

APPENDICES

A STUDY OF ATTORNEYS' LEGAL RESEARCH PRACTICES AND OPINIONS OF NEW ASSOCIATES' RESEARCH SKILLS

June 2013

ALL-SIS Task Force on Identifying Skills and Knowledge for Legal Practice

Survey on Identifying Skills and Knowledge for Legal Practice

Introductory and Demographic Questions

Thank you for taking this short survey on legal research in your practice. Your answers will help ensure that we prepare the most practice-ready new lawyers that we can. This survey consists of 4 sections; please hit the "next" button on the bottom of each page to advance to the next section.

1. In what state do you currently conduct the majority of your practice?

2. What is the size of the office in which you work?

- Solo practitioner
- 2-5 attorneys
- 6-10 attorneys
- 11-20 attorneys
- 21-50 attorneys
- 51-100 attorneys
- 101-150 attorneys
- 151-200 attorneys
- 201+ attorneys

3. Which setting best describes your working environment?

- Government – Federal
- Government – State
- In-house/Corporate Counsel
- Judiciary
- Law School
- Legal Services Corporation
- Military
- Non law-related
- Private practice – Litigation
- Private practice – Transactional
- Private practice – Transactional and Litigation
- Public Interest

Other (please specify)

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4. How many years have you been in legal practice?

- 0-4
- 5-9
- 10-19
- 20-29
- 30+

Research Process

5. In an average week in your practice, how much of your time do you spend doing legal research?

- none
- up to 15%
- at least 15% but not more than 25%
- at least 25% but not more than 50%
- at least 50% but not more than 75%
- more than 75%

6. When beginning research, how often do you:

	Very Frequently	Frequently	Occasionally	Rarely	Never
Start by asking a fellow attorney for research advice?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Start with a Google search?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Start by looking in a statutory database?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Start by consulting work product documents from other attorneys in your law office?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Start by looking in a secondary source?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Start your research in a case law database?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Start by consulting a subject-specific practice guide?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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7. When you are researching an issue for your practice, how often do you:

	Very Frequently	Frequently	Occasionally	Rarely	Never
Use a case digest or online equivalent to find a topic and key number for your research?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use the headnotes and key numbers in a case you are reading to locate other relevant cases?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Follow citations in a case you are reading to find relevant materials?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use an index or table of contents when researching statutes online?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Follow citations in a secondary source you are reading to find primary law and other relevant materials?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use terms and connectors searching?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Follow citations in an annotated code to find relevant materials?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Resource Usage

8. When performing legal research for your practice, how often do you:

	Very Frequently	Frequently	Occasionally	Rarely	Never
Use print materials?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use free internet resources?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use fee-based databases?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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9. When performing legal research for your practice, how often do you utilize the following research tools?

	Very Frequently	Frequently	Occasionally	Rarely	Never
Treatises	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Practice guides	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal encyclopedias	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Law Review/Law Journal articles	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
American Law Reports (ALR)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Case digests	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restatements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Shepard's/Keycite for case validation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Shepard's/Keycite for further research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Looseleaf services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sample legal forms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Litigation resources/discovery, jury instructions, etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transactional resources/guides, etc.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10. In the course of your normal practice, how often do you use the following free internet sources for legal research?

	Very Frequently	Frequently	Occasionally	Rarely	Never
Google	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Google Scholar	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Court web sites	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Government legislative web sites	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Government agency web sites	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Legal blogs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Law firm web sites	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Law school library web sites	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Non-profit organization's website	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other (please specify)

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11. Which of the following databases, if any, do you use when performing legal research?

Select all that apply.

- Bloomberg Law
- Lexis Advance
- WestlawNext
- None of these

Recent Law School Graduates


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12. In your opinion, how well do recent law school graduates perform the following components of legal research? [if you do not work with recent law school graduates, please skip this question]

	Very Well	Moderately Well	Adequately	Poorly	Unacceptably	N/A
Develop an effective research plan	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use secondary sources effectively	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use critical thinking to evaluate the relevance of case law and other primary sources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Develop appropriate search protocol (terms and connectors, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research case law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research statutes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research regulations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research administrative decisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research legislative history	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Understand the difference between statutes and regulations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Update legal sources with a citator (Shepard's/KeyCite)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Perform cost-effective research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use Westlaw online services efficiently	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Use Lexis online services efficiently	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research using an online service other than Westlaw or Lexis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Research pleadings, motions, or other court documents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Know when to stop researching (found everything reasonably possible)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Able to find a variety of other non-legal information (i.e. statistics and economic data)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

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13. Are there any further comments you would like to share regarding legal research in practice?



