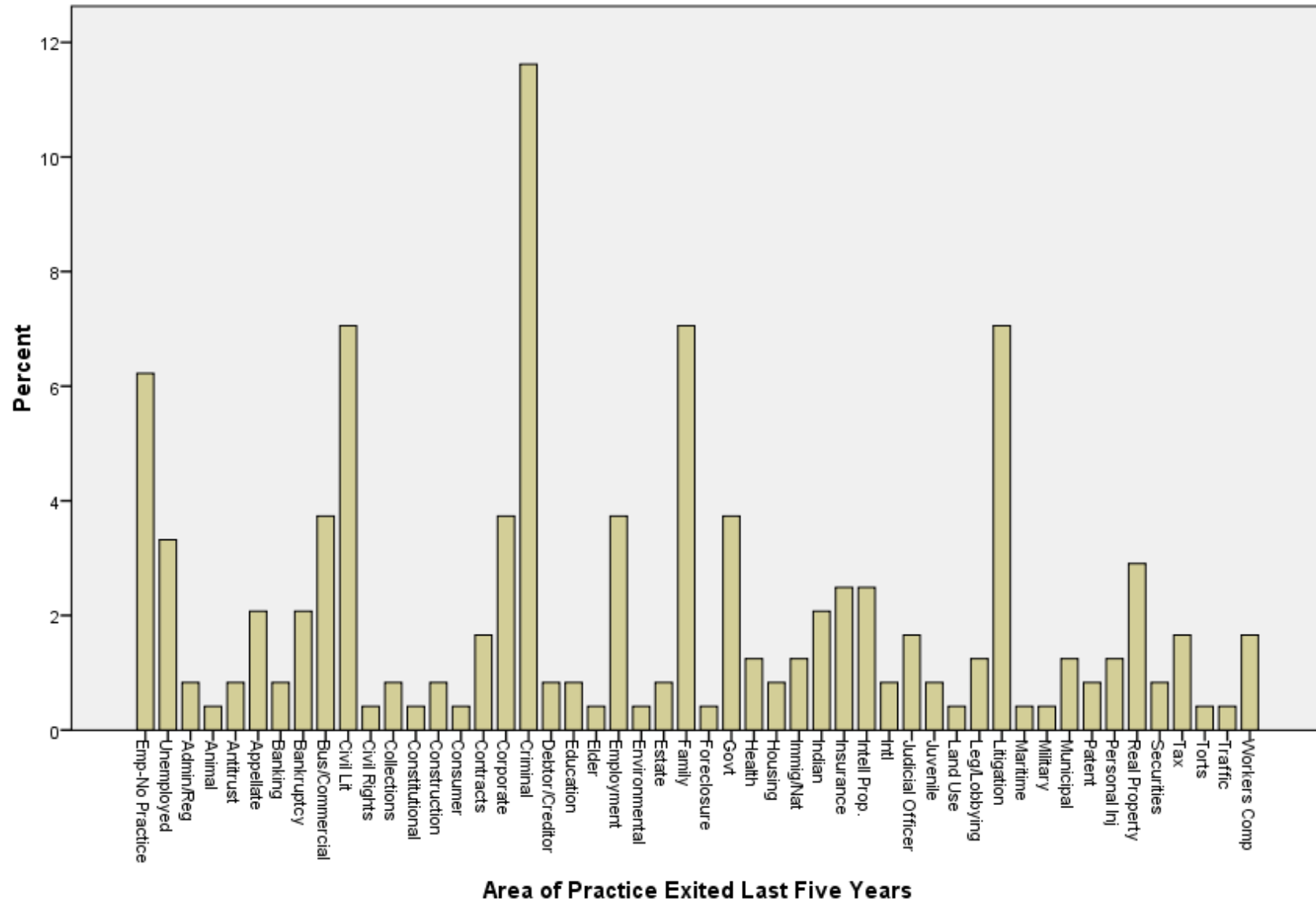


Figure 40. Percent of respondents reporting changing area of practice in the last five years, by area of practice exited.

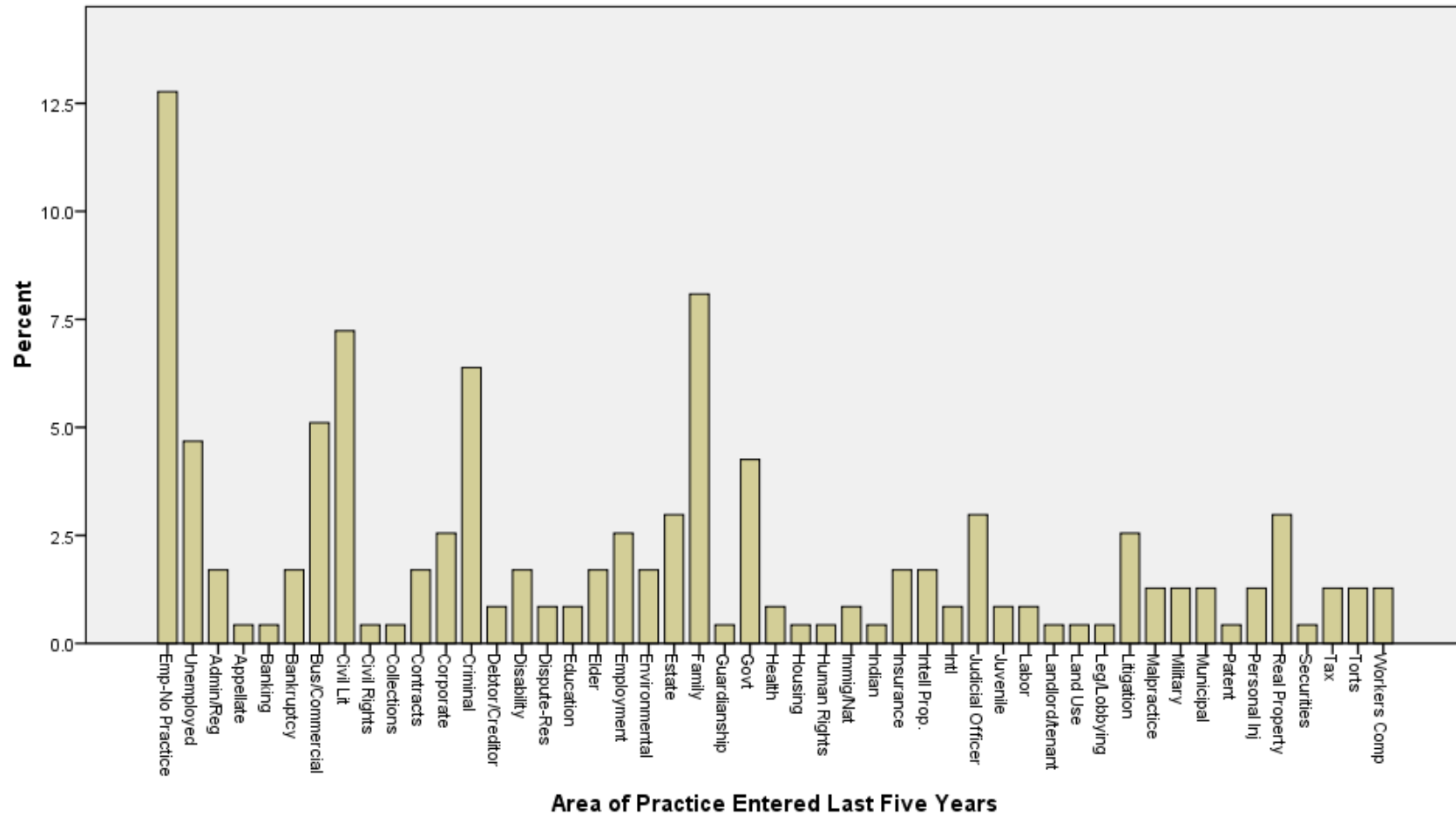
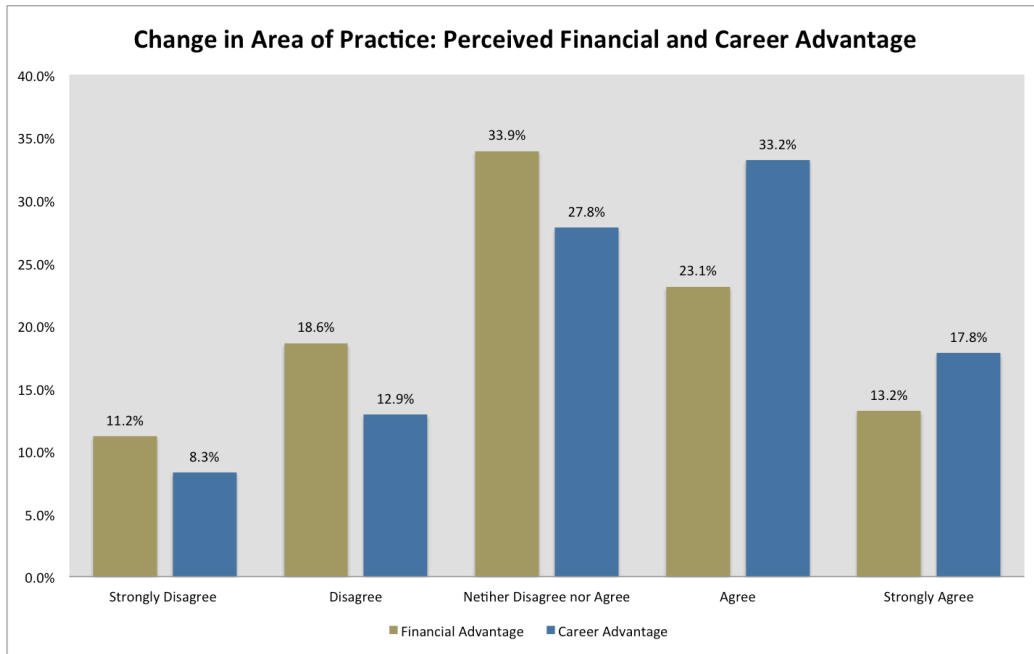


Figure 41. Percent of respondents reporting changing area of practice in the last five years, by area of practice entered.

Area of practice: Perceptions of financial and career advantage. In general, respondents perceived their change in area of practice to have been more advantageous to career advancement than it was a financial benefit. This may reflect the relatively high percentage of respondents who indicated that they made the change as part of their overall career strategy.



“I view this change of my area of practice as financially advantageous.”

Figure 43. Percent of respondents reporting changing area of practice in the last five years, by perceived financial and career advantage.

Job stability: Transitions in employment setting. Thirty-five percent of respondents acknowledged having changed their primary employment setting at least once during the last five years.

Employment setting exited. The top five most frequently cited employment settings from which respondents exited are, in descending order: Law firm (50 percent), Federal, state, local, or tribal government (16 percent), Other (8 percent), Corporate (7 percent), and Public interest-Legal services (6 percent). The remaining frequencies may be found in Appendix E, item 99.

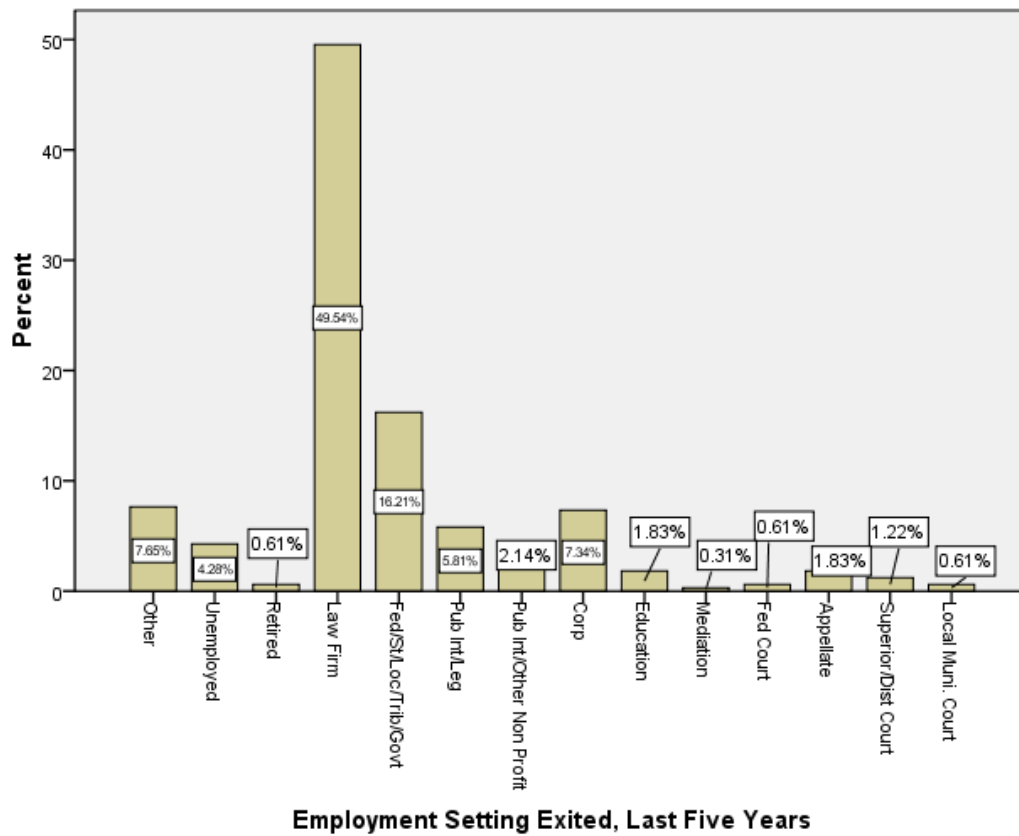


Figure 44. Percent of respondents reporting changing employment setting in the last five years, by employment setting exited.

Employment setting entered. The top five most frequently cited employment settings into which respondents entered are, in descending order: Law firm (44 percent), Federal, state, local, or tribal government (13 percent), Other (10 percent), Corporate (8 percent), and Unemployed (7 percent). The remaining frequencies may be found in Appendix E, item 100.

