

DOCUMENT RESUME

ED 141 240

SO 010 118

AUTHOR Peterson, Mark A. R
 TITLE Results of YLS Survey on Specialization/Relicensing.
 INSTITUTION Rand Corp., Santa Monica, Calif.
 PUB DATE Nov 76
 NOTE 18p.
 AVAILABLE FROM Publications Department, The Rand Corporation, 1700 Main Street, Santa Monica, California 90406 (\$1.50 paper cover)

EDRS PRICE MF-\$0.83 HC-\$1.67 Plus Postage.

DESCRIPTORS *Attitudes; Educational Improvement; Higher Education; *Lawyers; Legal Education; *Professional Continuing Education; Professional Education; Professional Occupations; Questionnaires; Refresher Courses; Specialists; *Specialization; Special Programs; Standards; *Surveys; Tables (Data)

ABSTRACT

The paper discusses a study which was conducted to identify and analyze attitudes of young lawyers towards legal specialization and relicensing of lawyers. A sample of 1485 readers of "Barrister Magazine" participated in the study. Lawyers responding to the survey valued specialization both as a means for providing better legal services and as an attractive feature for lawyers. With regard to the structure of specialization programs, responding lawyers showed a strong preference for programs of certification rather than self-designation. Most responding lawyers would require attendance at continuing legal education courses and some form of screening process to determine which lawyers should be recognized as specialists. Despite general support for specialization programs, nonspecialists, new lawyers, and lawyers practicing in small offices indicated concern that specialization programs would adversely affect their own practice. The questionnaire responses also showed strong support for relicensing programs and for mandatory continuing education courses as an appropriate vehicle for improving the quality of legal practice. Survey questions and their results by specialty status, location, length of practice, and size of office are presented and discussed in tables which conclude the study.
 (Author/DB)

 * Documents acquired by ERIC include many informal unpublished *
 * materials not available from other sources. ERIC makes every effort *
 * to obtain the best copy available. Nevertheless, items of marginal *
 * reproducibility are often encountered and this affects the quality *
 * of the microfiche and hardcopy reproductions ERIC makes available *
 * via the ERIC Document Reproduction Service (EDRS). EDRS is not *
 * responsible for the quality of the original document. Reproductions *
 * supplied by EDRS are the best that can be made from the original. *

JUN 27 1977

50

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY.

ED141240

RESULTS OF YLS SURVEY ON SPECIALIZATION/RELICENSING

Mark A. Peterson

November 1976

SP 010 118

P-5752

The Rand Paper Series

Papers are issued by The Rand Corporation as a service to its professional staff. Their purpose is to facilitate the exchange of ideas among those who share the author's research interests. Papers are not reports prepared in fulfillment of Rand's contracts or grants. Views expressed in a Paper are the author's own, and are not necessarily shared by Rand or its research sponsors.

The Rand Corporation
Santa Monica, California 90406

ABSTRACT

A survey of readers of *Barrister Magazine* shows substantial support among those young lawyers for programs to recognize legal specialities and programs for relicensing lawyers. Lawyers responding to the survey valued specialization both as a means for providing better legal services and as an attractive feature for lawyers. With regard to the structure of specialization programs, responding lawyers showed a strong preference for programs of certification rather than self-designation. Most responding lawyers would require attendance at continuing legal education courses and some form of screening process to determine which lawyers should be recognized as specialists. Most responding lawyers were willing to grant recognized specialists special opportunities to inform the public of their specialty status. Despite this general support for specialization programs, nonspecialists, new lawyers and lawyers practicing in small offices indicated concerns that specialization programs would adversely affect their own practice.

The questionnaire responses also showed strong support for relicensing programs. Most young lawyers responding to the survey felt that lawyers need to improve or refresh their substantive knowledge of the law and the professional skills used in legal practice. Responding lawyers also supported mandatory continuing education courses as an appropriate vehicle for improving the quality of legal practice.

The Young Lawyers' Section of the American Bar Association commissioned a survey to learn of young lawyers' opinions about legal specialization and relicensing of lawyers. A questionnaire dealing with issues raised by both of these programs was published in the Spring 1976 issue of the *Barrister Magazine*, a journal sent to all members of the Young Lawyers' Section. The magazine requested that readers provide their opinions by completing and returning the questionnaire. This article considers the results of that survey.