APPENDIX B: STATISTICAL APPROACH AND STATUS OF ANALYSIS OF THE SURVEY DATA

Statistical analysis of the data was undertaken using the IBM Statistical Package for the Social Sciences (SPSS), Version 20, pursuant to the Southern Illinois University School of Law license. The raw data was exported from SurveyMonkey in Excel format, then imported to SPSS and recoded using a numerical coding system to facilitate statistical analysis, both to describe general frequencies across respondent groups and to analyze response differences if any between them.

With the exception of the open-ended questions that invited a narrative response, each of the questions generated categorical data in that responses fell within a limited set of categories as opposed to falling along a continuum. In almost every instance those categories had a natural order (“never,” for instance, being less than “rarely,” itself less than “occasionally,” progressing to “frequently” and “very frequently”). Responses to those questions therefore consisted of ordinal categorical data, and that natural order was reflected in the numerical coding (“never” coded as “1,” “rarely” as “2,” “occasionally” as “3,” frequently” as “4,” and “very frequently” as “5”, for instance). The remaining closed-ended questions (such as the question about practice setting and the question asking respondents to identify the state where they conducted the majority of their practice) called for responses that did not fall into categories having any natural quantitative order. Responses to those questions therefore consisted of nominal categorical data and were coded and analyzed accordingly.

The responses to the open-ended questions were considered for possible coding to facilitate statistical analysis as well. The first of those questions, which asked about practice setting, was analyzed to see if respondents had simply provided additional information, having already selected one of the practice setting categories listed in the survey instrument, or had provided a narrative answer in lieu of selecting one of those categories. Based on that analysis, four additional categories were created (“government – local,” “consulting,” “other legal education,” and “other”) and respondents were coded as having selected that category where appropriate. All of the other respondents who had not selected one of the original categories provided in the survey instrument were assigned to one of the original categories based on their narrative answer. The responses to the remaining two open-ended questions were examined for coding into logical categorical groupings and to see if the number of responses were sufficient to permit statistical analysis. There were too few responses to the question inviting respondents to identify additional free internet sources for statistical analysis. However, a section is included below with anecdotal examples of those responses. The number of responses to the question inviting final comments about legal research was far more substantial. Those responses are in the process of being coded and analyzed and will be reported on in a supplement to this report.

Standard statistical tests were used to assess possible relationships between the demographic variables and responses to the various questions posed about the research process, use of particular research tools and resources, and opinions expressed about the skill level of recent graduates. Kendall tau-c – a standard test used for identifying statistically significant relationships in cross tabulations of ordinal categorical data and for gauging the strength of those relationships – was the test employed in all instances where both the demographic variables and responses to the question posed generated ordinal data. The Pearson Chi Square test was used to

assess possible relationships in the cross tabulations involving demographic variables with nominal data, using the Lambda statistic as the measure of strength of relationship. The standard applied for determining whether any of the demographic based differences in responses were statistically significant was a probability of .05, meaning the likelihood the differences were due to chance is only five percent (5%); in many instances, the differences that were observed far surpassed that standard, testing as statistically significant at the .003 probability level or better.

In addition to running the analyses using the original response categories for frequency of use, separate data runs were executed using “never” and the consolidated categories “rarely or occasionally” and “frequently or very frequently,” on the chance that respondents might not be sure how to distinguish between doing or using something “rarely” as opposed to “occasionally” or between doing so “frequently” as opposed to “very frequently”(given possible age based differences in how those concepts might be understood, for instance).