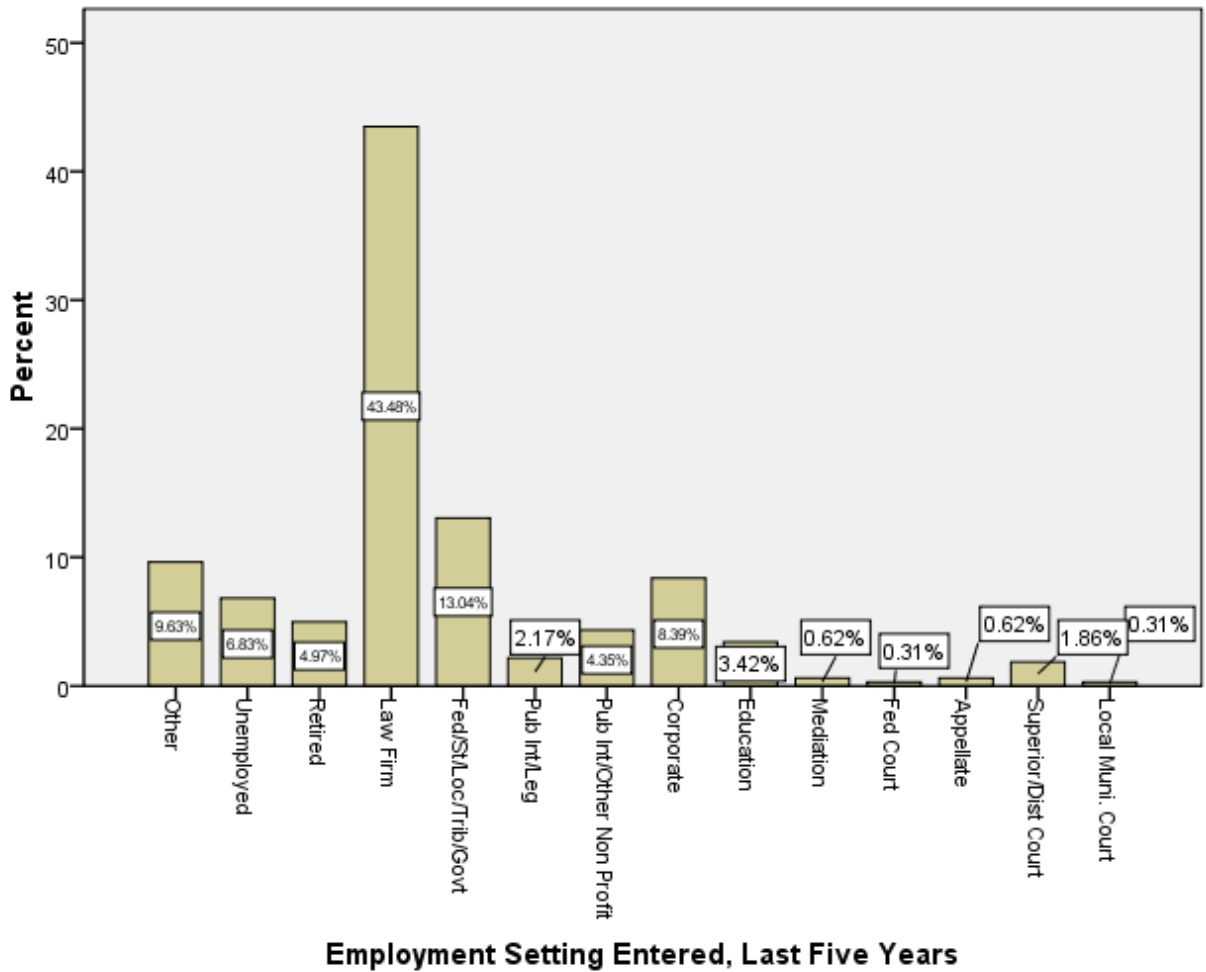


Figure 45. Percent of respondents reporting changing employment setting in the last five years, by employment setting entered.

Reason for change in employment setting. The top five most frequently cited reasons for change in employment settings in the past five years are, in descending order: Did not have a choice in making this transition (18 percent), Career strategy (16 percent), More money or better benefits (11 percent), Personal or family reasons (not work-related) (9 percent), and Start own practice or other business (9 percent). The remaining frequencies may be found in Appendix E, item 101.

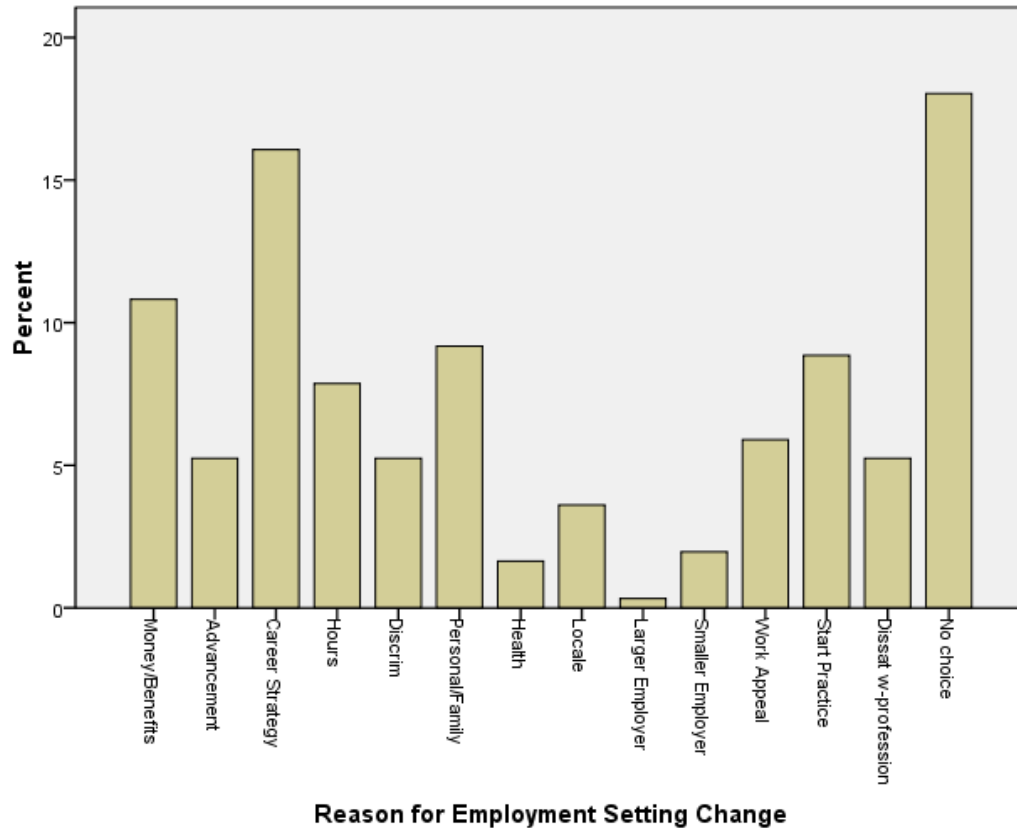
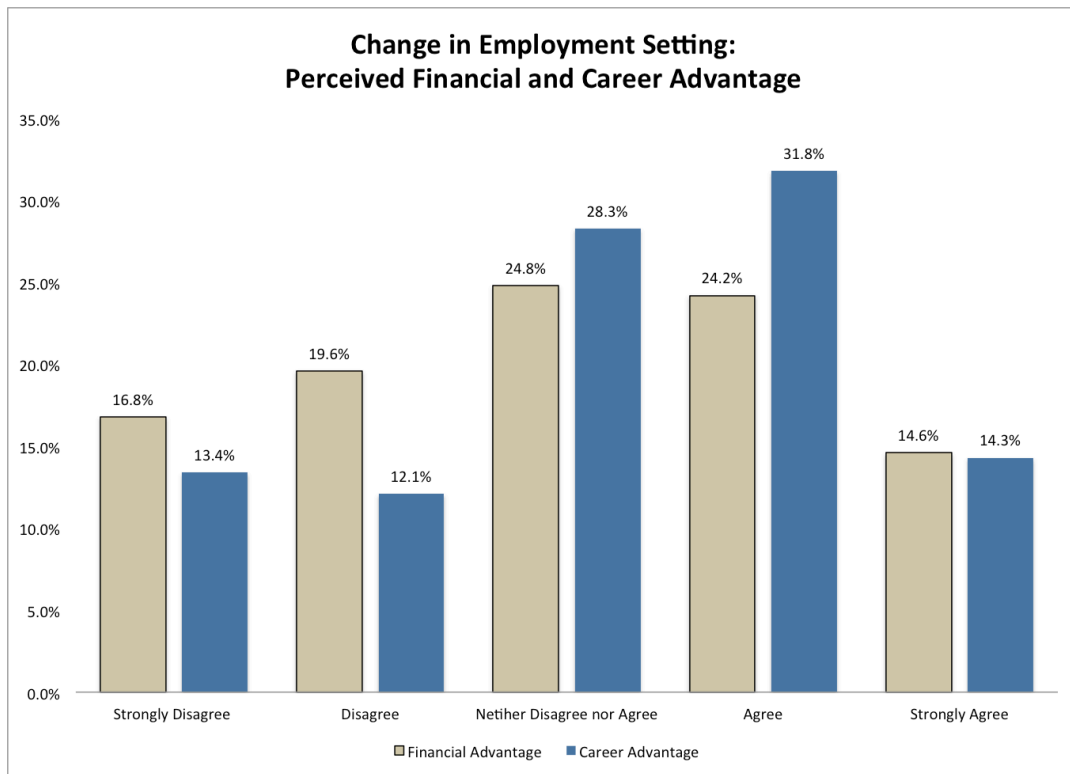


Figure 46. Percent of respondents reporting changing employment setting in the last five years, by reason for change in employment setting.

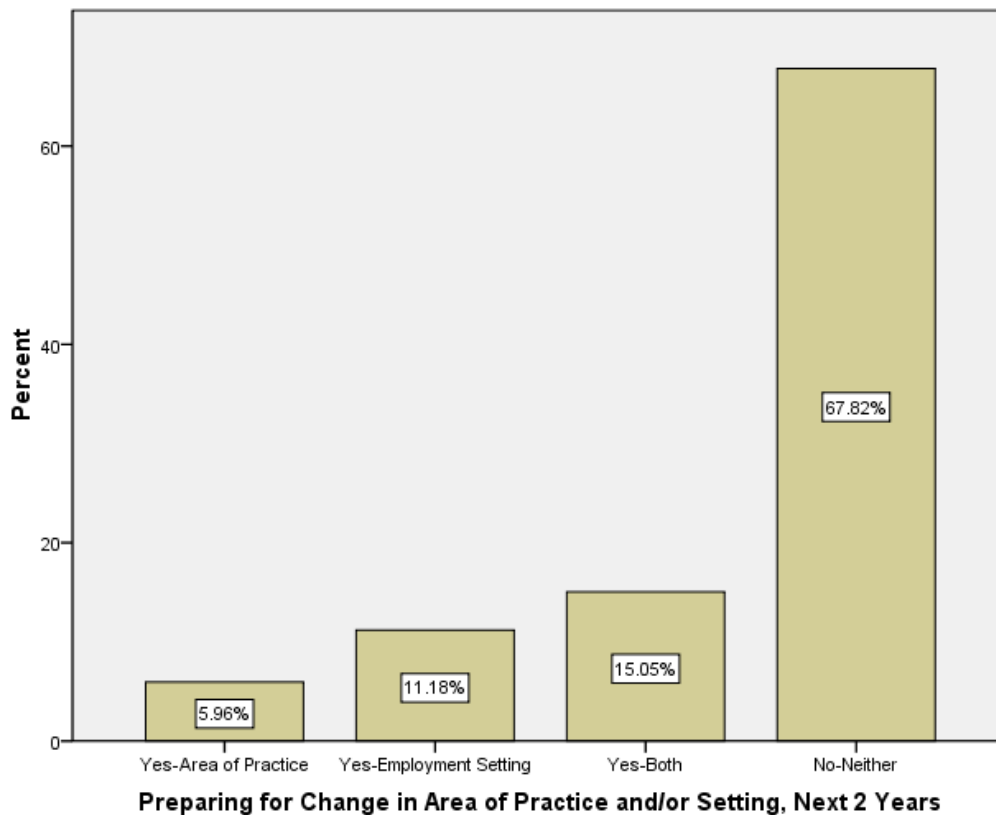
Employment setting: Perceptions of financial and career advantage. Those respondents indicating a change in employment setting in the past five years were asked whether they perceived the change to be financially advantageous or career-advancing. In general, respondents perceived their change in employment to have been more advantageous to career advancement than it was a financial benefit. This may reflect the relatively high percentage of respondents who indicated that they made the change as part of their overall career strategy. The set of frequencies may be found in Appendix E, items 102 and 103.



“I view this change in my employment setting as financially advantageous/career advancing.”
 Figure 47. Percent of respondents reporting changing employment setting in the last five years, by perceived financial and career advantage.

Prospective transitions. Respondents were asked about their prospective career plans in a series of items designed to yield the nature of intended transitions (within the legal profession, such as a change in practice area, or outside the profession) and the central reason for the planned transition.

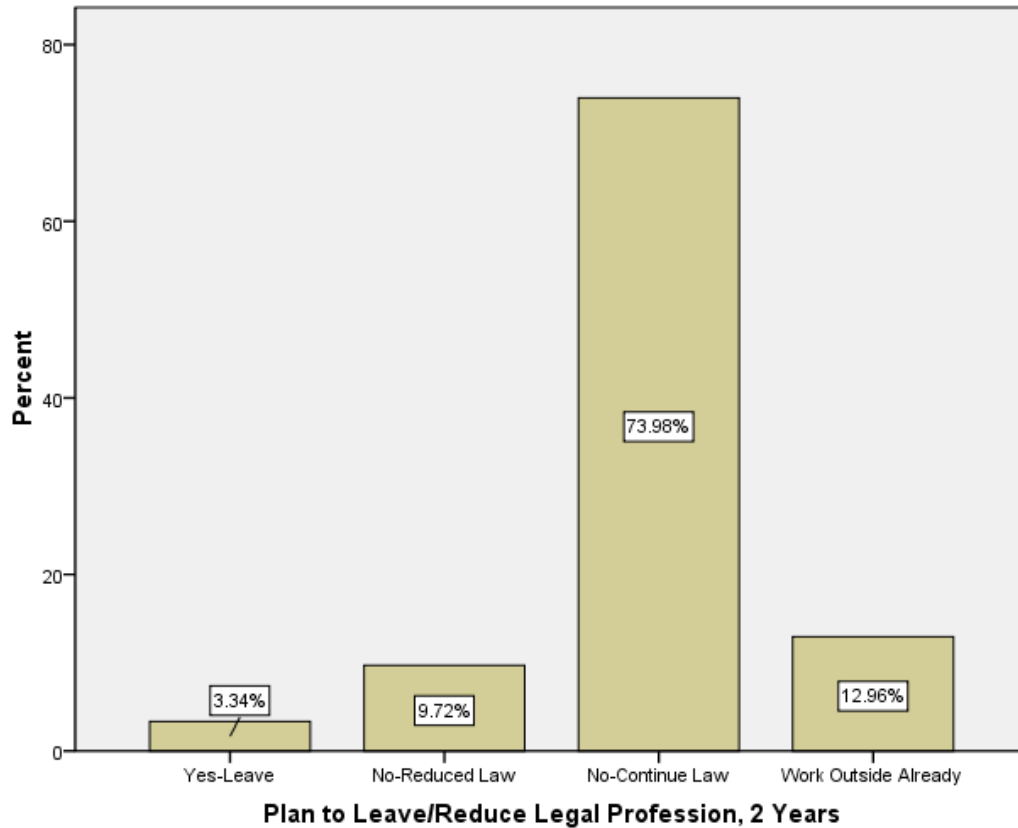
Concrete steps toward change in next two years. Respondents were asked whether they had taken concrete steps towards making a prospective change within the next two years in their area of practice, employment setting, or both. The majority of respondents, 68 percent, had not taken such steps toward a change. Six percent indicated a planned change in area of practice, while 11 percent had taken steps toward a change in employment setting. Fifteen percent indicated steps toward changing both area of practice and employment setting.