The survey produced a good response. 1485 completed questionnaires were returned and analyzed. Several dozen additional questionnaires were received too late to be included in the analysis. In several respects the completed questionnaires provided a good cross section of lawyers. Responses were obtained from at least two lawyers in every state, with no state providing more than 10% of responses (California was the largest, with 9%). Responding lawyers also reported a range of practices: 55% report practicing in a firm, 17% are in solo practice, 12% in government work, 9% in corporate practice, 2% in public interest practices and 6% in other types of work. With regard to the type of practice, 35% reported that they do not specialize in any particular area. Of those who specialize, one-fourth engage in a civil litigation practice, one-eighth specialize in each of the areas of criminal law and taxes, one-tenth specialize in each of the areas of corporate-securities and real estate. The remaining one-third of specialists are divided among an additional 15 other areas of specialization. Finally, 63% of respondents report practicing in urban or suburban areas, with the remaining 37% practicing in smaller cities or rural areas.

Despite the diversity of responding lawyers, readers should not interpret the results as indicating opinions of all young lawyers or even all members of the Young Lawyers' Section. Obviously the results provide information about the opinions of lawyers responding to the survey. However, the results of any survey can be generalized to a larger group only if the survey respondents are randomly selected from that larger group. Members of the YLS are not a random sample

of all young lawyers. Further, since it was up to each reader to determine whether or not she/he would return the survey, responding lawyers are not a random sample of all members of the YLS nor even of readers of the *Barrister*.

Even if the questionnaire results cannot be generalized to a larger group of lawyers, the opinions of responding lawyers are important in and of themselves. As members of the ABA, YLS members probably tend to be drawn from lawyers who are interested in matters of professional interest and who are interested in participating in the existing power structure of the profession. Furthermore, lawyers responding to the survey were perhaps more concerned with issues of legal specialization than those not responding. Thus, the survey results indicate opinions for an important group of lawyers: Young lawyers who tend to be actively involved in professional matters and who have at least some concern for the issues covered in the survey. They are an opinion group who might be expected to exert disproportionate influence on policy decisions involving legal specialization and relicensing.

SPECIALIZATION

Value of Specialization

The survey results show a widespread appreciation of the values of specialization both as a means of improving the services provided by lawyers and also as a means for developing a satisfying practice. The first five survey questions considered how specialization affects the quality of services provided by a lawyer (Table 1). The overwhelming majority of responding lawyers agree that specialists have better knowledge, are more efficient and have better professional contacts. Only one of four respondents indicate a fear that specialized practice becomes too routinized (Question 2).

Questions dealing with responding lawyers' own practice also reflect a general appreciation of specialization. 71% of responding lawyers report that they are trying to develop a specialty (Question 73) and 65% of respondents already see themselves as specialists

TABLE 1
Questionnaire on Legal Specialization

Based on 1485
questionnaires

Several states have or plan voluntary programs to certify lawyers as specialists in particular areas of law. Other states have made attendance at continuing education courses a requirement for a continuing license to practice law. Both of these programs are justified as attempts to assure the competency of lawyers, although the programs

differ in many ways. Some lawyers have raised questions about both programs.

The YLS Specialization Committee would like your opinions. Please complete the following form and return to Mark Peterson, 838 Superba Avenue, Venice, California 90291.

Even without specialization programs, many lawyers are already *de facto* specialists. How do the legal services

provided by *de facto* specialists differ from those provided by non-specialists?

	Agree	Disagree	
1. Specialists can provide legal services more efficiently than non-specialists.	87%	13%	
2. Specialized practice tends to become like an assembly-line, with too little attention provided to clients.	25	75	
3. Specialists have better knowledge of their area than do non-specialists.	95	5	
4. Specialists have better professional contacts in their area of specialization.	88	12	
5. If you refer someone to another lawyer, to whom would you refer the following?			
Someone who wanted a will drafted:	29	14	57
Someone accused of murder:	89	2	9
Someone accused of simple assault:	31	16	53
Someone who wanted to challenge a complex will:	78	3	19

Two types of programs have been proposed by the organized bar to encourage lawyers to specialize: (1) programs in which lawyers designate themselves as specialists, and (2) programs in which bar associations certify that lawyers have skills in a particular specialty area. In either case, lawyers recognized as specialists have a con-

comitant right to make their specialty known to the general public.