Statistically significant relationships were identified between two of the demographic variables, “years in practice” and the “size of the office” in which the respondent worked and responses to a number of the research process and resource utilization questions posed. Each of those results is summarized below, including the significance (i.e. probability) level and strength of relationship (the extent that having data for one variable, such as years in practice, helps predict another, such as average percentage of time spent on research): A relationship is described as “strong” if the value for strength of association is a positive or negative 0.3 or better.(meaning that having data on the first variable increases the ability to accurately predict the second by at least 30%); a relationship is described as “moderately strong” if the value is at least a positive or negative 0.2 but less than 0.3; a relationship is described as “weak” if the value is at least a positive or negative 0.1 but less than 0.2; and a relationship is described as “very weak” if the value is less than a positive or negative 0.1. Unless otherwise specified, all results are based on statistical analysis using the original frequency response categories. Where results are based on analysis of consolidated frequency categories or any other consolidations or alterations of the original categories as they were presented to the respondents in the survey instrument they are identified as such in the report.

Finally, in each instance where a significant relationship was identified between a demographic variable and responses to one of the behavioral or opinion questions posed, additional statistical testing was done to examine variation between the relevant demographic subgroups to see whether any of those individual subgroup differences were statistically significant. Those results are summarized in the report as well.

In all instances, for purposes of both descriptive and analytical statistics, respondents who skipped a question were not counted in the calculations; in statistical terms, all percentages reported are therefore valid percentages, undiluted by missing values. In most cases the number of respondents who skipped a question was quite small. Where that is not the case it is noted in the result summaries that follow. The number of respondents who answered is included with the summary of the results for each question.

APPENDIX C: COMPARING DEMOGRAPHICS OF SURVEY RESPONDENTS TO NATIONAL DATA

Preliminary Comments

The extent that survey results can be generalized to a larger population, here lawyers in practice in the United States as a whole, is an issue with any survey. National comparison figures are provided below to assist the reader in that assessment, drawing primarily from the most recent statistical report of lawyers in the U.S. from the American Bar Foundation,¹ representing the best data the Task Force was able to locate for this purpose.

To the extent our sample and the population of U.S. lawyers as a whole differ on a given demographic parameter that disparity may impact the generalizability of our findings, but not necessarily. It depends on whether the demographic parameter on which the two populations differ is meaningful with respect to our inquiry. If not, if responses do not vary significantly on that basis, then the fact that the populations differ is not relevant. For instance, looseleafs appears to be a dying format, with more than 40% reporting that they “never” use them, a third reporting that they only do so “rarely,” and less than 10% reporting that they do so “frequently” (6.3%) or “very frequently” (1.9%) – and we did not find a statistically significant difference in responses to the question we asked about that based on either the respondents years in practice or the number of attorneys in the office where they work. Differences between our sample and the population of U.S. lawyers as whole on those two parameters if any are irrelevant for purposes of the generalizability of that finding.

Conversely, if a sample differs on a demographic parameter that is meaningful with respect to a given question the aggregate results across demographic groups are skewed to some degree, but even there, if the statistical analysis includes breakdowns by subgroups the extent of that impact can be assessed and considered in evaluating the aggregated data. One area where our sample differed from the overall population of U.S. attorneys, for instance, is in the proportion of solo practitioners, with that subgroup underrepresented in our sample as summarized below. There are a number of instances where we found significant differences in responses on the basis of the number of attorneys in the office where the respondent worked, including responses to a question we asked about the frequency of starting a research project by consulting in-house work product, with the proportion of solo practitioners saying they “never” do so significantly greater than for respondents from any of the other size categories. That being the case, our aggregated data on the frequency of this approach across subgroups is probably skewed, indicating that it is used more frequently than is probably the case. It may also be that our sample differs in other ways that we are not able to compare because we simply do not have the data. For instance, we did not ask

¹ Clara N. Carson with Jeeyoon Park, American Bar Foundation, *The Lawyer Statistical Report: The U.S. Legal Profession in 2005* (2012) (hereafter “*Lawyer Statistical Report 2005*”).

respondents to identify their gender, so we are not able to compare our sample to the larger population in this respect.