“I have taken concrete steps towards making a change within the next two years in my area of practice, my primary work setting, or both (other than retirement).”

Figure 48. Percent of respondents reporting plans to change area of practice, employment setting, or both in the next two years.

Leaving legal profession, next two years. Respondents were asked whether they have taken concrete steps to leave the legal profession within the next two years. The majority of respondents, 74 percent, indicated that they plan to continue in the legal profession. Thirteen percent already work outside the legal profession, while ten percent plan to practice law in a reduced capacity. Three percent indicated that they do plan to leave the legal profession in the next two years.



“During the next two years, I plan to leave the legal profession (other than through retirement).”

Figure 49. Percent of random sample respondents reporting plans to leave the legal profession or reduce their practice of law in the next two years.

Reason for plan to leave legal profession or reduce law practice. Respondents that indicated a plan to leave the legal profession or a plan to practice law in a reduced capacity were asked to indicate the main reason for their plan. The top five most frequently cited reasons for planning to exit or reduce legal practice are, in descending order: Desire to work fewer or more flexible hours (28 percent), Dissatisfaction with the legal profession (20 percent), Personal or family reasons- not work-related (16 percent), Part of my long-term career strategy (14 percent), and Perceive the work itself in a different setting to be more appealing (8 percent). The remaining frequencies may be found in Appendix E, item 107.

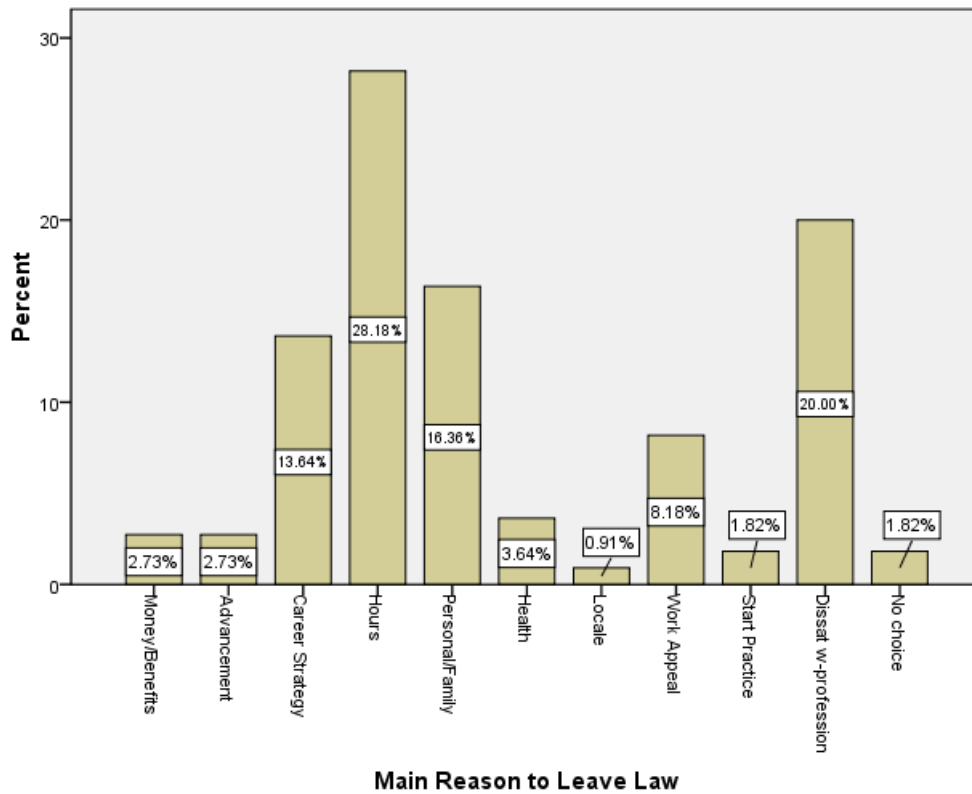
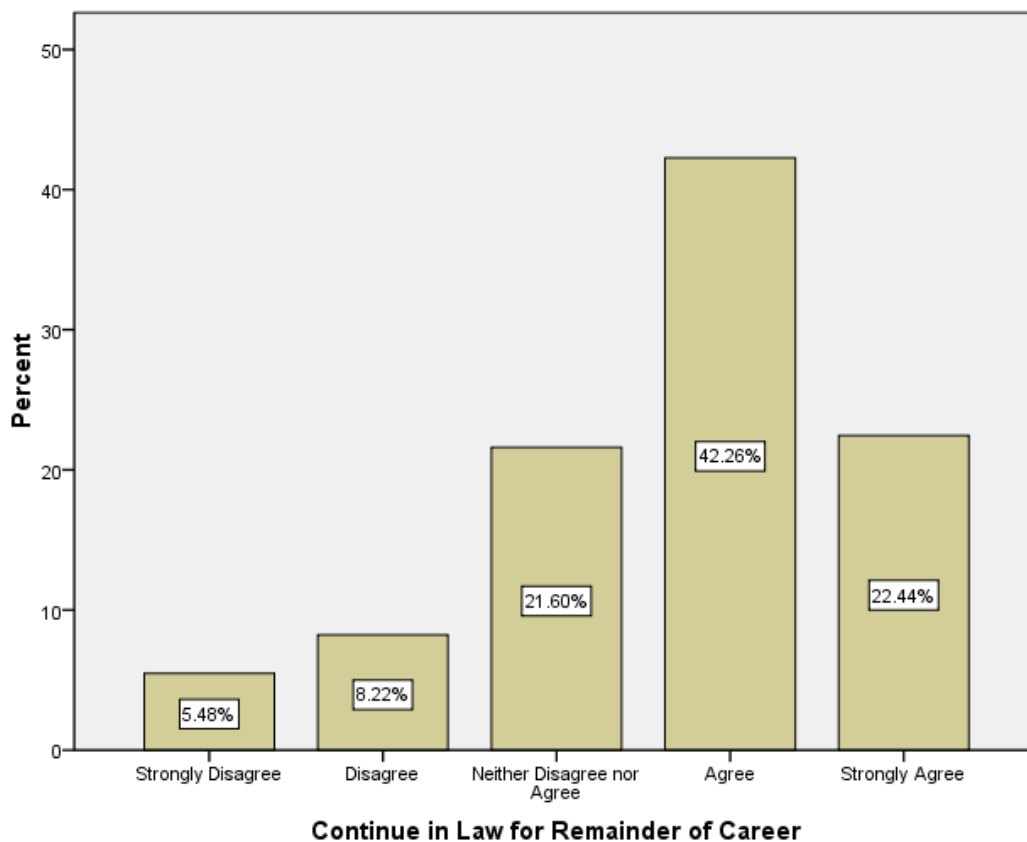


Figure 50. Percent of respondents reporting plans to leave legal profession or reduce practice in next two years, by main reason for planned change.

Continue to practice law for remainder of career. Respondents were asked whether they believed they would continue to practice as an attorney, or eventually return to practice, for the remainder of their professional careers. As depicted in Figure 51, nearly two-thirds (64.7 percent) agreed to some extent with this statement. Twenty-two percent selected “neither disagree nor agree.” Fourteen percent disagreed to some extent.



“Taking everything into account, I believe I will continue to practice as an attorney (or eventually return to practice) for the remainder of my professional career.”

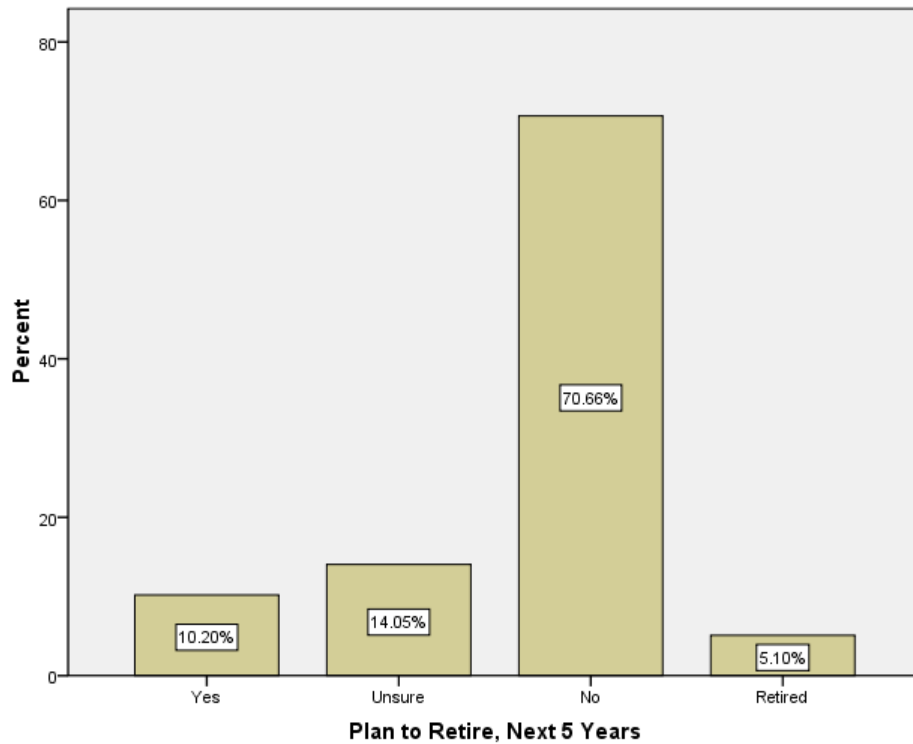
Figure 51. Percent of random sample respondents that endorse belief that they will continue to practice as an attorney, or return to practice, for remainder of professional career.

A further analysis of responses to this item across the seven primary diversity groups identified in this study revealed in most cases no significant differences compared to the sample as a whole. In other words, membership in a diversity group is not associated with a difference in the belief that an individual will stay in law for the remainder of his or her career.

The only exception to this pattern is with older members. WSBA members 40 and over more frequently endorsed the belief that they will remain in law for the remainder of their careers than do younger members. This finding is unsurprising considering that older members as a

group are by definition closer to the end of their career, and may perceive themselves as “locked in” to the practice of law for the remainder of their working years. On the other hand, there are some indications that a subset of older members may be planning to resist this trend, indicating a strong belief that they will exit the law for some other pursuit. The cross-tab and chi-square analyses for the seven primary diversity groups may be found in Appendix L.

Plan to retire, next five years. Respondents were asked whether they planned to retire within the next five years. Ten percent said that they do plan to retire in the next five years, and 14 percent are unsure. Over two-thirds (71 percent) do not plan to retire within this time frame. Five percent were already retired.



“I plan to retire within the next five years”

Figure 52. Percent of random sample respondents that endorse plan to retire in the next five years.

Predictors of transition. The WSBA Study Team in consultation with TrueBearing identified several variables as potential predictors of career stability, including job stability, job satisfaction, income, mentor relationship, and work-life balance. A series of regression analyses shed light on the relationships among these variables. The narrative in this section is based on these analyses, the data from which may be reviewed in Appendix E.

Note that in all the following results, the strength of a predictor (measured as the percent of unique explained variance) will fall into the following ranges:

One percent or less: Small effect

Nine percent: Medium effect

Twenty-five percent: Large effect

Job stability trends. One of the variables of interest to the Study Team was job stability—that is, remaining in a job or with an employer indefinitely, rather than undergoing multiple job-related changes. The survey inquired about job stability from two points of view – first, members were asked retrospectively if they had experienced either a change in their area of practice or a change in their employment setting during the past five years. Secondly, they were asked prospectively whether they have “taken concrete steps towards making a change within the next two years” in either their area of practice, employment setting or both.

Finding 1. Job stability and career stability. A history of change in area of practice or employment during the previous five years does not predict career stability. Only one percent of the variance in career stability is explained by this factor.

Additionally stating an intention to change area of practice or employment setting does not predict career stability. In this case, only .5 percent of the variance in career stability is explained by this factor.

Finding 2. Job satisfaction as a predictor of job stability. Overall job satisfaction is the strongest predictor of prospective job stability of all variables considered. In other words the degree of an individual’s job satisfaction is negatively associated with the likelihood of planning a change within the profession during the next two years. Simply put, high job satisfaction increases an individual’s likelihood of remaining in place, even though other considerations may be involved.

Finding 3. Job satisfaction as a predictor of career stability. Among the factors examined in this study, the most powerful predictor of career stability is job satisfaction, accounting for 11 percent of the variance in career stability. By contrast, income, a commonly perceived motivator to remain in a position, is not related to career stability, accounting for only .2 percent of the variance. Other factors such as mentor support also predict career stability to a degree, but this is best understood in the context of their contribution to job satisfaction.

Given the strength of this association, the question becomes: what are the factors that lead to job satisfaction, which in turn improves career stability?

Finding 4. Predictors of job satisfaction. The following factors are associated with job satisfaction, presented in descending order of predictive importance:

- 1) The presence of a quality mentor relationship (including respect, guidance, recognition and advocacy): Nine percent of the unique variance in job satisfaction.
- 2) Work-life balance: Five percent of the unique variance in job satisfaction.
- 3) Income: Five percent of the unique variance in job satisfaction.

Note that income's association with job satisfaction is understandable, since the Extrinsic dimension of job satisfaction explicitly relates to elements such as income, benefits, and work conditions. These elements most likely have a necessary but not sufficient relationship to job satisfaction in that they prevent dissatisfaction, but their impact on satisfaction is more limited.

Finding 5. Job satisfaction in context. In this analysis, we analyzed the effect of job satisfaction on career stability in the context of each available diversity group. The results from each individual analysis are summarized below by diversity group.