If the courts or bar of your state adopt a program in which lawyers designate themselves as specialists, what is your opinion about the following ways that have been proposed to carry out this self-designation:

	Yes	No
6. Designation should be permitted only if a lawyer certifies that he will spend most of his/her practice in the area of specialty.	50	50
7. Designation should be conditioned on taking a specific number of hours of continuing legal education classes in the specialty area.	70	30
8. Lawyers should be able to designate only one or two areas of specialty.	65	35
9. There should be no conditions on designation.	12	88
10. Self-designation might mislead the public.	70	30

If your state courts or bar adopt a program in which the bar association certifies that lawyers are skilled in par-

ticular areas, what is your opinion about the following bases for such certification?

	Yes	No
11. Certified specialists should take written tests to verify their knowledge and skill.	57	43
12. Written tests can meaningfully evaluate special skills and knowledge in: All areas 4 Many areas 49 Few areas 40 No areas 6		
13. Lawyers applying for specialization should furnish references from other lawyers.	49	51
14. Lawyers applying for certification should be required to submit examples of their work in the specialty area or to have their court or other public appearances observed.	54	46
15. Using methods outlined above, or other methods, it would be possible for the bar to determine who is or who is not skilled in a specialty.	72	28
16. If your state courts or bar want to encourage specialization, which would you favor: Self designation 26 Do nothing, let specialization develop on its own 15 Certification 59		

If specialists are recognized by the courts or organized bar, either through certification or self-designation, what

special privileges and liabilities should apply to those specialists?

	Yes	No
17. May designate specialty in legal directories used by the profession.	99	1
18. May designate specialty on business cards.	92	8
19. May designate specialty on office sign.	77	23
20. May list specialty in public telephone directories.	88	12
21. May have a limited right to advertise their specialty in a dignified manner.	57	43
22. May freely advertise their specialty.	15	85
23. Should have no special privileges.	22	78
24. Should meet stricter malpractice standards than general practitioners in specialty area.	67	33
25. Should be subject to discipline or removal of specialty recognition for incompetent practice in specialty area.	93	7
26. Should be subject to no special liabilities.	15	85

What effects would you expect if recognized specialists were permitted limited rights to make their specialty

known to the public, as by listing specialties in public telephone directories?

	Yes	No
27. Make it easier for specialists to get business.	88	12
28. Promote the interests of those who are already specialists.	84	16
29. Provide lawyers with newly developed specialties an opportunity to develop business.	90	10
30. Make it difficult for non-specialists to get business necessary to develop specialty skills.	62	38
31. Increase tendency toward "apprenticeships" during early practice.	89	11
32. Make it more difficult for new lawyers to start a practice.	54	46
33. Fragment the bar along lines of specialization:	60	40

