

WASHINGTON STATE BAR ASSOCIATION

**Washington State Bar Association
REQUEST FOR PROPOSAL (RFP) FOR WSBA MEMBER DEMOGRAPHIC STUDY**

Date Advertised and Publicly Available: **March 11, 2022**
Proposal Due Date: **April 11, 2022**

Email Proposals to:
Washington State Bar Association
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1. ORGANIZATIONAL OVERVIEW

About the Washington State Bar Association

The Washington State Bar Association (the “WSBA”) operates under the delegated authority of the Washington Supreme Court (the “Court”). The WSBA exercises a governmental function authorized by the Court to license and regulate the state’s over 40,000 legal professionals, including over 33,000 active lawyers, almost 800 active limited practice officers, (“LPOs”),¹ and nearly 70 active limited license legal technicians, (“LLLTs”).² The WSBA’s mission is to serve the public and the members of the Bar, ensure the integrity of the legal profession, and to champion justice.

The WSBA both regulates legal professionals under the authority of the Court and serves its members as a professional association. In its regulatory capacity, the WSBA administers the bar admission process, including the bar exam; provides record-keeping and licensing functions; and administers the member discipline system.

In its capacity as a professional association, it is a provider of continuing legal education in the state. It also provides services and programs to its members, including the Member Wellness Program and the Practice Management Assistance Program. In addition, it produces publications and provides informational services to the public.

In addition, the WSBA promotes equity and justice through programs like the Moderate Means Program, a sliding scale referral service for middle-income people, the Powerful Communities Project which supports organizations working with communities, and the Pro Bono Portal, an online resource to pro bono opportunities.

Governance of the WSBA is vested in a Board of Governors, (the “BOG”), composed of 15 governors (one governor from each of ten congressional districts; two from the 7th District; and three at-large members, one of whom represents new and young lawyers), and the president. The Executive Director serves as the Board’s secretary and is an ex-officio, non-voting member of the BOG. The BOG sets policies for the organization, approves its annual budget, and selects the executive director. The WSBA governance team also includes the WSBA officers, a president-elect, an immediate past-president, and a treasurer.

¹ LPOs are licensed to select, prepare and complete approved documents for use in closing a loan, extension of credit, sale, or other transfer of real or personal property. <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-practice-officers>

² LLLTs are licensed by the Washington Supreme Court to advise and assist people going through divorce, child custody, and other family law matters. LLLTs provide limited legal services in family law by consulting with and advising clients, completing and filing necessary court documents, and assisting prose clients at certain types of hearings and settlement conferences. <https://www.wsba.org/for-legal-professionals/join-the-legal-profession-in-wa/limited-license-legal-technicians>

2. PROJECT DESCRIPTION

The WSBA seeks to collect and analyze data about its membership so that it can better support its members, including those who are members of underrepresented communities who have experienced historic marginalization and systemic oppression. Another goal is to use data to inform any systemic changes needed to make the legal profession more diverse, inclusive and equitable. Further, the WSBA hopes to understand how members' multiple or intersectional identities impact their experience as legal professionals. Finally, the information will be used to inform the drafting of a new WSBA Diversity and Inclusion Plan.

The primary audiences for the study are the BOG, the WSBA members and other stakeholders, including Minority Bar Associations, law schools, and the judiciary.

The project has four main deliverables:

- A comprehensive membership demographic study of all legal professionals licensed by the WSBA. The study should be built with a proven methodology that ensures statistical validity
- An inclusive outreach and engagement plan for encouraging maximum membership participation
- A report that analyzes the data and includes findings and recommendations
- Recommendations for ongoing data collection

Comprehensive Membership Study

The consultant should, at a minimum, collect and analyze data about the following demographic categories:

- Age
- Race and Ethnicity
- Indigenous heritage
- Veteran status
- Religious or spiritual beliefs
- Marital status
- Gender identity or expression
- Gender
- Sexual Orientation
- Disability
- Country of origin
- Families with children status

The consultant should also collect and analyze data about the following additional member characteristics:

- Practice Area
- Firm Size
- Geography
- English as a Second Language
- Year of Admission to Bar
- Parent or Caregiver Status
- First Generation College Student Status

Report with Analysis and Recommendations

An Analysis of the General Membership

The consultant should produce a report that includes analysis and recommendations about at least the following topics:

- Professional transitions including retirements and departures from the profession
- Projected new member inflow
- What members need to feel included and support their personal and professional success
- Members' perceptions of WSBA's mission, value proposition and priorities

The report should also include an analysis of the impact of the following events on career trajectories:

- Student debt
- Time out of the paid workforce and part-time work schedules
- Caregiving responsibilities
- Job losses and professional changes related to the COVID-19 pandemic

The consultant will also identify organizational barriers within legal professionals' workplaces and social conditions that impede career longevity and professional success for members. The report should include a discussion of bias in the business systems of legal professionals' workplaces, including assessing whether all members have equitable opportunities for:

- Getting hired
- Receiving fair performance evaluations
- Receiving mentoring
- Receiving high-quality assignments
- Accessing networking opportunities
- Getting paid fairly
- Getting promoted

The consultant will also:

- Compare the WSBA's data to other jurisdictions
- Research scholarship on diversity and inclusion within the legal profession

- Provide analysis of why it has been so difficult for the legal profession to diversify³ and make recommendations on what can be done to improve future outcomes

An Intersectional Analysis of Marginalized Communities

The consultant will also provide a detailed analysis of the diversity that exists within as well as between four underrepresented groups: people of color, women, people who identify as LGBT, and people who have a disability.⁴

WSBA may decide to undertake the intersectional analysis portion of this project as a separate body of work after the general membership analysis has been completed. WSBA will work with the chosen consultant to make this determination.

Outreach and Engagement Plan

The consultant will develop a plan for achieving maximum membership participation. This plan must include strategies for engaging underrepresented communities, and for making the study accessible to all members.

Recommendations for Ongoing Data Collection

The consultant will advise WSBA on how it can collect and query membership data on an ongoing basis without the help of consultants.

3. SCOPE OF WORK IN PHASES

This project is divided into three phases: Discovery and Design, Implementation, and Evaluation. Below is a description of the tasks that must be completed during each phase.

Discovery and Design Phase

In partnership with the WSBA Project Lead, the consultant will take and incorporate advice from the Membership Demographic Study (“MDS”) Project Team and other stakeholders like the Minority Bar Associations, described in Section 7, to complete the following tasks:

- Identify audiences and needs (including advice relating to focus groups)
- Identify resources and methodologies used in similar research studies
- Identify methodologies that will produce statistically valid findings
- Identify deliverables (including reporting of findings)
- Identify instrument(s) to gather data (e.g., survey, interviews, focus groups, etc.)

³ A 2015 Washington Post article cited a study by the Bureau of Labor Statistics that found that the law was one of the least racially diverse profession in the country, and as of 2021, it remained among the least diverse.

⁴ These four underrepresented groups were chosen for additional intersectional analysis because they were the groups selected in WSBA’s 2012 and 2014 membership studies. These groups were also the focus of WSBA’s 2015 Diversity Research Project Literature Review Report. In addition, these demographic categories were used in the American Bar Association’s 2021 Profile of the Legal Profession.

- Identify groups of members to focus on in the study
- Develop the study
- Create methods to capture demographic information
- Develop tools and plan to evaluate the data
- Develop membership engagement plan to provide maximum participation by members
- Create a timeline for individual phases including major milestones
- Develop project implementation plan
- Create a detailed overall budget, including interviews, travel, and other costs, and broken out into the three phases described in this section

Implementation Phase

Lead and assist the MDS Project Team to:

- Engage the membership and implement the study, including capturing demographic data
- Decide whether to convene a focus group or use a beta launch of the study
- Draft format for final report

Evaluation Phase

Lead and assist the MDS Project Team to:

- Consolidate and evaluate the results of the study
- Draft final report of the study results
- Make recommendations

WSBA will have final approval over every task, and will determine when each phase has been successfully completed.