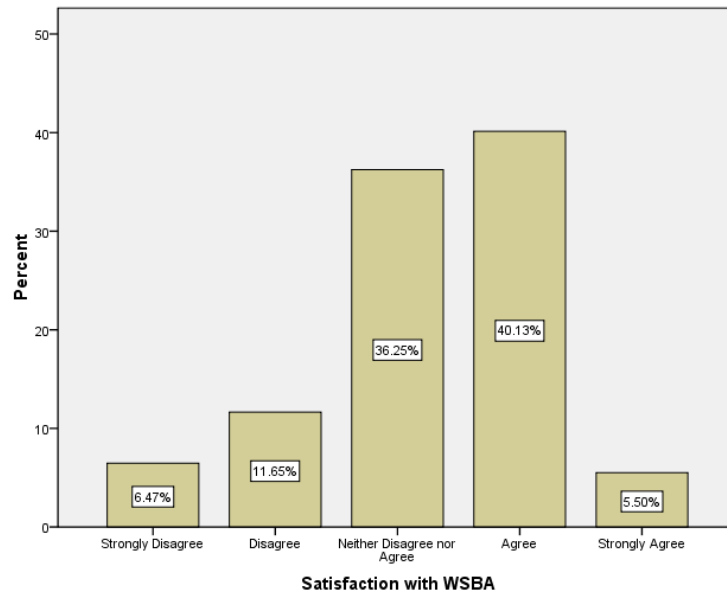
In every diversity group, job satisfaction significantly predicted career stability. For each group, the percent of unique variance in career stability that can be explained by job satisfaction is described in the following table. Note that the findings all fall in the low-medium to medium range of effect, signifying that the impact of job satisfaction has an important effect on the career stability of all diversity groups.

Table 17. Predictive Value of Job Satisfaction on Career Stability by Diversity Group

Diversity Group	Percent of Variance Explained
Age 40 and over	9%
Racial and ethnic minorities	5%
Sexual orientation minorities	12%
Women	11%
Primary parents and caregivers	11%
Persons with disabilities or impairments	7%
Military personnel and veterans	9%

Other Areas of Inquiry.

Satisfaction with WSBA and member services. The survey concluded with a series of multiple choice and open-response items regarding WSBA. The topics covered included a rating of satisfaction with WSBA and how WSBA may better serve members. Results for the open-response items, screened for confidentiality, may be found in Appendix F.



“Overall, I am satisfied with WSBA's services and programs.”

Figure 53. Percent of random sample respondents by satisfaction with WSBA's services and programs.

In the open-ended items, there are more comments that communicate the idea that that services are all right and/or ask for more or improved services or policies (227) than there are responses comprising the theme “Dissatisfied/Reduce Fees and/or Services” (148). However, the “positive” comments are diffused across a wide variety of topics, while the “negative” comments focus primarily on the notion of reducing dues.

Some respondents seem to believe that WSBA’s only mandate is licensing and ethics—therefore *any* services beyond that scope are viewed not only as not a priority but also as *illegitimate*. If in fact, such services are also within the scope of WSBA’s mandated responsibility, then these respondents may be swayed only by clearly making the case for the actual WSBA mission.

WSBA’s value proposition is not clear to some members. A concise “value proposition” frame is likely to be more compelling to these members, rather than accepting a context-free “cost of dues” frame.

Many respondents appear either to be unaware of the range of WSBA services, find them to be too expensive or geographically inaccessible, or a combination of these. Others claim to be aware of services, but they are not the menu of services those members would prefer, and/or members do not perceive that they have had input on priorities. Several comments suggest a desire to feel involved and consulted in setting WSBA priorities. If mechanisms for this involvement currently exist, they may not be well known to members.

Many comments suggest creating alternative fee structures (e.g. sliding scale, lower fees for inactive, hardship exceptions) rather than an across-the-board lowering of fees.

Phase 2: Online Fora Results

This section summarizes the extensive qualitative data gleaned from the seven fora conducted as part of this Study. This information suggests valuable directions for future exploration and inquiry. However, it is important to keep in mind that this data is “emergent” rather than a product of the rigorous design offered by the randomized survey. As such, these results cannot be taken as representative of the membership on their own, but rather must be considered in the context of the overall study. By their nature, qualitative strategies offer important supplementary texture to quantitative results, suggesting interpretive alternatives and directions for future inquiry.

Demographics. Data collected from participants for the five diversity fora are presented in Table 10. Participants provided this information voluntarily; some participants chose not to disclose this information and are not included in these results.

Table 18. Summary Demographic Data for Fora Participants

Diversity Forum	Age Range	Average Age	Gender	Diversity Subgroups Represented
Forum 1: Racial and ethnic minorities	29 – 59	38.77	73 percent female; 27 percent male	African-American; Latino/a; Asian American; Chinese; Vietnamese; Alaska Native or American Indian; Filipino American; Middle Eastern
Forum 2: Sexual orientation minorities	27 – 51	38.5	23 percent female; 77 percent male	Gay, lesbian, queer
Forum 3: Women	31 – 66	43	100 percent female	Women
Forum 4: Primary parents and caregivers	27 – 51	38.9	80 percent female; 20 percent male	Primary parents, primary caregivers, and both
Forum 5: Persons with disabilities or impairments	32 – 75	54	70 percent female; 30 percent male	Mental disability, physical disability, mobility impaired, health-related impairment, Deaf/hearing impaired

Forum summaries. Over the course of the seven online fora, the moderated participant conversations generated several hundred pages of transcripts. A number of comments contained sensitive and confidential information that could potentially be used to identify individual participants if released. This section provides a comprehensive summary of forum content, and further summary information is available in Appendix I.

Qualitative analysis. TrueBearing performed analyses of the qualitative data generated by each forum, individually and as a set. The analyses involved construction of a content tag outline and applying tags to the qualitative data. The table below is a graphic depiction of the number of comments with particular content tags, broken down by the forum from which the comment came.

Figure 54 shows the frequency of appearance of selected themes across each forum. By viewing the color and number of each cell, the reader can see at a glance which themes were most heavily addressed in each group. For example, comments regarding WSBA and/or legal professional issues occurred most frequently in two fora: Persons with disabilities and impairments and Women. This figure can act as a guide to the forum summaries that follow and the further information in Appendix I.

Documents	Codes																Totals		
	Career Transitions	Approach/Avoidance	Exiting the law	Barriers to transitions	Forced Transitions	Transitions by Life or Career Shift	Job Experiences	Solo Practice	Practice Area	Job Characteristics- Quantitative	Minority-Specific Factors	Personal Fit/Intrinsic Factors	Professional Support	Job Characteristics- Qualitative	WSBA/Legal Profession Issues	Feedback and Recommendations		External Factors	Geographic Issues
Forum 7- Inactive and Former Mem			2	2	3	4		4	1	7		10	5	8	15	14	4	4	83
Forum 6- Randomly-Selected Mem	1	5	4	11	5	7	1	2	9	22	4	13	7	14	26	6	8	4	149
Forum 5- Persons with Disabilities a		2	6	11	6	8		24	17	6	71	5	18	25	87	59	19	14	378
Forum 4- Parents and Caregivers.doc		5	8	14	5	24		12	5	23	48	6	9	42	27	13	15	3	259
Forum 3- Women.docx		11	7	11	5	22		13	20	23	62	8	39	52	86	36	28	7	430
Forum 2- Sexual Orientation Minori		5	4	11	3	9		7	3	8	19	4	4	27	25	7	12	8	156
Forum 1- Racial and Ethnic Minoritie	1	4	1	3	4	6		2	4	9	38	8	21	42	17	3	11	2	176
Totals	2	32	32	63	31	80	1	64	59	98	242	54	103	210	283	138	97	42	

Figure 54. Frequency of content tags by online forum.

Figure 55 shows the co-occurrence of themes across all the fora. In other words, a close examination of this figure can provide insight about the degree to which the themes discussed in the forum are conceptually related. For example, discussion of “minority-specific factors” co-occurred with “job characteristics- qualitative” on 136 occasions. Specific instances of these content tags can be found manually in Appendix I. Additional patterns can be identified through further computer analyses.

Codes	Codes														Totals				
	Career Transitions	Approach/Avoidance	Exiting the law	Barriers to transitions	Forced Transitions	Transitions by Life or Career Si	Job Experiences	Solo Practice	Practice Area	Job Characteristics- Quantitati	Minority-Specific Factors	Personal Fit/Intrinsic Factors	Professional Support	Job Characteristics- Qualitativ		WSBA/Legal Profession Issues	Feedback and Recommendations	External Factors	Geographic Issues
Career Transitions								1									1	2	
Approach/Avoidance			7	3	3	10		2	5	6	11	3	5	18	12		2	2	89
Exiting the law		7		8	2	17		6	4	6	11	9	5	11	19	9	8	3	125
Barriers to transitions		3	8		4	27		12	7	17	22	4	4	16	33	9	27	6	199
Forced Transitions		3	2	4		5		2	7	2	10	4	8	13	11	3	10	4	88
Transitions by Life or Career Si		10	17	27	5			11	6	19	33	10	13	32	41	11	22	5	262
Job Experiences																			
Solo Practice		2	6	12	2	11			2	15	39	6	27	27	36	21	14	8	228
Practice Area	1	5	4	7	7	6		2		4	13	6	8	10	31	13	19	4	140
Job Characteristics- Quantitati		6	6	17	2	19		15	4		46	20	18	52	30	7	18	3	263
Minority-Specific Factors		11	11	22	10	33		39	13	46		15	61	136	113	48	25	16	599
Personal Fit/Intrinsic Factors		3	9	4	4	10		6	6	20	15		7	28	12	4	5	1	134
Professional Support		5	5	4	8	13		27	8	18	61	7		55	49	20	16	8	304
Job Characteristics- Qualitativ		18	11	16	13	32		27	10	52	136	28	55		83	18	30	7	536
WSBA/Legal Profession Issues		12	19	33	11	41		36	31	30	113	12	49	83		134	62	33	699
Feedback and Recommendations			9	9	3	11		21	13	7	48	4	20	18	134		25	23	345
External Factors	1	2	8	27	10	22		14	19	18	25	5	16	30	62	25		8	292
Geographic Issues		2	3	6	4	5		8	4	3	16	1	8	7	33	23	8		131
Totals	2	89	125	199	88	262		228	140	263	599	134	304	536	699	345	292	131	

Figure 55. Co-occurrence of content tags in forum comments.

Qualitative analysis: Narrative summaries. The following sections contain summaries of each forum drawn from the transcripts of each and supplemented by phone interviews in some cases. Again, bear in mind that this information is not necessarily statistically representative and is descriptive and exploratory in nature.

Online Forum 1: Racial and ethnic minorities. Many of the reasons cited for professional transition in this forum were internal or related to career goals, while others were inherent to the job- for instance, difficulty meeting billable hours requirements, or comfort level in the workplace. Some even left jobs due to a lack of mentorship available. One participant said, “I get the feeling that at least my workplace community is strongly in favor of providing mentorship opportunities, but few actually know how to actually be a good mentor, or it's considered the sole

responsibility of the mentee. The incentives to reach out and take the time to build a relationship are just not that strong.” The exit interview process was also described as falling short of what participants wanted. Although they recognized the importance of providing feedback to foster improvement, several shared that they were not able to be candid in the process of leaving a job. Participants attributed this to the small legal community, stating that even the exit interview is a political process, and that the benefits did not outweigh the potential costs of burning bridges.

There seems to be substantial differences among various workplaces and how each approaches the issue of race. These experiences range from social uncertainty and a need for informal racial sensitivity discussions, to one’s race being ignored (“The vast majority of the time I believe that my race is almost completely ignored. There are times when people seem to be surprised that I am who I am when they meet me in person. Still, if that is as bad as it gets, I will continue to consider myself blessed”) to race being seen as an asset to the workplace.

Members that mentioned having occasional informal discussions with coworkers that “border on sensitivity training” generally reported receptivity to these discussions.

Although often there are too few instances to detect patterns based on race or ethnicity, some participants did note economic-related patterns for attorneys of color- that they tend to be the first to be laid off, and tend not to be promoted to management. Cultural differences in workplace interaction (e.g., loyalty to coworkers and outspokenness) were also cited as resulting in exclusion from promotion. Discussion of what kinds of changes might break these patterns included more transparency in promotion decisions, and more diverse attorneys of color in supervisory roles.

More generally, participants indicated that pre-existing barriers in the hiring process for people of color and women may be exacerbated by the current economic conditions. “It is already difficult for a person of color/woman to ‘prove’ that you are as good or better than the non-minority candidates. Adding the economy layer to this may raise the standard for people of color/women even more.”

Mentoring was cited as particularly important and also a challenge for people of color. “Mentoring is huge, and ... it can be difficult for people of color/women, etc., to develop those relationships, and I don't know if it is because they (we) don't understand the impact or importance of it. I think that because for many persons of color/women, it has been a personal

struggle in many ways to get where they are, and that aspect of it may make it harder to reach out and ask for help, or project the inherent value on one's self that it takes to ask someone to be your mentor. There may also be a reticence to talk about diversity issues, or a generational gap, or an unwillingness to "reach back and pull forward," any of which may be obstacles to mentoring among diverse attorneys." Another participant noted, "If there was a 'real' interest in increasing professionalism, civility, honesty and things of that manner, from the members who are practicing and who are on the bench that would be a great help."

Online Forum 2: Sexual orientation minorities. Many of the reasons cited for professional transition in this group seemed to stem from the career stage an attorney is in, while others mentioned changes coming sooner or later than desired (e.g., being laid off, or delaying a switch to an alternative career due to the lousy economy).

In the workplace, some are "out" and have been so for some time, whereas others have chosen to disclose their sexual orientation only to certain coworkers or clients and not others. A major determining factor for whether to disclose sexual orientation was the attitudes of supervisors and the workplace culture. A few people mentioned taking steps to address different treatment by supervisors or workplace policies (such as benefits for domestic partners), with positive results.

"At a ... firm outside the Seattle metro area, I felt dissuaded from taking any action about the anti-gay remarks and jokes I consistently heard at the office, because my direct supervisors were pretty flippant about the whole concept of diversity and harassment training. They'd actually boast about ridiculing diversity and harassment trainers and about laughing their way through the firm-imposed training seminars. I think they equated diversity and anti-harassment with "political correctness" and they saw it as attempts to modify normal behavior, and in their view, normal behavior includes treating being gay as a joke or as something to avoid, and making comments to women that I think cross the line into harassment, but they think is just part of normal interaction. E.g., asking women employees who they're dating, or why they don't have children, or even making direct comments about female staffers' body parts and overall attractiveness."

In this economy, certain practice areas (family law, for example) have done well, while others have struggled. For solo practitioners and new attorneys in particular, underemployment is

an issue as well. One participant noted, “The whole thing [rainmaking, marketing, dealing with clients’ legal and non-legal issues] can be very overwhelming for new/young attorneys, yet there is this expectation that you can ‘do it all’ and for many young lawyers it’s really too much. We need to do a better job of supporting those who are solo or in small firms, and also changing the implicit perception that those working in larger firms are somehow better lawyers or more ‘legit.’”