34. Make it easier for small firms and sole practitioners to compete with large firms.	49%	51%			
35. Increase the ability of big firms to control law practice.	44	56			
The proposal has been advanced that specialty status be used to limit areas of practice among lawyers.					
	Yes	No			
36. Should specialists be prevented from practicing outside their area of specialty?	9	91			
37. Should non-specialists be prevented from practicing in a specialty area, unless the lawyer is preparing for recognition as a specialist?	8	92			
38. Should practice before particular courts or boards be restricted to specialists?	16	84			
39. Do you think that specialty recognition might be used by either courts or the organized bar to limit practice before certain courts or boards?	60	40			
Both the attempts to develop specialty programs and the competency of lawyers. From your experience, what proposals for relicensing lawyers grow out of concern for do you think about the quality of law practice?					
	Few	Some	Majority	Most	Nearly All
40. How many lawyers do you think are incompetent?	22	67	8	2	0.3
41. How many need to improve or refresh their knowledge?	2	30	35	19	13
42. How many need to improve their professional skills, e.g. drafting documents or pleadings; trial or appellate skills?	2	35	34	19	9
43. How many keep up to date with developments in their field?	6	32	38	20	4
If you have taken any continuing education, PLI, courses, etc., how many of these courses were:					
	All	Many	Some	Few	None
44. A waste of time	1	14	27	34	24
45. Useful in developing skills in a new area of practice:	6	28	39	20	7
46. Useful to generally familiarize you with an area:	17	46	28	8	1
47. Too general:	4	23	40	24	11
48. Too specialized:	0.5	5	24	39	32
How useful have the following been to you in developing the skills and knowledge you use as a lawyer?					
	Very Useful	Of Some Use	Little Use		
49. Professional organizations	17	45	38		
50. Working with experienced lawyers	87	11	2		
51. Learning by doing	95	5	0.3		
52. Clinical programs or professional courses in law school	23	48	29		
53. Continuing education courses	29	59	13		
54. Regular law school courses	19	46	35		
Proposals to relicense lawyers would require lawyers to attend a specified number of hours of continuing education courses to maintain the right to practice. What would be the effect of such mandatory programs?					
	Agree	Disagree			
55. Lawyers would sign up for, but not attend courses.	31	69			
56. Courses in legal ethics would improve the ethical conduct of lawyers.	39	61			
57. Attendance at some continuing education courses would help almost all lawyers.	88	12			
58. Such programs would not screen-out incompetent lawyers.	90	10			
59. The requirement would assure that all lawyers have at least basic skills.	30	70			
60. Even good courses are unnecessary: most lawyers keep up in legal developments	13	87			
61. The requirement would improve the quality of continuing education.	71	29			
62. For most lawyers, continuing education courses would be a waste of time and money.	18	82			
63. Participation in specialty bar organizations should satisfy class requirements.	41	59			
To interpret the results of this questionnaire, we would like some information about you:					
64. How old are you?					
65. How long have you been in practice?					
66. What is the nature of your practice?					
55 in a firm	12 in government work	9 Corporate counsel			
17 in solo practice	2 Public interest	6 Other (specify) _____			
67. How large is your firm (partners and associates)?					
68. Do you consider yourself to be a specialist?	Yes	No			
	65	35			
69. Do you spend more than 40% of your practice in a single area?	(See List 1)				
	73	27			
	(See List 2)				
70. Are other members of your firm specialists?	74	26			
Do they:	Carry their own weight? 57%	Advise others in the firm? 62%			
	Carry more than their own weight? 29%				
71. Would you take clients with problems for which you have had little experience or training?	Yes	No			
72. Would you seek the advice of another lawyer if you took such a case?	49	51			
73. Are you trying to develop a specialty?	93	1			
74. Are you trying to move from one specialty to another?	71	29			
75. Where did you go to law school?	13	87			
76. In what state do you practice?		(See List 3)			
77. What kind of area?					
Large urban area	54				
Suburban area	9				
Small city	10	Moderately sized city			
Rural area	5	23			

Please return completed form to Mark Peterson, 383 Superba Avenue, Venice, California 90291.

(Question 68). Finally, in evaluating other members of their firms, most respondents report that specialists in their firm advise other members of the firm and that the specialists carry their own or more than their own weight (Question 70).

Although most responding lawyers see specialists as providing better services, respondents also indicate that the advantages of specialization are not always required. The vast majority of respondents would refer complex or serious cases to specialists (i.e., murder defendants, clients who wanted to challenge a technically complex will) (Question 5). However, where legal matters are relatively routine (i.e., drafting a will, simple assault defendant), most respondents would not automatically refer to a specialist. Apparently specialists' skills are not seen to be necessary for such routine cases.

The Form of Specialization Programs

The survey also examined opinions about how the organized bar should go about recognizing lawyers as specialists. Most respondents express a preference for programs in which the bar certifies that lawyers are skilled specialists rather than programs in which lawyers designate themselves as specialists (Question 16). Apparently most respondents do not regard self-designation as a sufficient basis for granting official recognition as a specialist. Indeed, most respondents express concern that such self-designation might be misleading (Question 13).

Presumably certification could assure the integrity of specialization programs. The organized bar would only grant privileges to lawyers who are determined to have specialty skills. Certification programs assume that the bar can actually determine who is skilled in a specialty area. In fact, most respondents agreed that it is possible to determine who is skilled (Question 15). However, despite this general optimism, there is no strong support for any one basis of determining specialty skills. Respondents split almost equally over requiring written tests; letters of recommendation or submission of work in the specialty area (Questions 11, 13 and 14). A slight majority favors written tests and submission of work. Finally, respondents again split over the utility of

written tests. Fifty-three percent of respondents agree that written tests can meaningfully evaluate specialty skills in all or many areas, while 46% feel that tests are meaningful in few or no specialty areas (Question 12).