4. SUBMISSION AND SELECTION PROCESS

- Proposals are due on April 11, 2022.
- Send proposals by email to barbaran@wsba.org. Please indicate in the subject line: **RFP submission for the WSBA Member Demographic Study.**
- If you have questions prior to submission, please contact Barbara Nahouraii, 206.239.2109, or email barbaran@wsba.org.
- Two information sessions will be held where applicants will be able to ask questions about the RFP and the project. The first one will be held on Tuesday, March 29th, from 10:00am – 11:30am, and the second one will be held on Thursday, March 31st, from 2:30pm – 4:00pm. Meeting information will be sent to you by email and will also be available on the WSBA website.
- We will notify candidates if they are selected for an interview with our evaluation team. The interviews will be virtual.
- Selection will occur as soon as practicable.

- All other candidates will be notified after selection of a contractor and successful contract negotiation.
- Project completion should be no later than September 30, 2022, but final deliverables and launch dates will be negotiated with the chosen vendor.
- All submissions will become Bar Records, see Washington General Rule (GR) 12.4, and therefore available to the public upon request to the WSBA, unless exempted from public disclosure by a specific provision of law. If the WSBA receives a request for records related to your submission and believes they must be disclosed, you will be notified prior to release and given an opportunity to object to disclosure under GR 12.4(h) if you would like to do so.
- Submission of a proposal meeting the requirements in this RFP does not create a binding agreement.
- The WSBA will negotiate a contract with the selected candidate, if any. All contracts are subject to review by WSBA legal counsel, and a project will be awarded upon signing of an agreement or contract that outlines terms, scope, budget and other necessary items. Provisions of this RFP and the contents of the successful responses are considered available for inclusion in final contractual obligations. Please include in your proposal any key terms and conditions you wish to see in the final contract.
- The WSBA reserves the right to reopen the RFP process if it does not identify a suitable candidate or if the WSBA and the selected candidate are unable to agree on contract terms. The WSBA may also decide not to select any candidate as a result of this RFP.

5. PROPOSAL REQUIREMENTS

Format Guidelines

- **Title Page:** Please include the title of your proposal, (e.g., The WSBA Member Demographic Study Proposal), your company name, address, website address, telephone number, e-mail address and primary contact person.
- **Cover Letter and Signature:** Please include a cover letter, signed by the person or persons authorized to sign on behalf of the company.
- **Proposal Format:** The proposal should be no longer than 15 pages, excluding exhibits.

Content Requirements

The following information must be included in your submission:

- In what year were you founded and how are you currently organized (form of business entity)?
- Indicate whether your organization is a small or minority-owned business.
- What is your corporate structure?
- How many employees do you have? (Please distinguish between full-time employees on site and contract or other employees to whom you outsource.)
- If you outsource work, please describe the work and the entities to which you outsource.

- Please provide an organizational chart if you have one.
- Describe the team that will be assigned to this project, including what each person's role would be and a brief summary of each person's qualifications.
- Please provide three references, with contact information, with whom you have collaborated on similar projects.
- Provide share your firm's commitment to diversity, inclusion and equity including policies, recognitions, associations, certifications and accreditations.
- Please provide a history of any litigation you have been involved in since your inception, including ongoing litigation as well as how any prior litigation was resolved.
- Explain what cyber security measures you take to protect your data and any data of ours to which you may need access.
- Outline your overall process/scope for this project in detail, including a detailed timeline by phase (see Section 3) and a time frame for completion.
- Please provide a detailed budget for this project by phase (see Section 3). If your price excludes certain fees or charges, you must provide a detailed list of excluded fees with a complete explanation of the nature of those fees. All costs associated with the delivery of the project should be presented in a flat-rate, fee-for-service format. Include any hourly rates for staff working on the project if applicable.
- List any studies you have produced that best reflect your work and relevancy to this project and submit copies of the relevant final studies.
- Describe how you will make the study, including any data collection instruments, accessible to underrepresented communities in the legal profession, including people of color, women and people who are gender non-binary, people with disabilities, and the LGBT community.

