

Preliminary Findings from the N.C. Chief Justice's Commission on Professionalism State of the Profession Survey

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INTRODUCTION

The much-publicized 1990-91 North Carolina Bar Association Quality of Life Survey was mailed to all 11,810 of N.C.'s lawyers, and 2,579 responded. The survey revealed significant dissatisfaction and widespread incidents of poor health and emotional distress in the legal profession in North Carolina. For example, one finding was that one in nine N.C. lawyers had thought of taking his or her own life at least once a month during the previous year. The N.C. findings were consistent with those of other studies of the bar across the nation. One of the goals of the North Carolina Bar Association in conducting its survey was to establish baselines that future surveys could use to determine and measure trends in the profession.

The Chief Justice's Commission on Professionalism and LAWLEAD/NIELLP, the National Institute to Enhance Leadership and Law Practice, a non-profit corporation housed at Campbell University School of Law, initiated a 2002-03 joint venture to update the 1990-91 Bar Association Survey. Goals of the new survey are to determine the extent to which the state of the profession has changed since the Bar Association survey; to enhance the reliability and validity of the earlier survey by polling a random sample of 1,000 lawyers; to simplify the survey by minimizing the different response formats while modifying frequency and agree-disagree scales; to add a professionalism scale; to allow all N.C. lawyers to respond to the survey online in order to gather richer data than that afforded by the random sample; and to evaluate the effectiveness of initiatives of individual lawyers, firms, law schools, the judiciary and the organized bar in response to the 1990-91 survey data.

Data are still being sorted and analyzed. This poster highlights some preliminary results of the State of the Profession Survey.

METHODOLOGY

LAWLEAD/NIELLP partnered with Creative Metrics, LLC, of Minneapolis to produce a new survey that could be administered online or with a computer-scannable hard copy. After receiving suggestions from various segments of the organized bar and from those associated with the 1990-91 survey, which was also chaired by Leary Davis, Creative Metrics constructed a new survey to meet the goals set forth in the Introduction above.

The new survey was expanded by adding a 16-item professionalism scale and items exploring Lawyer Assistance Programs (LAPs) that had been established since the last survey. To improve focus and make the new survey more user-friendly, some items were eliminated, others were reworded, and scales were revised for 49 of the remaining items. The final product reduced total items from the 1990-91 survey from 192 to 161. While this reduction produced somewhat less rich data, advances in computer technology over the past decade made it possible to gather much more precise data.

To avoid social desirability bias, the professionalism scale was not based on questions that asked lawyers about their own behavior. Rather, they were asked about their experience interacting with opposing counsel over the last few years.

A hard copy of the survey was mailed to a computer-generated random sample of 1,000 N.C. lawyers with a cover letter from the Chief Justice of the N.C. Supreme Court, a postage-paid envelope in which to return the completed survey anonymously, and a separate postcard to be mailed to indicate that the respondent had completed and mailed the survey. Members of the random sample whose postcards were not returned received requests to respond by postcard, e-mail, telephone, and a letter signed by the current and two previous Chief Justices. Ultimately responses were received from 60% of the random sample and a total of 2,362 lawyers. Data are being sorted with a report generator developed by Creative Metrics.

DEMOGRAPHIC CHANGES

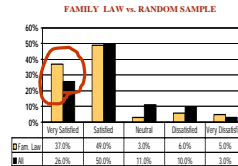
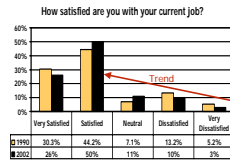
	1990-91	2002-03
Average age (1990-91 response was a range)	35-44	45.9
Average and median income range	\$50,000-\$59,999	---
Average income, adjusted for inflation	\$72,533-\$87,038	\$121,000
Median income, adjusted for inflation	\$72,533-\$87,038	\$ 92,000
Percentage of lawyers who are female	17%	29%
Percentage of lawyers who are minorities	2%	8%

Distribution by Age and Gender	Female	Male
30 and younger	48%	52%
31 - 40	40%	60%
41 - 50	24%	76%
51 - 60	21%	79%
61 and older	3%	97%

The N.C. bar is becoming more urbanized, with the Charlotte and Raleigh bars growing much faster than those of the rest of the state.

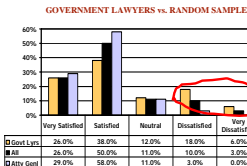
JOB SATISFACTION

Q. In thinking of your current job, overall, how satisfied or dissatisfied are you, or do you feel neutral?



- Trend is toward greater job satisfaction, with a 30% decrease in the percentage of lawyers dissatisfied with their jobs from a decade earlier
- Family law practitioners experienced greater satisfaction than the random sample, though they are less highly compensated and practice in a field they describe as contentious.

- Government lawyers, except AG office, were less satisfied with their jobs than the random sample, but more with life as a whole; AG lawyers were more satisfied with jobs and life.