Many participants shared that they could not give honest feedback in exit interviews because it would burn the bridge with that employer. On not being able to be honest in exit interviews: “I think this could be improved by providing for more anonymous ways of providing feedback, not just from attorneys who are leaving the firm, but from all attorneys working there. I’ve made this suggestion ... but the response has been that there’s no point because there are no serious problems with the [workplace] and therefore it would be silly to waste time on such a survey.”

Multiple unfounded bar grievances and lawsuits from unhappy opposing parties were also a source of stress because of the lengthy process to resolution. On bar grievances: “I do believe the bar grievance process could be improved. I think that there should be more careful consideration of whether an attorney’s response is warranted or not. Perhaps the WSBA could do some initial investigation before deciding whether to inform the attorney of the grievance and make the decision about whether to fully investigate it or dismiss it right away. Perhaps the WSBA should be more careful to look at grievances lodged by angry opposing parties at their ex-spouse’s divorce attorney, or in criminal cases against the prosecutor. All of us in this particular area of the law feel that this is the most stressful part of our work, and it shouldn’t be. I think the WSBA could do a better job of playing that initial traffic cop role and deciding whether or how certain grievances should be investigated. By doing this they could allocate their resources more effectively, too, and focus more on cases that really need attention (such as grievances by prior clients about trust account discrepancies or other serious ethical or financial failings).”

Online Forum 3: Women. Many of the reasons for professional transition cited were related to the desire for work-life balance, while others were inherent to the legal profession. For example, some women in this forum indicated that they made transitions due to a flooded market

in a certain practice area or because they sought areas where support and guidance from others was available. Women in the forum, particularly younger attorneys, described a lack of civility and professionalism as a contributing factor to their transitions away from certain practice areas or work settings. While they noted that CLEs have helped to bring the issue to the surface, further steps are needed to reduce this problem in the profession.

Some participants described that they timed their pregnancies around cases they were working on, had been advised by colleagues to delay pregnancy for several years due to the demands of the job, or chose to leave or avoid jobs with high workloads or inflexible schedules, so that they could accommodate family needs. Many stated a desire for flexible work schedules and the opportunity for working from home.

Participants in this forum indicated that they had experienced discrimination or sexual harassment because of their gender. Incidences of these experiences included inappropriate behavior by supervisors, clients who preferred to work with male attorneys, and insinuations of weakness or incompetence. These were particularly evident in experiences of younger female attorneys.

For many of the participants in this forum, the role of mentors was viewed as significant to making progress in one's career. Some had valuable experiences with female mentors, while others described nearly debilitating experiences characterized as "crushing experience[s] with women who seemed threatened by the potential of another woman to succeed and made it their objective to make sure that they were the only woman on top." Participant attributed this attitude to the extremely difficult road that older female attorneys had taken in order to get where they were. In other cases, female mentors were simply not available. Once a mentor relationship was established, the particular gender of one's mentor did not seem to correlate with the quality of mentor relationships.

High student loan debt was cited as a barrier to participants' ability to take jobs that may pay less but would be more rewarding or a better fit, including jobs outside the legal profession. Participants described a sense of "stuckness" in jobs that are less than ideal due to the perceived lack of other opportunities. For solos and contract attorneys in particular, the lack of professional support results in financial stress, loneliness, and burnout. Recommendations for WSBA

included a great need for comprehensive, accessible practical resources and training, especially for solos.

Online Forum 4: Primary parents and caregivers. While the reasons for job transition tend to be situation-specific (such as layoffs or a better personal fit), the common theme among those who participated in this forum was the desire or the need to work in a more family friendly setting based on considerations related to family needs, especially for attorneys with young children. The experiences relayed in this forum included attempts to juggle a time-consuming job with caregiving and parenting duties and subsequent burnout. For some, this included considering leaving the legal profession entirely. A few participants indicated that they stopped working altogether when they had children, with a plan eventually to return.

Participants indicated that work-life balance and flexibility in hours were particularly important. They cited a common practice of basing career transition decisions on parental or caregiving responsibilities. In addition, they noted that their level of comfort in asking for parenting or caregiving accommodations depended on whether a successful precedent of accommodations had been set. This precedent directly influenced the likelihood that supervisors would agree to such adjustments. A wide range of accommodation was reported, from generous flexibility: “My firm has been beyond flexible dealing with my needs as a parent. I have been pleasantly surprised, since I've heard so much about the demands of being a new associate and the uncaring perspectives of many firms” to nothing short of rigid, if not illegal, as one participant reported that her supervisors were unwilling to grant employees even state-mandated unpaid parental leave.

Many participants in this forum were solo practitioners or had started their own law firms, a trend that was reflected in the WSBA Membership Survey results. (See Phase 1 results.) Some participants indicated that they structure their law firms intentionally to create a family-friendly environment.

Other non-solo, non-firm-owner participants mentioned feeling that they had to “earn” the right to request schedule changes. These attorneys indicated that they wouldn't ask for any accommodations until they had been in the position for a while or had otherwise “proven their value.” Given that turnover at non-family-friendly firms is a major issue, participants called for

educating employers about the true costs of turnover as compared to implementing more flexible policies.

Many participants have observed or experienced the struggle to find work, and some chose to hang a shingle as a result. As in other fora, participants wanted more guidance and resources from WSBA for solo practitioners, particularly solos that are also parents and caregivers. The economy appears to be having a disparate effect on parents and caregivers in that there is an increased need for positions with flexible work schedules, but the poor economy is making everyone hesitant to change jobs. Additionally, the importance of having health benefits is heightened for parents and caregivers, acting as a barrier to transitions that might otherwise be made.

Online Forum 5: Persons with disabilities and impairments. Several participants mentioned making a change to solo practice after a layoff or being unable to find other employment, perceiving no other options to be available. Many agreed that legal employers are among the most discriminatory and frequently will not hire attorneys with disabilities or impairments, thus resulting in severely limited career opportunities. As in other fora, some cited the lack of professionalism by attorneys in certain practice areas as a deterrent to continuing work in that area.

The issue of inconsistency of procedures and enforcing rules across courtrooms and judges was discussed at some length with regard to ethics rules, court rules and access issues. Attorneys who expect that these rules will be followed and enforced are placed at a disadvantage when the rules are broken by counsel and unenforced by the bench, resulting in an inefficient and unpredictable justice system. Multiple participants encountered resistance when seeking accommodations (e.g. commissioners or judges denying medically necessary continuances, requirements of revealing medical documentation, or access issues in the courthouse). This issue, particularly with regard to continuances and case coverage, is disproportionately affecting solo practitioners who have disabilities or impairments as they have no one to cover when needed. Some have experienced discrimination in the hiring and termination process as well, with severe financial consequences. There is also a lack of clarity as to who is responsible- the court, the attorney's employer, or some other entity- to ensure full access in court for all attorneys, such as when interpreters are needed.

In the current economy, the proliferation of pro se representation has led to a clogged court system and inefficient use of both judges' and attorneys' time. High student loan debt and the oversupply of attorneys for available positions are huge problems as well. The economy is having a disparate effect on persons with disabilities or impairments in that they experience a disadvantage in the context of increased competition for jobs, particularly jobs with health benefits of which this group is in need.

Even for WSBA-sponsored activities, participation barriers and access issues abound and are not adequately addressed by allowing online access to some CLEs. Relegating those with disabilities or impairments to online CLE access only means that these attorneys miss the crucial communal, networking and interactive components of these events. Many participants have had to seek ongoing education and resources elsewhere, including from other bar associations.

Forum 6: Randomly selected members. A common phenomenon described by participants is that of involuntary career transitions. These may take the form of forced changes within the same employment, as when an employer downsizes and does not hire replacement employees, resulting in taking on a new practice area. Also cited was leaving the law altogether due to either inability to find a law job in the first place, or when one's current job becomes intolerable and no other legal opportunities present.

Factors that drive participants towards transition include a desire for a better balance of job demands and benefits and/or a desire for a better personality fit with any of the following: practice area, workplace culture, type of work, or lifestyle needs (such as for parents or caregivers). Generally, if the job demands (long hours, too high of a caseload, not enough work, not enough support, stress level, experience of conflict) are perceived to outweigh the benefits (pay, benefits, supportive work culture), an attorney is more likely to leave the position.

Noted professional barriers to desired transition are: the saturated legal market, sunk costs (members feel they have already invested too much to leave a practice area or the legal profession), and difficulty in "getting your foot in the door" in part because of the region's small legal community and in part because of competition from experienced and established attorneys. Competence barriers to transition include the difficulty in getting experience and learning new practice areas, resulting in a high barrier to entry, and malpractice fears. Financial barriers to

transition are significant as well. There is a fear of the prospect of personal economic instability and the inability to fund a new practice and sustain it until one can find clients.

Expectations seem to have a significant impact on attorneys' perceptions of the legal profession, the practice of law, and satisfaction with each. Starting even before law school, unrealistic representations abound regarding what a legal career is like in regards to salary, availability of jobs, personal fulfillment, and stress level. Law school does little to address these expectations. Several participants described disillusionment and burnout when the reality falls short. In addition to the jolt of economic realities, the perceived lack of courtesy, professionalism, cooperation, and collaboration in fellow attorneys also contributes to burnout.

Another dynamic described in this forum was that newer attorneys must take whatever jobs they can find, as fallbacks that used to be available are no longer viable. This loss of selectivity was cited as problematic. To get and keep jobs, attorneys must now go above and beyond what used to be expected, and often take on the caseload of others who have left. This was cited as a reason for involuntary transition in area of practice. This drive is perceived as unsustainable over the course of a career- seen as leading to faster burnout and dissatisfaction.

When attorneys' jobs or career trajectories do fall short of their expectations, they report feeling "stuck" or locked in because 1) they feel lucky just to have the job, and 2) they don't see anything better out there. Systemic problems in the profession, like the oversaturation of the legal job market, along with the poor economy generally, lead participants to doubt that things will get better anytime soon. These systemic problems fuel participants' perception that there is little about the situation that is in their control.

In light of the above effects of misplaced expectations, participants asked WSBA to consider working with law schools to provide an honest representation of the legal profession, prospects for employment, likely incomes, and hours worked. There is a perceived need to balance the promise of the profession with the realities experienced by law school graduates and practicing attorneys. In addition, the "availability" of unemployed or underemployed attorneys and the large demand for free or low-cost legal services could provide a brokerage opportunity so that supply can meet demand, to the benefit of both groups.

Forum 7: Inactive and former members. There were four main reasons cited for switching to inactive status or lapse of membership. First, some participants had relocated

outside of Washington due to the poor legal job market in Washington, for family reasons, or seeking job opportunities elsewhere. Second, several members reported seeking out employment outside the legal profession after working in the law for some time, while others felt “forced out” because they could not find work in the legal profession. Third, unemployed or underemployed members found that they could not afford the full license fee and had no choice but to go inactive. After seeking help from WSBA, they were told that their options were to either go inactive or take the bar again when they found a law job. Finally, some attorneys are licensed in more than one state and their main practice is outside Washington, so they go inactive or eventually let their membership lapse.

There was a split as to whether a return to legal practice in Washington was anticipated among our respondents. Several are already seeking to become active again, pending employment in Washington. A couple were unsure but said they would consider returning if their current employment did not continue. One said he was unlikely to return because he relocated to the East Coast. Others reported that they were very unlikely to reactivate because of their satisfaction with their employment outside the law.

Feedback regarding experiences of these members and former members primarily involved the following comments. The jobs board that WSBA maintains is very helpful to job seekers and one of the primary resources they use to find employment. Several members asked for flexibility in the payment of membership fees, whether through payment plan options, sliding scale fees, or reduced fee rates based on income, if unemployed, or if working in public interest law. Respondents noted that there seems to be a perceived assumption that everyone makes more money each year as their careers progress, but this is not so (especially in public interest). Most members have attended CLEs sponsored by county bar associations rather than WSBA, citing cost. The process of going inactive was reported as straightforward and members appreciate that. Finally, participants perceive the fee for inactive members to be quite high given the limited benefits that inactive members receive. As a result, those members who have exited the legal profession are much less likely to continue their memberships for the long term.

Common themes from all online fora. An overarching theme in each forum was the saturated state of the legal job market. This was perceived as particularly severe in the greater Seattle area, and according to some, dates from before the national economic recession.

Malpractice concerns, lack of resources and training, and uncertainty regarding sources of new clients are high barriers to attorneys who would like to change practice areas. Many participants reported significant difficulty in gaining legal employment, especially among newer attorneys. Both unemployed and underemployed attorneys (e.g. contract attorneys, solo practitioners who struggle to find enough paying clients, or attorneys taking temporary or low-skill, low-wage positions) report a need of resources, training, and other assistance.

At the same time, participants cite a growing need for low cost and pro bono legal services currently in Washington. The associated increase in pro se litigants is clogging the courts and significantly lowers efficiency of the litigation process. As discussed in several fora, this disconnect could be an opportunity for WSBA to take action to help their struggling members and at the same time meet this public need.

Financial worries are a central stressor described by participants. In many cases, financial stress is brought on or exacerbated by high student loan debt. A substantial portion of participants say they may never be able to pay it all off. There is a perceived need for reform in this area, and many would like WSBA to advocate for such reform.

With regard to bar membership, participants describe a need for some flexibility in licensing fees (e.g. offering a sliding scale based on income, installment payments, or lower fees for unemployed or underemployed attorneys). In particular, reducing dues for inactive members and the CLE requirements for inactive members transitioning back to active status were mentioned.

Many participants described the region in which they practiced as a “small legal community.” As a result of this environment, very few reported feeling able to be open and honest in exit interviews and stated that in many cases, employers don’t seem to want honest feedback. In the interest of helping employers improve and reduce their turnover, there is interest in some way to facilitate safe and anonymous provision of feedback to employers without fear of future retribution or “burning bridges.” There is a perceived need for education and resources for employers on best practices, the true cost of high turnover, and basic improvements to retain employees.

Further information. Selected data from Phase 2 and information regarding the qualitative analysis of the data is available in Appendix I. Specific comments, screened for

confidentiality purposes, regarding feedback and recommendations for WSBA from participants in all online fora are also available in Appendix I.

Phase 3: Open Survey

The Open Survey was available to the entire WSBA membership to complete online over a two-week period. By the nature of this phase, the participants were not randomly selected, and therefore the quantitative results, while useful for exploratory purposes, cannot be relied upon to provide a representative picture of the WSBA membership as a whole.

Tabular results of the open survey items are available in Appendix G. Anonymized open-response items from the open survey are also included in Appendix H.

Discussion

In keeping with the goals of the Study, this section explores the implications of major findings related to 1) Characteristics of the overall WSBA membership, 2) Characteristics and reported work experiences of selected diversity groups within WSBA, 3) Experiences and expectations of professional transition of WSBA membership, particularly with respect to the identification of predictors of job and career stability in the practice of law in Washington, and 4) Establishing an effective benchmark against which future progress can be measured. The Discussion section will address each of these goals in turn.