6. EVALUATION CRITERIA FOR PROPOSALS

General Criteria

- **Suitability of the proposal:** The proposed solution meets the needs and criteria set forth in the RFP.
- **Experience and expertise:** The candidate has successfully completed similar projects and has the qualifications necessary to undertake this project and complete it in the designated timeframe.
- **Timeframe:** The proposed timeframe is acceptable to the WSBA's goals for completion of the project.
- **Value/Pricing structure:** The price is commensurate with the value offered by the proposer.
- **Proposal presentation:** The information is well organized and presented in a clear, logical manner.

- **Diversity of the team:** The diversity of the project team may be taken into consideration.

Study Criteria

The study portions of the project must meet the following criteria:

- **Statistically Valid:** Data sets must be a large enough to be statistically valid.
- **Secure:** Data gathered from the study must be securely retrieved and stored.
- **Confidential:** There must be protocols for stripping data of all identifiers to ensure confidentiality of the members.
- **Easy to Distribute:** The study must be easy to distribute to members.
- **Easy to Complete:** The study should take the least amount of the members' time to complete, while also ensuring validity.
- **Searchable Data:** The data should be easy to manipulate so that different variables can be parsed out.
- **Accessible and Inclusive:** The data must be collected and information must be communicated in a way that is culturally inclusive. The proposed instrument must also be accessible to members who are living with disabilities or impairments.

7. WSBA PROJECT TEAM

The Membership Demographic Study Project Team includes the Project Sponsor, the Project Lead, and the Steering Committee who will be given input by the Diversity Committee Member Demographic Study Workgroup, Staff Team and external stakeholders. Depending on what decisions need to be made, the MDS Project Team may use the RAPID decision-making process.

- **MDS Steering Committee** – This committee is responsible for general project oversight and is staffed by the Project Lead. The team consists of the following people who will play specific roles:
 - Project Sponsor – The Chief Equity and Justice Officer has overall responsibility for execution and completion of the membership study and reports to the Executive Director.
 - Ensure that the deliverables meet expectations
 - Support and collaborate with Project Lead in determining and deploying the deliverables and the scope of the project with the input of the consultants, the project team and other stakeholders
 - Provide project updates to ELT and BOG
 - Project Lead – An Equity and Justice Lead will coordinate the entire membership study process and serve as primary driver of project and report to the Chief Equity and Justice Officer.

- Work directly with the consultants in partnership with Project Sponsor to deploy the deliverables and the scope of the project with the input from the oversight from the Steering Committee and input from the Staff Team and Stakeholder
 - Coordinate and staff the Steering Committee and Staff Team
 - Provide project updates to all members of the Project Team (including helping to update ELT and BOG)
 - The Executive Director will ensure the study remains within the mission and goals of the organization, as well as within the approved budget for the project.
 - A BOG member will provide project updates to the BOG and serve as a board-level liaison for the project.
 - Chair of the Diversity Committee Member Demographic Study Workgroup will lead the Diversity Committee Membership Demographic Study Workgroup.
- **Diversity Committee Membership Demographic Study Workgroup**
 - Provides input to the Steering Committee and assists with outreach.
 - **Staff Team** - This team will provide input on behalf of their departments. This team will include representatives from:
 - Regulatory Services Division
 - Office of General Counsel
 - Communications and Outreach Department
 - Advancement Department
 - **Stakeholders** – With the guidance of the consultant, input from members of various stakeholders will be solicited. The stakeholder groups include:
 - Board of Governors
 - Minority Bar Associations
 - All WSBA Committees, Councils, and Commissions (including, Diversity Committee, Membership Engagement Committee, New and Young Lawyers Committee)
 - Sections
 - Court created Boards and Commissions
 - County Bar Associations
 - Alliance for Equal Justice
 - Criminal system community
 - WA Initiative for Diversity
 - Judiciary
 - Law schools

- Legal professionals from historically marginalized and underrepresented communities.