If a program of self-designation were adopted, respondents strongly agree that conditions should be placed upon such self-designation (Question 9). Clearly the most widely accepted condition for self-designation is the requirement that specialists take a specific number of hours of continuing education classes in the specialty area (Question 7). Responding lawyers would also restrict specialty designation to one or two areas (Question 8), but there is an even division of opinion about whether designated specialists should certify to spending most of his/her practice in the specialty area.

Privileges and Liabilities of Specialists

The survey results show that responding lawyers would grant special privileges to recognized specialists, but they would also impose special liabilities.

A substantial majority of respondents would permit specialists to show their specialty in legal directories, on business cards, on office signs and in public telephone directories (Question 17-20). A small majority would even give recognized specialists a limited right to advertise (Question 21), but respondents overwhelmingly reject an unlimited right to advertise (Question 22). These responses apparently do not merely indicate a liberal position toward lawyers' advertising. Rather, 78% of respondents feel that specialists should be granted special privileges not accorded to the general bar (Question 23).

Respondents also strongly agree that recognized specialists should be subjected to special liabilities (Question 26). The overwhelming majority would subject specialists to discipline or removal of specialty designation for incompetence in the specialty area (Question 25) and most respondents would also subject recognized specialists to stricter malpractice standards in the specialty area (Question 24).

Effects of Specialization

There is general agreement among respondents with regard to several effects of specialization programs. The overwhelming majority of respondents agree that such programs will help both current and new specialists (Questions 27, 31, 29) and that such programs will increase tendencies toward apprenticeships during early practice (Question 31). Further, most respondents agree that specialization programs would make it more difficult for nonspecialists to develop specialty skills (Question 30) and that such programs might fragment the bar along lines of specialization (Question 33). Respondents are almost evenly divided over whether specialization programs would hinder new lawyers (Question 32) and whether the programs would help big or small firms (Questions 34 and 35). Indeed, questions about these effects produced the sharpest differences between lawyers who are already specialists and those who are not.

Finally, responding lawyers overwhelmingly reject use of specialty recognition to either limit areas in which lawyers can practice or else to restrict access to particular courts and boards (Questions 36, 37 and 38). Although most respondents agree that specialty recognition should not be used in this way, a majority of responding lawyers express concern that specialty recognition might be used by courts or the organized bar to restrict legal practice (Question 39).

RELICENSING

The last portion of the questionnaire dealt with various aspects of relicensing. Relicensing programs generally take the form of periodic examinations to determine if lawyers retain sufficient knowledge to continue practice. The threat of periodic reexaminations is generally regarded as an incentive to force lawyers to take continuing legal education courses. By taking a sufficient number of hours of such courses, lawyers can avoid the periodic reexaminations. In effect, relicensing programs attempt to increase the competency of lawyers by requiring attendance at continuing legal education courses.

The Need for Relicensing

The questionnaire examined the need for relicensing by obtaining respondents' opinions about the quality of legal practice. The results tend to support the need for relicensing programs.

Most responding lawyers indicate that the quality of legal practice is a matter of concern to them. Their main concern does not seem to be about the competency of lawyers. Respondents felt that only a minority of lawyers are incompetent (Question 40). However, respondents saw a widespread need for improvement among almost all lawyers. There was a general agreement that a majority of lawyers should improve their professional skills (Question 42) and their knowledge of the substantive law (Question 41) and that lawyers should keep up to date with developments in their field (Question 43).

The Utility of Continuing Legal Education

The questionnaire then considered whether the quality of legal practice might be improved by requiring attendance at continuing education courses. Respondents' answers suggest that continuing legal education may be a useful remedy.

First, respondents expressed generally high regard for continuing education courses. Respondents indicated that most courses which they had taken were not a waste of time (Question 44). Respondents did not find such courses to be too specialized (Question 48), although there was a concern that some courses were too general (Question 47). Some of the courses were useful in developing new areas of practice (Question 45). Respondents indicated that the greatest utility of such courses was as a means to gain general familiarity with an area of law (Question 46).

Continuing education seemed to fare quite well when compared with other means of developing legal skills and knowledge. Actual experience in practicing law and the opportunity to work with other lawyers were regarded by the respondents to be by far the best means to learn how to practice (Questions 50 and 51). After these, continuing education courses were regarded as most useful (Question 53). Relatively few respondents found continuing education to be of little

use. As a means for learning how to practice law, clinical programs in law school, regular law school courses and professional organizations were all rated with greater disfavor than favor (Questions 51, 52 and 54).