Characteristics of the overall WSBA membership

Sample representativeness. The random sample is generally representative of the WSBA membership as a whole. Overall, we have obtained a solidly representative sample, capable of providing insight on many issues that are critical for WSBA to measure programmatic progress as well as to assess the ongoing health of the legal profession in Washington. In fact, on a number of dimensions the survey results are likely to be more representative of the membership than current institutional data, due to non-response and other psychometric issues.

In addition, one of the advantages of a representative sample is that it allows findings to be compared to similar settings. To the extent our survey results are representative of the WSBA membership, the findings may have broad comparative value to other national bar associations.

Demographic characteristics. Apart from diversity characteristics, several broad demographic traits distinguish WSBA members. Four of the characteristics most relevant to study goals are discussed here: Age, professional experience, geographic location, and the prevalence of solo practitioners.

A notable portion of the WSBA membership is nearing retirement. Over half of the membership of WSBA is 51 or older, and the 51-to-60 age group is the largest single cohort in the WSBA membership. It is important to recognize that 21 percent of the sample is aged 61 and over—an age group for which age-related health challenges and professional developmental issues such as retirement emerge. Approximately one-quarter of all members are either sure they will retire in the next five years or are considering it.

A notable proportion of the WSBA membership is relatively new to the profession. The number of new attorneys is a substantial proportion of the overall sample at 16 percent. A comparison of age and experience (Figures 2 and 10) reveals contrasting patterns (i.e., years since licensure is positively skewed while age is negatively skewed). In other words, a substantial proportion of newer attorneys appear to be older than the 21-to-30 age category and thus may have a distinctive mix of professional assets, needs and concerns based on situation or life stage (such as parenting responsibilities or caregiving for aging parents).

Notable differences in member experiences by geography. It is clear that the preponderance of WSBA members work within the greater Puget Sound area. However, over 40 percent of the membership actually work outside of this region. In fact, 19 percent report a work location outside of Washington altogether. These “non-Puget” members express a variety of concerns related to access to WSBA’s programs and services that may be reviewed in Appendix F (for random sample survey responses) and Appendix H (for open survey responses). These concerns include low availability of CLEs in their area, difficulty contacting WSBA staff, and perceptions that WSBA policies and program do not reflect their own priorities.

Notable prevalence of solo practitioners. By far, the most frequently reported employment setting in the sample was law firm (48 percent of all respondents). Of those employed at a law firm, fully 40 percent are in solo practice. At approximately 19 percent of the membership overall, the data clearly indicate that that solo practitioners are WSBA’s largest single constituency by type of legal position.

As indicated in the online fora results, solo practitioners have a unique set of needs and concerns, several of which are also common to contract attorneys and attorneys in small firms, and other members in similar circumstances. Solo practitioner forum participants across several fora described an urgent need for practical training and resources beyond that offered by the current LOMAP program, as well as professional training and support (such as mentors or administrative consultation). These participants stated a general need for WSBA policies that accommodate unstable financial situations, underemployment, and lower incomes as compared to those in other legal employment. A number of solo practitioners asked whether WSBA might provide opt-in discounted health insurance and malpractice liability insurance. Finally, solo

practitioners also cited their solo status as a barrier to desired transitions to other employment. Participants attributed this barrier to a stigma among legal employers against solo practitioners.

Given the scope and of this study, the insight offered by the quantitative data into the distinctive experiences and needs of solo practitioners, contract attorneys, attorneys at small firms, and underemployed members is limited. WSBA may wish to consider the importance of conducting further targeted research with these groups.

Characteristics and Work Experiences of Diversity Groups

Trends in age. Fully 79 percent of the WSBA membership falls into the legal definition of age as a protected class (age 40 or over). Among active status members, this group averages 24 years post-licensure, and reports an annual estimated income of \$100,000, above the active status median of \$90,000.

The median number of attorneys employed by worksite for active respondents age 40 and over was 2, consistent with other indications that that a high number of attorneys in this age group are self-employed or work for small firms or businesses outside the law.

Among respondents age 40 and over , the results indicated a moderate reported incidence of encountering opportunity and advancement barriers but a lower incidence of social barriers relative to other diversity groups. In addition, this group ranks in low-to-midrange (fifth) among the seven diversity groups on a scale designed as a measure of intensity of these barriers.

With respect to the findings on job satisfaction as a key predictor of career stability, it is important to note that this finding extends to the age diversity group as well, in that job satisfaction accounts for nine percent of the variance in career stability. This relationship has important implications for strategies to promote career stability for this diversity group.

See the Professional Transitions section below for a discussion of age and retirement.

Trends among ethnic and racial minorities. A variety of Hispanic ethnicities are represented in the WSBA membership, with slightly over four percent identifying themselves as of Hispanic origin. In terms of race, 12 percent of the membership identifies as other than White or Caucasian, spanning 17 categories. Persons of color are generally younger (age 43) than the average among active members (age 48), with a median nine years post-licensure (lower than the

sample median of 17 years for active members), and earn slightly below the median reported income at \$80,000—tied with women for the second lowest income reported.

Racial and ethnic minorities report encountering barriers most frequently of all the diversity groups. Of the three types of barriers, this group reports encountering social barriers most frequently, followed by barriers to opportunity and barriers to advancement. On the other hand, this group ranks in the mid-range (fourth) among diversity groups on a scale designed as a measure of intensity of the barriers experienced. These patterns bear further exploration to better understand the specific nature of these barriers and the dynamics that support them.

With respect to the findings on job satisfaction as a key predictor of career stability, it is important to note that this finding extends to persons of color as well, in that job satisfaction accounts for five percent of the variance in career stability. This relationship has important implications for strategies to promote career stability for this diversity group.

Trends in sexual orientation minorities. Approximately nine percent of respondents report a non-straight orientation. Members of this group tend to be close to the average age of the membership (age of 47), with 15 years post-licensure and the lowest reported income among diversity groups (\$75,000), relative to the overall active status median of \$90,000.

Sexual orientation minorities rank fifth in reported frequency of encountering barriers. Of the three types of barriers, this group reports encountering social barriers most frequently, followed by barriers to opportunity and barriers to advancement. On the other hand, this group ranks in the high-to-midrange (third) among the seven diversity groups on a scale designed as a measure of intensity of the barriers experienced.

These patterns bear further exploration to better understand the specific nature of these barriers and the dynamics that support them.

With respect to the findings on job satisfaction as a key predictor of career stability, it is important to note that this finding extends to sexual orientation minorities as well, in that job satisfaction accounts for 12 percent of the variance in career stability. This relationship has critical implications for strategies to promote career stability for this diversity group.

Trends in gender. The WSBA membership is predominantly male. However, the group of younger and newer attorneys skews more female than in the membership overall. Females as a group are the second largest of the diversity groups at 45 percent of the sample.

For female respondents in active status, the median years since licensure is 13 (compared to 17 for the overall sample and lower than several other diversity groups). The only group with fewer median years since licensure was race- nonwhite with 9 years. Female respondents report an income of \$80,000, significantly below the active status median of \$90,000.

In terms of the frequency of reported barriers, women rank third among diversity groups, reporting social barriers as most frequently encountered, followed by advancement barriers and finally, barriers to opportunity. Moreover, women as a group rank high (second) among the seven diversity groups on a scale designed as a measure of intensity of the barriers experienced. These patterns bear further exploration to better understand the specific nature of these barriers and the dynamics that support them.

In the context of several of the fora, mentoring was affirmed as a particularly important positive factor in the careers of female members. Given the size of this group, women are a key group to target in any mentoring programs that WSBA may undertake in the future.

With respect to the findings on job satisfaction as a key predictor of career stability, it should be noted that this finding extends to women as well, in that job satisfaction accounts for 11 percent of the variance in career stability. This relationship has important implications for strategies to promote career stability for this diversity group.

Trends in parents and caregivers. Over 38 percent of respondents identified themselves as a primary parent, a primary caregiver of a disabled or elderly person, or both. It is important to note that 16 percent of this group serves simultaneously as both a parent and a caregiver. Parents and caregivers tend to be slightly older than the average active status member, with 18 years post-licensure and a reported income of \$91,500—essentially right at the active status median of \$90,000 for the sample overall.

Parents and caregivers reported a unique set of professional concerns. Although flexibility in work hours and schedule is a common stated need for this group, results indicated that the average hours worked by parents and caregivers (at a worksite or telecommuting) is

nearly identical to those reported by the sample as a whole. There are several possible interpretations of this finding, one of which is that parents and caregivers are not being granted sufficient flexibility in their work schedules; however, further study is needed to explore this dynamic. Simply being a parent or caregiver may act as a barrier to desired transition in several ways. Due to the necessity of health care for their dependents, parents and caregivers may not leave a current job for alternative employment with fewer or no benefits. The hours and work schedule demands of some employers may put them in conflict with family needs. When workplaces lack a precedent of successfully providing accommodations, supervisors are less likely to implement flexible practices. Educating employers about the true cost of the high rate of employee turnover may result in an increased willingness to provide accommodations and flexible work schedules.

In terms of the frequency of reported barriers, parents and caregivers rank fourth among diversity groups, reporting opportunity barriers as most frequently encountered, followed by social barriers and finally, barriers to advancement. In addition, this group ranks last (seventh) among the diversity groups on a scale designed as a measure of intensity of such barriers.

With respect to the findings on job satisfaction as a key predictor of career stability, it is important to note that this finding extends to parents and caregivers as well, in that job satisfaction accounts for 11 percent of the variance in career stability. This relationship has critical implications for strategies to promote career stability for this diversity group.

Trends in persons with disabilities and impairments. Overall, 21 percent of respondents acknowledge living with at least one disability or impairment. In the sample, persons with one or more disability or impairment tended to be somewhat older (average age of 52), and more experienced, with active members reporting an average of 21 years post-licensure, and an annual reported income of \$90,000, matching the active status median.

Individuals in this diversity group reported the second highest frequency of experienced barriers in the workplace, with 18 percent encountering barriers (“always,” “often,” or “sometimes”). The intensity of barriers experienced may be relatively high in that members of this group rank first among the seven diversity groups on a scale designed as a measure of intensity of the barriers experienced. The experience of barriers and the intensity of that

experience are illustrated in the experiences of multiple participants in Forum 5 as noted in the Results section and Appendix I.

This study deliberately cast a wide net in exploring broadly defined impairments as well as traditional disabilities. As a result, the presence of a wide range of age- and health-related disabilities and impairments emerged. Given the aging demographic of the membership, the needs of this type of member are likely to become more prominent in the years to come.

With respect to the findings on job satisfaction as a key predictor of career stability, it is important to note that this finding extends to persons with disabilities and impairments as well, in that job satisfaction accounts for seven percent of the variance in career stability. This relationship has significant implications for strategies to promote career stability for this diversity group.

Trends among military personnel and veterans. Military service is part of the life experience of 13 percent of respondents in this Study. Military personnel and veterans on active status with the bar average 59 years of age, 29 years of experience post-licensure, and a reported income higher than the sample average, at \$100,000.

Among diversity groups, military personnel and veterans report the lowest overall frequency of encountered barriers, and the second lowest rate of having considered or taken action with respect to workplace discrimination. In addition to being relatively low, the pattern of barriers experienced by military personnel and veterans differs from the other diversity groups as well, in that barriers to advancement are most frequently reported, followed by social and opportunity barriers. This group also ranks low (sixth) among the seven diversity groups on a scale designed as a measure of intensity of the barriers experienced.

With respect to the findings on job satisfaction as a key predictor of career stability, it should be noted that this finding extends to military personnel and veterans as well, in that job satisfaction accounts for nine percent of the variance in career stability. This relationship has important implications for strategies to promote career stability for this diversity group.

Trends in religious affiliation. Study results suggest a broad diversity of religious affiliations in the membership. Although it was not a primary focus of this report, researchers noted several comments related to religious affiliation and workplace experiences in the open-

response survey items. (See Appendices F and H.) Further analysis of this data can be conducted on specific issues related to religious affiliation.

Solo practice and diversity. An analysis of the relationship of diversity to solo practice yielded notable findings. Across the board, members of each of the seven diversity groups in the study identify as solo practitioners at a higher rate than the overall membership. These discrepancies are striking, ranging from a 50 percent difference (sexual orientation) up to a 300 percent difference (military personnel and veterans) in the degree to which they exceed the overall membership average.

These patterns may be attributable in part to members of diversity groups seeking more flexible work schedules to fit their life situations. Another possible explanation could be the difficulty that some members of these groups may encounter in seeking traditional employment in the law. In the diversity fora, a large proportion of participants self-identified as solo practitioners. Many of these participants indicated that they went into solo practice not by choice, but because no other opportunities were available.

In many instances across the membership, entry into solo practice may be experienced as a welcome and positive phase of professional development, as suggested by the large proportion of older and more experienced members in this category. However, in other cases, entry into solo practice may be less a matter of choice and more a matter of necessity due to barriers to entry faced in other employment settings.

These nuances in how attorneys make the career transition into solo practice appear to be both varied and complex. In some cases solo practice is a considered and preferred choice; in others it is a last resort. The experience is even more textured among and across the diversity groups, as an analysis of the diversity composition of solo practitioners suggests.

Older members, for example, comprise a significant portion of solos in that 90 percent of solos are 40 and over. On the other hand, certain diversity groups are notably under-represented among solos, such as sexual orientation minorities (five percent below the rate found in the membership overall), and person with disabilities and impairments (three percent below the expected rate). The relatively high incidence of solo practice across all diversity groups is notable and worthy of further exploration.

Mentoring and diverse attorneys. Mentoring appears to be a major factor in promoting career stability across every diversity group. This trend extends throughout the WSBA membership, and offers a clear instance in which the unifying principle that “everyone is diverse” can apply. The findings related to mentoring are discussed more fully in the Professional Transitions section.

Geography and diversity. A review of the quantitative and qualitative data suggests there are meaningful differences in the way the selected diversity groups are distributed across the state of Washington. *In general*, it is apparent that the professional experiences of members of diversity groups vary widely by geography. Such a follow-up analysis can be undertaken. However, the issues involved can be complex, requiring a careful definition of scope of inquiry.

Professional Transitions in WSBA Membership

Job stability trends. This study found that 25 percent of respondents reported having changed their area of practice during the past five years, while 35 percent acknowledged a change in employment setting (note that these figures may overlap). These figures translate to a five and seven percent annual rate of transition, respectively. As an interpretive caution, note that the survey only asked if respondents have experienced any area of practice or job change *at all*, without tracking multiple changes. Consequently, these figures are likely an underestimate of the actual number of transitions for the sample.