8. WSBA'S DIVERSITY, EQUITY AND INCLUSION EFFORTS

The WSBA is committed to enhancing opportunity in the legal profession and for nearly two decades has supported the success of legal professionals, including those from historically underrepresented backgrounds. Below are some milestones:

- In **2003**, the WSBA formally established diversity as one of its nine strategic goals.
- In **2006**, the BOG formed a Diversity Committee to help improve diversity within the elected leadership.
- In **2007**, the WSBA adopted “diversity, equality and cultural understanding throughout the legal community” as one of its five guiding principles.
- That guiding principle was the basis for a **2011- 2013** Strategic Goal: Conduct a detailed study of the composition of the legal profession and retention rates within the profession in the state of Washington.
- In **2012**, the BOG Diversity Committee and the WSBA Diversity Committee (comprised of only WSBA members) were merged into one Diversity Committee. Since then, the merged Diversity Committee has and continues to provide guidance and recommendations to the BOG on diversity, equity and inclusion issues, and collaborates with other equity and justice organizations to host events and educational programs. The Diversity Committee also supports law students from historically underrepresented communities.
- In **2012**, following the merger of the two diversity committees, the WSBA conducted its first comprehensive membership study of the demographic composition and retention rates of Washington attorneys.⁵ The study found that members from underrepresented groups experienced many barriers to advancement in their professional careers. The [WSBA Membership Study Executive Summary](#) provides highlights from the study. The full study is [here](#).
- In **2013**, the BOG approved the current [Diversity and Inclusion Plan](#), (the “Plan”) which was informed by the results of the [WSBA Membership Study](#). The Plan emphasizes creating conditions that allow diverse lawyers to enter, remain, thrive and lead in the profession. It rests on the assumption that in order to move the legal profession forward, WSBA must also commit to developing an internal culture of inclusion and cultural competence. The Plan requires that WSBA conduct bi-annual follow-up surveys and a full membership study every 10 years. The Diversity Committee is responsible for implementing the Plan.

⁵ In 2012, LLLTs and LPOs were not members of WSBA. The initial cohort of LLLTs were licensed in 2015. In 2016 the BOG voted to make LLLTs members of the bar as of 2017. LPOs were made members of the bar at the same time. The LLLT program will sunset in 2022. No new LLLT licenses will be issued after that time.

- In **2014**, the WSBA conducted a second membership study that focused on attorneys in four historically underrepresented groups: women, people of color, lesbian/gay/bisexual/transgender/ (“LGBT”) people, and people living with disabilities or impairments. This study examined diversity within underrepresented groups as well as between them, and emphasized the need to create inclusive organizational and professional cultures. The Diversity, Intersectionality and WSBA Membership Study can be found [here](#).
- In **2015**, the WSBA released a Diversity Research Project Literature Review Report which highlighted the ways that the experiences of Washington State attorneys mirrors those of attorneys in other states. This report underscored that the challenges underrepresented populations face in the legal profession are prevalent and persistent nationwide.
- In **2018**, the BOG signed on as a partner with the Race and Equity Justice Initiative (“REJI”) upon the Access to Justice Board’s invitation. REJI partners acknowledge that racism and other forms of oppression continue to impact society and commit to advocating for racial fairness and justice in the law, legal profession and the justice systems.
- In **2021**, the WSBA adopted the promotion of diversity, equity and inclusion in the legal system and profession as one of its strategic goals.
- In **2021**, WSBA created an Equity and Justice Department. Among other things, the department provides resources and trainings to members and volunteers, including Continuing Legal Education programming.

WSBA has over 1,000 volunteers who lead various volunteer groups, including committees, boards, panels, councils, sections, executive committees and foundation trusts. Some of these groups are engaged in work that advances WSBA’s diversity, equity and inclusion goals.

9. EQUAL OPPORTUNITY STATEMENT

This is an open and competitive process. The WSBA, its contractors, their suppliers and subcontractors, and vendors of goods, equipment services, and professional services shall not discriminate on the basis of ancestry, color or race; cultural or ethnic background; economic disadvantage, ideological, philosophical, or political belief or affiliation; marital or parental status; national or regional origin; religion, or religious or denominational affiliation; age; sex; sexual orientation or preference; honorably discharged veteran or military status; or the presence of any sensory, mental, or physical disability in the award and/or performance of contracts.