Effects of Mandatory Continuing Legal Education

Finally, the questionnaire asked about likely effects of requiring attendance at continuing legal education courses. The results quite strongly support the utility of mandatory continuing education. An overwhelming majority of respondents indicated that continuing education courses would help almost all lawyers (Question 57). Very few respondents felt that such courses are unnecessary (Question 60) or a waste of time and money (Question 62). Few respondents were concerned that lawyers would sign up for, but not attend such courses (Question 55). As a side effect, most respondents felt that a mandatory program would improve the quality of continuing education (Question 61). However, respondents do see limits to the utility of such courses. Most feel that such courses could neither screen out incompetent lawyers (Question 58), assure that all lawyers have basic skills (Question 59) nor improve ethical conduct (Question 56).

DIFFERENCES AMONG LAWYERS

Finally, the survey provided an opportunity to examine differences between important subgroups of lawyers. I examined whether there were differences about specialization issues between specialists and nonspecialists, between lawyers practicing in urban-suburban areas and non-urban lawyers, between lawyers who have been practicing for longer or shorter periods of time and between lawyers practicing in large, medium or small firms.

Not surprisingly, differences occurred most frequently between de facto specialists and nonspecialists. In most cases, these differences were not so great that the majority of specialists differed from the majority of nonspecialists. For example, for all but one of the first five questions specialists valued specialization more

highly. However, most nonspecialists also saw benefits from specialization (Table 2).

Both specialists and nonspecialists preferred certification programs to self-designation programs, but there were some differences about how specialization programs might be structured (Table 3). These differences seem to reflect the different interests between de facto specialists and nonspecialists. More specialists would limit designation to one or two areas; they would require specialists to certify to spending most time in the specialty area and they would require letters of recommendation from other lawyers. In contrast, nonspecialists more strongly support continuing education courses as a basis for designation.

The greatest difference between specialists and nonspecialists occurred for questions dealing with the effects of specialization programs. The majority of specialists and the majority of nonspecialists disagreed about effects upon new lawyers, big firms and small firms. The majority of nonspecialists indicated that specialization programs would harm new lawyers and small firms, but would benefit big firms (Table 4). For each of these questions, the majority of specialists disagreed.

The latter three questions also produced differences for each of the other comparison groups. Thus, non-urban lawyers, lawyers recently admitted to practice and members of small firms all saw specialization programs as harmful to new lawyers and as benefitting big firms (Table 4).

SUMMARY

Respondents to the VLS survey quite strongly endorsed both the need for and the utility of mandatory relicensing programs. Their responses also indicate a general appreciation for the value of specialized legal practice. Responses suggest reasonable support for programs to promote specialization. If adequate methods for evaluating specialty skill can be developed, most lawyers responding to the questionnaire would seem to prefer a program of specialty certification. A program of self-designation would seem to gain support only if

TABLE 2

Question		Over All Total	Specialty Status		Location	
			Non- Spec	Spec	Sub- Urb	Med- Rural
1. Specialists more efficient	Agree	87	92	79		
	Disag	13	8	21		
2. Specialty practice like an assembly-line	Agree	25	18	38		
	Disag	75	82	62		
3. Specialists better knowledge	Agree	95				
	Disag	5				
4. Specialists better professional contacts	Agree	88	91	83		
	Disag	12	9	17		
5. To whom would you refer someone who:						
Wanted will drafted	Spec.	29	36	16	31	25
	Non-spec.	14	12	17	12	17
	Either	57	52	68	57	58
Accused of murder	Spec.	89	94	82		
	Non-spec.	2	1	3		
	Either	9	5	15		
Accused of simple assault	Spec.	31	38	19	36	24
	Non-spec.	16	15	18	14	20
	Either	53	47	63	51	56
Wanted to challenge complex will	Spec.	78	85	66		
	Non-spec.	3	2	5		
	Either	19	13	29		

TABLE 2 Results for questions dealing with benefits from specialization. Numbers indicate percent of respondents agreeing with each choice. First column indicates data summed over all respondents. Subsequent columns indicate questions for which there are statistically significant differences between (1) specialists and nonspecialists and (2) between lawyers practicing in urban-suburban areas and lawyers practicing in medium or small cities or rural areas.