Primary Location

The first question in the survey instrument asked respondents “[i]n what state do you currently conduct the majority of your practice?” Of the 603 practitioners who responded to the survey, 574 (95.2%) completed the question. Although not as current as the survey data, the figures from the American Bar Foundation for the percentage of all lawyers in the U.S. by state provide a basis for comparison, keeping in mind that there may have been some marginal shifts in the distribution of licensed attorneys in the United States during the intervening years. That comparison indicates that while the survey did a good job of capturing a geographically diverse sample of legal practitioners in the U.S. it is not a truly representative sample of that population as a whole in this respect. This is illustrated by the table below which includes the plus or minus differential that the survey over or under-sampled a given state. The likelihood of meaningful differences in research practices between states may be quite small, suggesting this under and oversampling is of little consequence, but we were not able to statistically test that proposition given the overall size of our sample and limited number of respondents for some states.

Survey Respondents by State and National Figures on Percent of Lawyers by State			
State/Locus	Percent of Survey Respondents	Percent of U.S. Lawyers (2005)	+/-<->
Alabama	1.0	1.0	--
Alaska	0.5	0.2	0.3
Arizona	3.8	1.0	2.8
Arkansas	none	0.6	<0.6>
California	7.5	12.6	<5.1>
Colorado	4.4	1.7	2.7
Connecticut	0.2	1.6	<1.4>
Delaware	none	0.3	<0.3>
District of Columbia	2.8	4.8	<2.0>
Florida	0.9	5.5	<4.6>
Georgia	0.7	2.4	<1.7>
Hawaii	0.9	0.4	0.5
Idaho	1.2	0.3	0.9
Illinois	14.5	5.1	9.4
Indiana	0.9	1.2	<0.3>
Iowa	0.3	0.6	<0.3>
Kansas	0.2	0.7	<0.5>
Kentucky	0.3	0.9	<0.6>

Louisiana	none	1.4	<1.4>
Maine	none	0.4	<0.4>
Maryland	0.3	1.8	<1.5>
Massachusetts	1.0	3.9	<2.9>
Michigan	0.5	2.5	<2.0>
Minnesota	0.3	1.6	<1.3>
Mississippi	0.2	0.7	<0.5>
Missouri	2.6	1.7	0.9
Montana	none	0.2	<0.2>
Nebraska	none	0.5	<0.5>
Nevada	2.4	0.5	1.9
New Hampshire	none	0.3	<0.3>
New Jersey	0.9	3.4	<2.5>
New Mexico	15.0	0.4	14.6
New York	7.3	13.1	<5.8>
North Carolina	0.5	1.6	<1.1>
North Dakota	none	0.1	<0.1>
Ohio	0.5	3.8	<3.3>
Oklahoma	0.3	1.0	<0.7>
Oregon	1.2	1.0	0.2
Pennsylvania	0.3	3.9	<3.6>
Puerto Rico	0.2	n/a	n/a
Rhode Island	none	0.4	<0.4>
South Carolina	none	0.8 ²	<0.8>
South Dakota	0.3	0.2	0.1
Tennessee	0.5	1.0	<0.5>
Texas	8.7	6.5	2.2
Utah	11.1	0.6	10.5
Vermont	0.3	0.2	0.1
Virginia	1.4	2.1	<0.7>
Washington	1.9	1.8	0.1
West Virginia	none	0.4	<0.4>
Wisconsin	0.7	1.2	<0.5>

² The figure reported by the American Bar Foundation in the *Lawyer Statistical Report 2005* for South Carolina is 7.8 but our assumption is that it's a scribe's error and that the true figure is 0.8. The figure listed by the Foundation for South Carolina in its report of 2000 data was only 0.7. More than a hundred fold increase over just five years is too implausible to accept. The Foundation's data is also from 2005 and subsequent changes in the legal job market place, particularly those impacting large firms, have almost certainly altered the distribution of attorneys nationally by firm size since that time.