PROFESSIONALISM SCALE

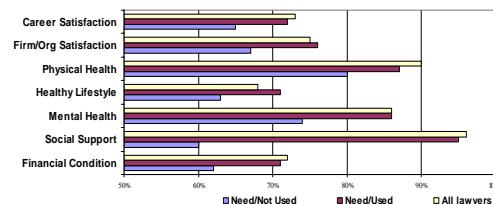
Percentage of opposing counsel apparently deeming behaviors acceptable

Most observed: Undertaking more work than can handle	33%
Not doing what say will do	24%
Unduly burdensome discovery to wear down clients	24%
Least observed: Insulting opposing counsel	14%
Making statements known to be false	14%
Attempting to undermine credibility with decision-makers	14%
Unprofessional behavior of judges toward others	14%

LAWYER ASSISTANCE PROGRAMS (LAPs)

Several bar-sponsored LAPs were established across the state in response to the 1990-91 Quality of Life survey. Lawyers who need and use the services of LAPs are more happy with their families, careers, friends, and firms or other organizations; are more healthy; have more social support; and make more money than those who need but do not utilize LAPs. Lawyers who use LAPs closely resemble the profession as a whole, and actually enjoy healthier lifestyles and greater satisfaction with their firms than do lawyers generally.

Aggregate Indices of All Lawyers Compared with Those in Need of Counseling Who Have Used and Who Have Not Used Lawyer Assistance Programs

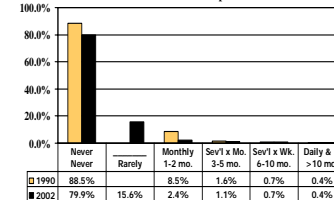


HEALTH AND HEALTH PRACTICES

	1990-91	2002-03
Stress-related disease diagnosis	22%	26.2%
Non-smokers	88.2%	91.9%
Non-drinkers	13.7%	20.1%
Three or more alcoholic beverages on days drink	16.6%	16.9%
More than three alcoholic beverages on days drink	n/a	4.9%
Use prescriptive medicines to reduce anxiety or depression	3%	16.8%
Use mood-altering drugs other than alcohol or prescriptive drugs	6.2%	6.2%
Engage in vigorous aerobic exercise at least weekly	49%	52%

SUICIDAL IDEATION

Thought About Committing Suicide 1990 and 2002 Compared



Suicidal ideation among N.C. lawyers appeared to increase from 11.5% to 20.2%.

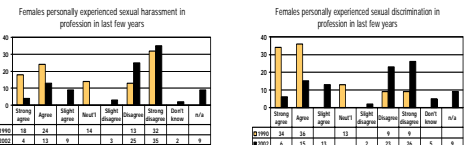
But 15.6% of lawyers experienced ideation rarely, or less than once a month, a response that was not an option on the 1990-91 survey. It is probable that 2/3 of "rarely" responded "never" in 1990-91, while 1/3 responded "1 to 2".

The extent of this serious problem is now better defined.

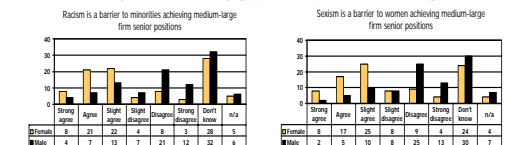
PERCEPTIONS AND ATTITUDES CONCERNING GENDER

Compared with 1991, female lawyers say they've experienced substantially less sexual harassment (26% vs. 42% in 1991) and sexual discrimination (34% vs. 70%). They are two to three times more likely than males to think racist and sexist attitudes prevent minorities and women from advancing in larger law firms.

FEMALE PERCEPTIONS OF SEXUAL HARASSMENT AND DISCRIMINATION:



ATTITUDINAL DIFFERENCES IN MALE AND FEMALE LAWYERS:



Female lawyers had a median age 9 years below that of male lawyers and were more likely than males to work as in-house or government lawyers or as faculty members. They remain less highly compensated than male lawyers. If married with children, they usually bear primary caretaking responsibilities. Though they report equivalent job satisfaction, their overall satisfaction with career and life as a whole appears slightly less than that of male lawyers. A decade ago they were slightly more satisfied with life as a whole than male lawyers.

PRELIMINARY CONCLUSIONS:

- Things have been getting better in the legal profession since the 1990-1991 N.C. Bar Association Quality of Life Survey, but the profession still has enduring problems.
- The profession is becoming and will continue for at least the intermediate term to become more diverse, creating opportunities for both conflict and synergy.
- Lawyers' attitudes toward their jobs, careers and organizations have improved.
- For lawyers, the economy is much better than it was a decade ago, with most lawyers making substantially more money now than they did then, after adjusting for inflation.
- While working fewer billable hours, lawyers are working more total hours.
- Lawyers make tradeoffs in their career choices; e.g. large firm lawyers are more satisfied with compensation but less satisfied with some other aspects of their lives.
- A felt need for counseling appears to be the best indicator of quality of life problems.
- Lawyers most in need of the counseling services of LAPs tend not to use them because of perceived stigma and concerns about confidentiality, among other reasons.
- While fewer lawyers smoke or drink alcoholic beverages than a decade ago, the percentage utilizing prescription drugs to deal with stress has more than quintupled.
- Lawyers appear to have experienced more instances of poor health than lawyers of a decade earlier. Because lawyers are substantially older, this finding is not surprising.
- As a group, lawyers who exercise vigorously at least once a week demonstrate more positive results on all global measures of well-being than those who do not.
- The leading causes of unprofessional behavior seem to be inadequate self- and practice-management skills; over-committed lawyers cannot do what they have said they will do.
- Organizational leadership and management substantially affect lawyers' job and career satisfaction and overall sense of well-being.
- Because of trends in the external environment and better knowledge of where we are as individual lawyers and as a profession, we should be able to create a better future for ourselves, the legal profession, our clients, and society generally.