A benchmark against which to compare the rate of area of practice transition is not available. On the other hand, the Bureau of Labor Statistics offers data on separations.¹² The BLS term “separations” is roughly comparable to our study’s term “employment setting transition,” defined as departure from a job due to choice, involuntary exit, or retirement. The BLS data compiled on “Professional and Business Services” nationally for the last five years suggests an annual rate of separation over this period of 5.7%, as compared with the annualized rate of separation in this study of seven percent for WSBA members.

This benchmark comparison suggests that the WSBA membership’s rate of job departure exceeds the national average for professional and business services by 1.3 percent. It should be

¹² Bureau of Labor Statistics, U.S. Department of Labor (2012). *Job openings and labor turnover survey*. Available at www.bls.gov/jlt/data/.htm

noted that the benchmark reflects national rather than state trends, traditional employment settings and not self-employed workers, and that it encompasses more professions than the practice of law. On the other hand, as noted above the Study's figure is likely an underestimate of the true rate of job transition for WSBA members.

Little comparative data exist to contrast these figures against other bar associations. However, the sheer magnitude of transition warrants further attention. In addition the proportion of respondents whose change in employment setting led to unemployment (seven percent) is troubling in itself.

The reasons given for exiting an employment setting varied widely, although themes of dissatisfaction with the former setting were among the most prominently reported. It may be important to note that the fora participants universally noted that when exiting a particular job was due to dissatisfaction, they found it difficult to be forthcoming about their discontent during an exit interview. Although participants recognized in the abstract the importance of providing feedback to foster improvement, being fully candid was often seen as impossible. Fora participants often attributed this to the small size of the legal community, stating that even the exit interview is a political process, and that the benefits did not outweigh the potential costs of burning bridges. This feedback is consistent with much of the vocational literature, and suggests that other methods such as third-party screened interviews or post-exit follow-up contact may be more productive for the organization that is interested in learning from such transitions.

Regarding plans for upcoming transitions within the law, 32 percent of respondents acknowledged plans to make a change within the next two years (in area of practice, employment setting, or both), apart from plans for retirement. Overall, these findings suggest that transitions within the legal profession over the next two years may continue at the same or possibly even a higher rate than that which was reported for the past five years.

It is difficult to interpret these figures fully for lack of meaningful comparison data. One might speculate – with comments received by respondents on the subject – that as the economy improves, the frequency of plans to change within the law may rise even higher as barriers to desired transitions diminish and more opportunities become available. It may be useful for WSBA to track these patterns over time. Other stakeholders may be interested as well, including

law schools, advocacy groups, and even WSBA members themselves seeking to discern trends in promising career paths in the law.

Career stability trends. To gain a broad perspective on career stability in the membership, we asked respondents if they believe they will continue to practice as attorneys for the remainder of their professional careers. This item was designed to capture long-term commitment to the profession, rather than a short-term focus on their current job situation. Approximately 14 percent disagreed or strongly disagreed with this statement, from which we can infer that these respondents are at the least doubtful that they will remain in the profession.. Another 22 percent were unable to commit either to staying or to leaving law, suggesting that a large percentage of respondents have a tenuous commitment to the profession. Taken as a whole, over 36 percent of all respondents were not able to state a long-term intention to remain in the practice of law.

It is also notable that (apart from the 40-and-over group) none of the primary diversity groups identified in this study differed from its majority counterparts in the demonstrated patterns of intent to stay in law. Membership in a diversity group is associated with distinctive professional experiences in many ways. However, this particular belief pattern among members regarding the probability of staying in a legal career is shared across all groups, majority and minority alike.

The two primary ways in which attorneys leave the profession are through retirement, a normal stage of professional development, and through exiting the profession either into a profession outside of the law or into unemployment. This study found striking patterns emerging in both of these forms of professional transition among WSBA members.

The results of this study suggest that as many as 24 percent of WSBA members are contemplating retirement in the next five years, with ten percent clearly intending and another 14 percent “unsure,” but considering it—not an unusual stance in uncertain economic times. Given that the WSBA membership mirrors the aging demographic pattern in the United States, however, we believe that an outcome closer to the high end of that range is likely.

To put this finding in perspective, consider that if one assumes an average career span of forty years then all things being equal, one might expect approximately 12 percent of the membership to retire during any given five-year period. In the era of the aging boomer cohort,

however, all things are not equal. These findings, within the context of societal trends, point to the overwhelming likelihood that in the next five years, WSBA will face a retirement wave that comes close to doubling the statistically expected average of 12 percent. A retirement rate of this magnitude (4.8 percent annualized) will lead to over 1,400 members leaving the active practice of law each year.

The retirement phase of the Boomer Generation has been long anticipated, and its prospective impact on the nation's workforce well-documented. As this study makes clear, however, this seismic shift in the workforce is now at hand, and the impact on all the professions, including the practice of the law, will be historic¹³.

Apart from retirement, three percent of respondents report that they have already taken concrete steps to leave the profession altogether during the next two years. Note that this figure reflects not only desire but also behavioral action, which typically increases an item's predictive robustness; even so, it may overestimate the actual outcome. On the other hand, this figure could also be an underestimate of the actual outcome in that it is likely affected by transient circumstances, such as the current economic uncertainty, which often have the effect of temporarily suppressing major vocational changes. Also, this figure does not include unexpected exits, such as those that occur due to illness or other unanticipated personal issues.

While a three percent exit rate may not seem high at first glance, consider that it represents a short timeframe—a bi-yearly rate of departure from the profession. Assuming that the members represented by this figure follow through on their plans, WSBA should expect as many as 450 members deliberately exiting the profession for reasons other than retirement every year.

In addition, ten percent of respondents say they are taking action to reduce their involvement in the practice of law in the next two years, a five percent annual rate. This figure represents an additional reduction in the workforce, extrapolating to as many as 1,500 WSBA members who will reduce their involvement with the profession every year. These respondents may plan to reduce their practices for varying reasons, for example as a step towards eventual

¹³ Levine, Linda (January 2008). *CRS Report for Congress: Retiring Baby-Boomers = A Labor Shortage?* Congressional Research Service, Washington DC.

full retirement, to accommodate family, including assuming caregiving duties, or because of a disability or impairment that precludes full-time practice. These data should be evaluated against predictions of inflows to the profession in the form of new graduates, influx of attorneys to the state, and other factors unavailable in this analysis.

In all, these data suggest that the legal profession in the state of Washington will likely experience reductions in the coming years through retirements and departures from the profession by over six percent per year or approximately 1,900 bar members annually. Coupled with an additional 1,500 members annually who are already taking concrete steps to reduce their practices, these figures represent an historic challenge to WSBA and to the profession of law in the state of Washington.

In recent years, the news regarding the legal profession has been replete with articles chronicling a glut of attorneys nationally¹⁴. It is highly probable that these headlines will change dramatically during the next few years, chronicling a shortage of seasoned attorneys. It should be noted that this impending shortage and its ramifications on the profession will not be attenuated simply by the current oversupply of recent graduates. Senior professionals cannot be replaced by fledgling attorneys. Rather, the critical need facing the bar for at least the next five years will be for mid-career professionals who are adequately prepared to fill the void left by the coming decade-long wave of retirees.

The implications of these figures for WSBA and other stakeholders of the legal profession are manifold. They parallel similar trends that other professions are facing in the United States in the coming decades. WSBA must have a clear understanding how the organization can meet the challenges posed by accelerated outflows from the profession. Prerequisite to this increase of institutional capacity for change is a greater understanding of the following dynamics:

- 1) the replacement rate of incoming new attorneys;
- 2) the relationship of this phenomenon to the current saturation of the legal market;

¹⁴ Segal, David (January 8, 2011). *Is Law School a Losing Game?* [New York Times](#).

3) the potential loss of institutional and professional knowledge and leadership from legal settings in Washington State; and

4) the need to prepare incoming cohorts of new attorneys to assume professional responsibilities, following years of stagnation due to the economy.

Equally important is a clear understanding of the factors that drive these changes. Given an empirical understanding of the dynamics leading to exit from the legal profession, it may be possible to mitigate or manage this trend in the years to come.

Predictors of job and career stability. These variables were a central focus of this Study, driving a series of analyses that sought to understand the factors related to professional transitions in the membership.

Job stability as a predictor of career stability. One of the primary questions this study sought to answer was whether job stability is a harbinger of prematurely exiting the profession. In the case of these data, the answer is fairly clear: job stability is not a significant factor in career stability. In other words, whether one moves around within the legal profession does not predict whether one is likely to exit the profession altogether. While patterns of job stability may be important in other contexts, it is not a significant concern with respect to career stability.

Job satisfaction as a predictor of job stability. Overall job satisfaction was the strongest predictor of prospective job stability of all variables considered in that the degree of an individual's job satisfaction is negatively associated with the likelihood of planning a change within the profession during the next two years. While other factors are also likely to be at work in a person's consideration of whether to make a change, high job satisfaction clearly increases an individual's likelihood of remaining in place.

Job satisfaction as a predictor of career stability. Among the factors examined in this study, the most powerful predictor of career stability is job satisfaction. By contrast, income, a commonly perceived motivator to remain in a position, is not directly related to career stability. Other factors such as mentor support also predict career stability to a degree, but they are best understood in the context of their contribution to job satisfaction.

The relationship between job satisfaction and many positive outcomes such as career stability is consistent with decades of social science research, and well-developed frameworks

for understanding this relationship exist. Given the strength of this association, the question becomes, what are the factors that lead to job satisfaction, which in turn improves career stability?

Predictors of job satisfaction. The following factors are associated with job satisfaction, presented in descending order of predictive importance:

- 1) the presence of a quality mentor relationship (including respect, guidance, recognition and advocacy for one's career),
- 2) the support of one's spouse or partner,
- 3) income, and
- 4) work-life balance.

Note that income's association with job satisfaction is understandable, since the Extrinsic dimension of job satisfaction explicitly relates to elements such as income, benefits, and work conditions. As decades of empirical research attest, these elements most likely have a "necessary but not sufficient" relationship to job satisfaction in that they prevent dissatisfaction, but their impact on satisfaction is more limited.

Also note that in general, these factors are not immutable traits. Rather, each is potentially amenable to constructive programmatic intervention by WSBA, law firms and other employment settings, and other stakeholders in the profession. In other words, these are factors about which positive sustained action can be taken to increase job satisfaction and in turn improve career stability across the membership.

Job satisfaction in context. In this analysis, we reviewed the effect of job satisfaction on career stability in the context of each available diversity group. In every diversity group, job satisfaction significantly predicted career stability. This finding reinforces the notion that job satisfaction is a key factor not only in the general membership, but across all diversity groups.

Other Findings Related to WSBA

Satisfaction with WSBA and scope of WSBA services. Results from the sample regarding satisfaction with WSBA indicate a significant portion of members do not have a well-formed opinion of WSBA one way or another (over one-third selected "neither disagree nor

agree”). Data from the open-response items from both the random sample and open surveys indicate a contingent of the membership that believes that the scope of WSBA’s services ought to be strictly limited to discipline, ethics and licensing. Moreover, these perceptions appear to be closely tied to the matter of the fee rollback referendum that became an issue during the implementation of the Study. This feedback may indicate a need to converse with, as well as educate members regarding WSBA’s mission and statutorily-defined purposes.

Feedback and suggestions from study participants. A large number of comments regarding feedback and suggestions were collected over the course of the study (found in Appendices F, H and I). Broadly speaking, these might be summarized as follows.

First, members indicated a *desire to be heard by WSBA leadership and for member engagement not to be pro forma, but rather to impact decision making at the association in a meaningful way*. In some cases members expressed this desire negatively by stating a doubt that what they shared in their survey or online forum would make any difference at all.

Second, members requested that *with respect to dues and other fees, WSBA take steps to accommodate members in financial distress as well as members that do not fit the “standard mold.”* On a related note, members stated a desire for WSBA to provide or facilitate resources, training, and professional support so that attorneys have access to the tools they need to succeed.

Third, *members observed that the legal profession has changed significantly in recent years and called on WSBA to make adjustments in its policies and priorities accordingly*. For some respondents, these took the form of increasing institutional flexibility (e.g., a less punitive bar discipline system, or protecting against further saturation of the legal job market).

Recommendations

In this section, the recommendations reflect prominent findings from the online survey that are supported or elaborated by the online fora. These recommendations are not prioritized, but simply organized according to the Study goals.

Regarding Overall Membership and Career Transitions

Prepare for historic rates of transition in the membership during at least the next five years—including retirements, departures from the profession and reductions in practice. The career stability findings in this study have profound implications for the future of WSBA and the legal profession in Washington State, suggesting both danger and opportunity. Further investigation is essential to better understand and address the needs of retiring and exiting members as well as those reducing practice, and to promote retention as appropriate.

Careful attention should be given to understanding the relationship between this coming trend and the following factors:

- 1) the replacement rate of incoming new attorneys,
- 2) the relationship of this phenomenon to the current saturation of the legal market,
- 3) the potential loss of institutional and professional knowledge and leadership from legal settings in Washington State, and
- 4) the need to prepare effectively recent and incoming cohorts of new bar members to assume professional responsibilities, following years of stagnation due to the economy.

It is advisable to keep in mind the relatively high percentage of members planning to reduce their legal practice in order to encourage employers to proactively develop flexible workplace policies to accommodate this trend. Such flexible workplace policies, as well as appropriate WSBA policies and programs, will have multiple advantages accruing not only to the semi-retired, but also parents, caregivers, persons with disabilities or impairments, and entrepreneurs.

Consider strategies to support mentoring and new leadership development. The potential benefits of mentoring are manifold, particularly in the context of the career stability figures reported in this study. The experience of mentoring and being mentored can offer

benefits not only to individuals (mentor and mentee alike), but also long-term benefits to employers and the profession as a whole.

- 1) Mentoring increases job satisfaction.
- 2) Mentoring offers a strategic opening to address certain other factors this study has shown to be associated with job satisfaction (and in turn, career stability), i.e. work-life balance and spousal/social support related to the profession.
- 3) Mentoring increases professional opportunities for diversity groups.
- 4) Mentoring benefits career stability.
- 5) Mentoring prepares mentees to assume responsibilities within the profession through knowledge transfer and leadership preparation.

As the results of this study indicate, mentoring may also be critical to the professional success and career stability of members of diversity groups (particularly women, people of color, and younger and newer attorneys).

On an institutional level, great care should be taken in framing any mentoring initiative. Such efforts can reap great rewards. However, the research on methods for building an effective mentoring program is fraught with failed and counterproductive efforts. In particular, top-down approaches that seek to manage mentoring relationships are likely to be futile at best, and actually destructive at worst.