Chi square tests were used to determine statistical significance. Differences were regarded as significant if there was less than .05 probability that the difference occurred by chance.

TABLE 3

Question		Over All Total	Specialty Status		Location		Length of Practice	
			Spec	Non- Spec	Sub- Urb	Med- Rural	0-3 Yrs	More Yrs
6. Designation only if most practice in specialty	Yes	50	54	41	52	46	45	54
	No	50	46	59	48	54	55	46
7. Designation conditioned on continuing education	Yes	70	67	75	66	75		
	No	30	33	25	34	25		
8. Designate only one or two areas	Yes	65	68	59				
	No	35	32	41				
9. No conditions on designation	Yes	12						
	No	88						
10. Self-designation might mislead	Yes	70	68	74				
	No	30	32	26				
11. Require written tests for certification	Yes	57						
	No	43						
12. Written tests are meaningful in how many areas?	All	4						
	Many	49						
	Few	40						
	None	6						
13. Require letters of reference for certification	Yes	49	52	44				
	No	51	48	56				
14. Require examples of work for certification	Yes	54						
	No	46						
15. Possible to determine who is skilled	Yes	72					69	74
	No	28					31	26
16. How encourage specialization?	Design.	26	28	22			28	24
	Do nothing	15	12	19			15	14
	Certif.	59	60	58			57	62

TABLE Results for questions dealing with choice between designation and certification. Numbers indicate percent of respondents agreeing with each choice. First column indicates data summed over all respondents. Subsequent columns indicate questions for which there are statistically significant differences between (1) specialists and nonspecialists, (2) between lawyers practicing in urban-suburban areas and lawyers practicing in medium or small cities or rural areas and (3) between lawyers practicing for 3 years or less and those practicing for more than 3 years.

TABLE 4

Question	Over All Total	Specialty Status		Location		Length of Practice		Size of Office		
		Non-Spec	Spec	Sub-Urb	Med-Rural	0-3 Yrs	More Yrs	1-3	4-10	11+
27. Easier for specialists to get business	Yes 88 No 12									
28. Promote interests of present specialists	Yes 84 No 16							87 13	85 15	82 18
29. Provide opportunities for new specialists	Yes 90 No 10									
30. Difficult for nonspecialists to get business to develop special skills	Yes 62 No 38	57 43	70 30			66 34	59 41	68 32	60 40	57 43
31. Increase apprenticeships	Yes 89 No 11									
32. More difficult for new lawyers to start	Yes 54 No 46	48 52	66 34	52 48	58 42	60 40	50 50	65 35	53 47	45 55
33. Fragment bar along lines of specialization	Yes 60 No 40	56 44	66 34			62 38	57 43	66 34	57 43	54 46
34. Easier for small firms to compete	Yes 49 No 51	57 43	34 66	52 48	43 57			41 59	47 53	57 43
35. Increase control by big firms	Yes 44 No 56	36 64	60 40	40 60	50 50	49 51	40 60	55 45	45 55	32 68
36. Specialist cannot practice outside specialty area	Yes 9 No 91									
37. Nonspecialists cannot practice in specialty area	Yes 8 No 92									
38. Should restrict courts/boards to specialists	Yes 16 No 84	18 82	12 88			12 88	19 81			
39. Specialization will be used to restrict courts/boards	Yes 60 No 40									

TABLE Results for questions dealing with effects of specialization programs. Numbers indicate percent of respondents agreeing with each choice. First column indicates data summed over all respondents. Subsequent columns indicate questions for which there are statistically significant differences (1) between specialists and nonspecialists, (2) between lawyers practicing in urban-suburban areas and lawyers practicing in medium or small cities or rural areas, (3) between lawyers practicing for 3 years or less and those practicing for more than 3 years and (4) for lawyers practicing in small (1 to 3 lawyers), medium (4 to 10 lawyers) or large offices (11 or more lawyers).

designated specialists were required to attend continuing legal education courses in the area of specialty. Respondents seemed generally willing to grant recognized specialists privileges in order to encourage specialization. However, programs to encourage specialization raise concerns among nonspecialists, non-urban lawyers, new lawyers, and lawyers in small offices. Conceivably these concerns could develop into active opposition to specialization programs.