Wyoming	0.2	0.1	0.1
International (Non-US)	1.4	n/a	n/a

Size of Office

Respondents were asked to identify the size of the office in which they worked, selecting from a list of categories described in terms of number of attorneys, ranging from “solo practitioner” to “200+ attorneys.” Of the 603 practitioners who responded to the survey, 588 (97.5%) completed the question. National data on the distribution of attorneys is available from the American Bar Foundation for comparison purposes but are somewhat problematic due to differences in the nature of the data. To begin with, the Foundation’s data is broken down by “firm size,” which might include multiple locations, where ours is by “the size of the office in which you work,” and there are some differences in specific size categories. The Foundation’s data on firm size is also limited to the distribution of practitioners in private practice firm settings, where our figures on office size for our respondents includes data from attorneys in other practice settings such as government, the judiciary, and education (the Foundation presents data on the numbers and proportion of practitioners in these other practice settings as well but does not provide any data on firm size for attorneys in those settings).³ In order to compare apples and apples, or get as close to is as we can, the distributions by office size for our respondents below are only for those who selected “Private Practice/Litigation,” Private Practice/Transactional,” or “Private Practice/Mixed,” consolidated here into a single group called “Private Practice,” consolidating size categories from both the Foundation and our survey instrument where necessary for the sake of consistency.

Distribution of Attorneys in Private Solo and Firm Practice			
Size of Office/Firm Size	Percent of Survey Respondents in Private Practice	Percent of Licensed Attorneys in U.S. in Private Practice in 2005	+/ <->
Solo Practitioner	23.68	49	<25.32>
2-5 attorneys	25.15	13.55	11.6
6-10 attorneys	11.11	6.32	4.79
11-20 attorneys	9.06	5.54	3.52
21-50 attorneys	7.6	6.05	0.55
51-100 attorneys	6.43	3.83	2.6
101+ attorneys	16.96	16.14	0.82

³ See *Lawyer Statistical Report 2005* at p. 5, Table 5, listing the number of percentages of licensed attorneys in the United States in 2005 by practice setting, reporting 690,988 attorneys in private practice out of a total of 921,693 licensed attorneys at that time, with the distribution of private practitioners in firms as opposed to sole practice at id., Table 6, and a breakdown by firm size for those in firms at p. 6, Table 8.

Practice Setting

Respondents were asked to identify the setting that best described their working environment, selecting from a list of categories in the survey instrument and were also provided an “other – please specify” option. All but one of the respondents (99.8%) answered the question. Respondents who did not select one of the original categories provided in the survey instrument were assigned to one of four additional categories that were created, based on analysis of responses to the “other – please specify” option, or to one of the original categories as appropriate based on their narrative answer. In some cases the categories used in the survey make finer level distinctions than those used in the national data available for comparison purposes. In others cases the opposite is true, with the categories in the national data going into more detail. We included separate categories for federal, state, and local government, for instance, where the American Bar Foundation data lumps state and local government together, but the national data includes figures for those employed in the federal judiciary and separate from those in state or local judiciary where our survey only provided a single category. Categories from both sources have therefore been consolidated in some instances to facilitate comparison. A few categories that did not appear to have equivalents and did not implicate large proportions of the total were omitted for the same reason (percentages therefore do not total to 100).

Distribution of Attorneys by Practice Setting			
Practice Setting (using consolidated categories for purposes of comparison)	Percent of Survey Respondents Who Provided Setting Information	Percent of Licensed Attorneys in U.S. in 2005	+/ <->
Private Practice	58.16	74.97	<16.81>
In-House/Corporate	8.5	8.12	0.38
Government	20.24	7.51	12.73
Judiciary	5.1	2.47	2.63
Legal Aid/Legal Service Corp./ Public Interest	4.76	1.0	3.76
Education	1.0	1.0	--
Retired/Inactive	0.34	4.36	<4.02>

Years in Legal Practice

The Task Force was not able locate comparable national data on attorneys by years in practice in time for this report. Data is available from the American Bar Foundation with breakdowns by age but that is not a serviceable proxy for years of experience given variation in the age when individuals graduate from law school and are first admitted to the bar. Statistics are also available from the National Conference of Bar Examiners on the number of admissions by examination by

state by year and could be aggregated to get a rough comparison, but it would be difficult to determine how many years to go back to be sure to capture the oldest living practitioners, and to know how much of an adjustment to make for those who are deceased. We will continue to search for national data to use for this purpose and will supplement this report as warranted.