Aside from consideration of directly initiating mentoring programs, it may ultimately be more effective for WSBA to carefully consider the institutional, and organization-cultural factors that promote good mentoring relationships, acting in support of more organic, “bottom-up” efforts. For example, policies that use dues abatement, CLE offsets, access to facilities, encouragement of large firm participation, professional recognition for mentoring and training and other methods can place WSBA at the forefront of a multi-partner effort to nurture the talent and leadership that the Association will greatly need in the coming years.

Any such effort must be carefully developed, monitored and invested in not only by WSBA leadership, but also other stakeholders in the profession and the membership itself if it is to be effective.

Finally, it should be noted that the term “mentoring” as well as the perceived benefit of a mentor relationship appear to have held a variety of implicit meanings for participants in the study, ranging from mentors’ providing general support and affirmation, to direct training and feedback regarding the nuts-and-bolts of professional practice, to advocacy for the mentee’s career. Both the survey and the fora identified and explored several of these perceptions of. The perceptions and expectations of mentoring held by potential mentors as well as mentees should be better understood as a first step in responding to these findings.

Explore other important factors found to be associated with career stability. Several other factors were discovered to affect career stability, particularly spousal support, income and work-life balance. There is published research available that has investigated these factors in relation to career stability for other professions and settings. In each case the relationship can be subtle and sometimes counter-intuitive. A deeper investigation should take a practical approach, exploring factors that are amenable to change at a policy level as well as in employment settings.

Regarding Diversity

Each of the diversity groups identified in this study reflects distinctive assets, needs and opportunities, and the appropriate leadership in WSBA should carefully review the patterns uncovered for each group. However, some patterns are particularly noteworthy.

Recommendations regarding members 40 and over . This segment of the membership is large; at 79 percent of the membership it is the largest of the diversity groups in this study. It is also a heterogeneous group in terms of employment setting, geographic location, and other important factors. However trends among members of this group suggest four areas that may be important to consider.

First, older members constitute a remarkably high percentage of solo practitioners. The issues described below (in “Focus on trends and special needs of solo practitioners”) will be particularly relevant to the professional well-being of this group.

This group reported moderate levels of barriers to opportunity and advancement. This may reflect the frustrations of older members who face the distinctive challenges of solo practice, or of those facing age discrimination; these dynamics should be explored more thoroughly.

Over half of the entire membership is over 50, underscoring the imminence of members' plans for retirement or reduction in practice as portrayed in the data. These transitions are often fraught with challenge and uncertainty, and this group may benefit as individuals from a full range of resources designed to empower this group to successfully navigate them. Comments in both the survey and fora reinforce the idea that these and other members may be in need of practical support in the areas of retirement and health care planning, insurance, and strategies for reducing or transferring practice.

Unsurprisingly this experienced group generally constitutes a large portion of senior leadership in legal settings, including the bar itself. This group will be of key importance in preparing the membership for the generational transition that is already underway, and may benefit from creative consultation with respect to these leadership challenges.

Recommendations regarding racial and ethnic minorities. As noted elsewhere, mentoring is particularly important for facilitating positive career trajectories for younger and newer attorneys in this diversity group. The need for mentors may be heightened in light of the high levels of social, opportunity and advancement barriers encountered by this group. Further exploration of the sources of these barriers is called for, as is collaborating with employers to seek to reduce such barriers.

A preliminary exploration of the geographic patterns related to professional barriers suggests that factors related to location should be a part of further investigation of the experience of professional barriers for this group.

A wide range of suggestions from this diversity group were elicited and are available for review in Appendix I.

Recommendations regarding sexual orientation minorities. It is important to note that prior to this study, reliable institutional data on the frequency of these groups as a proportion of the membership have been either misleading or absent. These survey results provide an opportunity to acknowledge the presence of these groups and to articulate issues they value.

This group is approximately the same age and level of experience as the membership overall; however, their income lags notably behind the median and is the lowest of all diversity groups. The factors underlying this pattern should be explored further.

Fora content indicated that the professional experiences of members in this diversity group vary widely based on geographic location. Particularly in regions where sexual orientation minorities are less visible, connecting members and facilitating support networks is likely to improve professional satisfaction.

A wide range of suggestions from this diversity group were elicited and are available for review in Appendix I.

Recommendations regarding female members. As the second largest diversity group, it is important to note that women rank high among diversity groups in terms of the frequency of barriers reported as well as the intensity of those barriers. This is a concern that bears further investigation in order to understand the dynamics that contribute to this pattern.

In addition, as a group women tend to be younger and newer to the profession, and in the fora, women frequently called for mentoring and other practical forms of professional support. Further analysis of this data may shed light on the empirical benefits of mentoring for this group, as well as any of the other diversity groups. The data in this study, both quantitative and qualitative, provide a starting point for exploring positive ways to address the needs and opportunities this group faces.

A wide range of suggestions from this diversity group were elicited and are available for review in Appendix I.

Recommendations regarding parents and caregivers. A common theme in this forum centered around the conflicting demands on time and energy faced by this group. Educating employers and those in management roles regarding the real cost of turnover to the employer may be beneficial, as well as consulting with legal employers to support the adoption of alternative billing methods, flexible work schedules, and the use of technology to facilitate attorneys dealing with competing demands.

A wide range of suggestions from this diversity group were elicited and are available for review in Appendix I.

Recommendations regarding persons with disabilities and impairments. It is important to note that prior to this study, reliable institutional data on the frequency of these groups as a proportion of the WSBA membership have been either misleading or absent. These

survey results provide an opportunity to acknowledge the presence of these groups and to articulate issues they prioritize.

Individuals in this diversity group reported the second highest frequency of encountered barriers in the workplace, particularly social barriers, and results also indicated the highest overall reported intensity of these barriers of all diversity groups. These results are troubling and further targeted study will be needed to ascertain fully the sources and causes of barriers in the legal profession for this group and to identify steps to reduce the incidence.

Considering the relatively high proportion of individuals reporting health- or age-related impairments, devising a broader scope in conceptualizing policies and services for this diversity group may be in order. The normal developmental effects of an aging demographic will impact this group in ways that could be mitigated through institutional policy, advocacy, or services.

A wide range of suggestions from this diversity group were elicited and are available for review in Appendix I.

Recommendations regarding military personnel and veterans. This group was by far the most likely of all the diversity groups to be solo practitioners, and recommendation related to solo practice will be applicable here. Further analysis may reveal whether members in this group chose to practice as solos, or whether other factors operated to make this the only option available to them.

In addition, military personnel and veterans were generally older and more experienced than the average respondent, and recommendation pertaining to older member will be applicable here as well.

Recommendations regarding young and new attorneys. Since both younger and newer members tend to skew female, these three groups overlap to a notable degree. Support for quality mentoring, more practical services related to professional start-up, and extended fee abatement for new and low-income members were frequently mentioned, and should be explored. Also mentioned in several venues was the desire for opportunities that provide training experience and resources for new attorneys struggling to break into the profession. The foregoing program priorities will also serve to prepare this cohort for the aforementioned pending exit of many senior attorneys from the legal profession in Washington.

Recommendations regarding other diversity-related issues.

Explore the distinctive relationships among mentoring, job satisfaction and career stability for diversity groups. The findings on the benefits of mentoring (and other factors identified in this Study) with respect to job satisfaction, and more broadly, the positive effects of job satisfaction on career stability distinctively apply to members of diversity groups, particularly those newer to the profession. The benefits of mentoring are manifold, and carefully developed strategies to encourage such relationships can be important for all diversity groups in the membership.

Explore the relationship between diversity and geographic location. There appear to be meaningful differences in the way diversity groups are distributed across the state of Washington. More important than the mere distribution of diversity across the state, however, a preliminary analysis indicates that the experiences of members of diversity groups vary widely by geography. Developing a thorough understanding of experiences of diversity across different regions is complex, involving technical challenges with respect to disaggregation, confidentiality, and reporting that will require further specification to address. Nevertheless, a deeper understanding of the experiences of diversity groups as they vary by location will be foundational to any thoughtful policy or programmatic response by the Association and other institutions.

Explore the relationship between diversity and solo practice. The prominence of solo and related forms of practice such as contract attorney and small-firm practice are notable in the bar membership at present. In particular, solo practitioners appear more likely than non-solos to also be members of one or more diversity groups. Older members, persons with disabilities and impairments, parents and caregivers, women, and military personnel and veterans are all prominently represented among solo practitioners, so to some extent, to advocate for the needs of the solo practitioner is also to advocate for these groups.

By contrast, since there appears to be a trend in which more experienced attorneys gravitate to solo practice, members of diversity groups who are under-represented among solo practitioners may wish to explore whether there are barriers to this kind of career transition facing them. For example, persons of color and sexual orientation minorities are both under-represented among solo practitioners, relative to other diversity groups. The relationship between

practice status and diversity is likely to be complex, and other factors likely play a role, such as the fact that some diversity groups have, on average, fewer years of experience. These relationships warrant further investigation, particularly if programmatic support in this area is contemplated.

Many members spoke of the need for malpractice liability insurance and low-cost group health insurance and suggested that this could be offered through WSBA. This benefit was also mentioned frequently by solo practitioners, contract attorneys, parents and caregivers, and persons with disabilities and impairments, and is likely to have broad support across the membership.

Other Recommendations

Focus on trends and special needs of solo practitioners. As the largest single type of position held within WSBA, the solo practitioner's perspectives and needs warrant attention. Note that many of the following recommendation may also apply to contract attorneys, attorneys in small firms, and entrepreneurs:

- 1) Training, resources and professional support (e.g., access to mentors, networking, administrative help) in addition to existing programs, and
- 2) Further exploration seeking to reduce barriers to other legal employment for solos, including educating employers and reducing stigma.

More clearly define and dialog with members regarding WSBA's value proposition.

The Study took place during the time a referendum initiated by a bar member regarding a significant fee rollback was announced. As the open-ended comments indicate, the issue of the licensure fee was very much on members' minds during the time of the Study. Both the quantitative and qualitative results of this study make clear that, at a minimum, the value proposition of WSBA for its members should be addressed. Satisfaction with WSBA and its services appears to be significantly constrained by members' understanding of the WSBA mission, how WSBA's programs and policies align with that mission, members' sense that they have a voice in those alignment priorities, and their belief that they directly and indirectly receive value for their financial commitment.

Consider strategies to improve member communication and access. Member awareness of the scope of WSBA's mission and mandate appear to be uneven, with many respondents unaware of WSBA's responsibilities beyond managing the licensure process and ethics enforcement. Moreover, many responses in the survey and fora indicate a desire to have more of a voice in setting priorities.

This is a complex area, beyond the scope of this Study to address. However, it may be useful to note that a variety of technologies exist that can be helpful in overcoming geographic and logistical boundaries to encourage collaborative, constructive engagement.

- 1) Consider new online communication strategies with members: enhanced email, confidential fora on pertinent topics, and online discussion functionalities.
- 2) Consider collaborative media to make WSBA leadership and decision-making processes more accessible to the membership.
- 3) Consider establishing a randomized Member Panel to conduct regular periodic data gathering on specified topics.

Consider members' geographic accessibility to WSBA.

- 1) Consider delivering services and programs statewide, particularly prioritizing areas without strong local bar associations and outside the Snohomish, King, and Pierce County corridor.
- 2) Consider satellite offices or full-featured remote access using online collaborative media.

Other evolving member concerns.

- 1) A variety of perceived issues related to the discipline function of WSBA may be found in this Report and in the Technical Appendix, relating generally to issues of responsiveness, flexibility, and the desire for a preventive rather than a punitive orientation.
- 2) The legal profession has experienced significant change in recent years and such change continues to occur. There is a reported decline in client base for some legal services on the one hand counterbalanced by a rising demand in others.

Many desire some way for members to tap into these trends, such as an online matching system.

- 3) In light of the financial instability described by members, consider adjusting policies and programs to accommodate unemployed and underemployed attorneys, as well as continued assistance with job searching and resources.

Align and upgrade WSBA institutional data collection methods. Steps should be taken to increase reliability and coherence of the WSBA institutional database and align with future survey efforts. Finally, WSBA should provide members with an opportunity to select the specific level and modality of WSBA communications they wish to receive, including interactive opportunities as appropriate.

Areas for further investigation. Note that the scope of this project restricted the analyses to results generally in the aggregate or limited to first-order disaggregation. Further analysis can identify underlying trends related to diversity, other specific subgroups and variable relationships.

- 1) Objective and ongoing action model-based program evaluation of initiatives developed and implemented in response to the issues raised in this Study.
- 2) Objectively assess the *net impact* of retirements and other departures from the profession in the context of anticipated inflow of new graduates, attorneys entering the state and other factors affecting the workforce in the next decade. Note that this is not only a quantitative question of the numbers of attorneys in the state, but it is also a qualitative matter involving the potential net loss to the bar of legal experience, particular skillsets and institutional knowledge.
- 3) Geographic differences in other variables of interest, such as the differing professional experiences of diversity groups regionally, and local relationship with and perceptions of WSBA. Such analyses can be conducted at the local rather than regional level, cross-tabbed by other variables of interest.
- 4) Further exploration of the factors that lead to successful professional experiences in solo and related forms of practice. In particular the distinctive experience of diversity groups in this setting should be explored.

- 5) Exploration of variations in the nature of professional experiences of those members located at the intersection of two or more diversity groups, such as women of color or parents with disabilities or impairments.
- 6) Detailed study of the factors comprising job satisfaction with respect to their differential impact on career stability, as well as factors that target specific forms of job satisfaction.
- 7) Does the nature of transitions have an effect on career stability? That is, does a layoff or other forced transition predict career stability even though overall job stability does not?
- 8) Deeper exploration of the factors this study found to be associated with career stability, including mentoring, spousal support, income and work-life balance. This exploration may be conducted for each diversity group, as well as the overall membership. A deeper investigation should take a practical approach, identifying factors that are amenable to change at a policy level as well as in the employment setting.

Conclusion

The members of the Washington State Bar Association are practicing in an era of dramatic social and economic change. The membership is becoming more diverse on several dimensions through its younger and newer members, and the assets and needs of these groups vary in important ways. At the same time, there are significant common challenges and opportunities that can bring the membership together in productive ways to improve both the experience of practicing law and the product of that practice.

Upcoming demographic changes, particularly the departure of an increasing fraction of membership annually through retirement and dropout will shape the coming decade for the profession in remarkable ways. These changes represent a significant challenge to WSBA both in terms of assessing and responding to the impending loss of leadership institutional knowledge and capacity to meet the needs of the State. On the other hand, they represent an opportunity to proactively mentor new and diverse types of leaders. By creatively using new technologies to reach members more effectively, leadership of the Association has taken an encouraging first step in meeting these challenges and opportunities from a clear and data-centered perspective by commissioning this Study. The data contained in this report and corresponding databases is a potent resource in formulating strategies for the future of the profession of the law in the State of Washington.

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