
Survey on Professionalism

A Study of Illinois Lawyers 2014

*Conducted on behalf of the
Illinois Supreme Court Commission on Professionalism
by the National Center for Professional and Research Ethics
University of Illinois Urbana-Champaign*



National Center for
Professional and
Research Ethics

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Background and Objectives

In 2005, the Illinois Supreme Court established the Commission on Professionalism (Commission) to: “promote among both lawyers and judges in Illinois greater integrity, professionalism and civility; to foster commitment to the elimination of bias and divisiveness within the legal and judicial systems; and to ensure those systems provide equitable, efficient and effective service to the citizens of Illinois.”

Civility underpins professional behavior. The behavior of those practicing law affects not just the professionalism of individuals, but the public’s perceptions of the profession as a whole and of our legal system. As part of its mission, the Commission periodically surveys lawyers as to their perceptions and experiences with civility and professionalism in the environments where they work.

In 2007, the Commission sponsored a [Survey on Professionalism \(2007 Survey\)](#) designed in collaboration with the American Bar Foundation, and the behavior and opinion research firm of Leo J. Shapiro & Associates LLC, in which a random sample of 1,079 Illinois lawyers participated.

The Commission’s 2014 survey was designed by the Commission in collaboration [with the National Center for Professional and Research Ethics at the University of Illinois](#) (NCPRE). The survey was web-based and yielded 4,450 responses; more specifics are set out under Methodology, below. It is based on, and in some respects updates, the 2007 Survey.

The National Center for Professional & Research Ethics (NCPRE) is a unit within the Coordinated Science Laboratory at the University of Illinois. NCPRE brings together information on best practices in research, academia and business. Its centerpiece project, an online national ethics resource center, develops, gathers, preserves and provides comprehensive access to resources related to professional and research ethics for a range of audiences. The Center also creates materials and programs for ethical leadership development, hosts conferences connecting sectors concerned with ethical issues, and provides specialized training in research ethics.

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Methodology

The Illinois Attorney Registration and Disciplinary Commission (ARDC) provided a randomized sample of 15,000 attorneys, taken from the approximately 70,000 registered as “Active” on the ARDC rolls who also had an email address on file.

The Commission asked that the sample be:

Proportional to the gender division in the 70,000 attorneys with email addresses on file

Proportional to location by judicial district or zip code in the 70,000

Divided by year of admission to the bar as follows:

Before 1985—25%

1985-1994—25%

1995-2004—25%

2005- 2014—25%

On November 3-5, 2014, an email link to the survey (see Appendix D) was sent to the 15,000 recipients in three batches of 5,000 per day, to allow effective response by the Commission staff to both rejected emails and telephone and email inquiries about the survey. A week later, a first reminder email containing the link to the survey was sent to all recipients. Two weeks after the initial mailing, a second reminder was sent to all recipients.

After tallying the responses, 4,450 usable responses were received, versus 1,079 for the 2007 survey.

Executive Summary

Among lawyers surveyed, most perceive their peers' behavior as civil and professional. The body of 4,450 responses reveals civil behavior across many settings, in many areas of law, with over 90% of respondents reporting that most attorneys they deal with are civil/professional or very civil/professional.

Despite this positive assessment, more than 85% of respondents reported experiencing some instances of uncivil or unprofessional behavior within the past six months. Asked to select those they'd experienced from a list of behaviors, nearly every response reported at least one type, and the average response reported more than one, with the most common being a sarcastic or condescending attitude, the misrepresentation or stretching of facts, or negotiating in bad faith.

Respondents vary in their reactions to uncivil behavior, generally reporting that they ignore it or respond civilly to it. They also report that they tend to reward civil behavior in kind and do not take advantage of civility in others.

Lawyers take uncivil behavior seriously, offering considered responses about where it most often happens and what impact it has.

Asked where uncivil behavior occurs, respondents most frequently noted the following settings:

- In telephone conversations
- In email, texting or written correspondence
- At meetings (settlements, closings, negotiations, etc.)
- During trial, mediation or arbitration proceedings

Most respondents report that uncivil behavior has negative consequences, most commonly that it makes it more difficult to resolve a matter, makes the practice of law less satisfying, and tends to prolong discovery and/or negotiations. Lawyers responding to the survey offered a wide range of possible methods for addressing such behavior including training judges to deal with bad behavior, the imposition of court or judicial sanctions, and training and mandatory CLE on civility.

Over 50% of respondents had heard of the Commission prior to completing the survey.

On the whole, background characteristics measured in the survey did not dramatically affect responses, indicating that opinions are broadly similar across geographic, gender, ethnicity/race, practice setting and years-of-practice lines.

Generally, the 2014 Professionalism Survey paints a picture of a conscientious, careful body of professionals, mindful of the impact of their actions. Based on these results, it is clear that civility and professionalism constitute a firm part of the culture of legal practice in Illinois. Given the number of reported instances of incivility and unprofessional behavior, however, the efforts of the Commission should still be focused on supporting effective education about and raising awareness of the costs of such behavior, and setting standards to improve individual behavior and in turn, the image of the profession.

Action Implications for the Commission

The survey findings suggest and reinforce several areas of continuing focus for the Commission:

1. Educate the judiciary to identify unprofessional behavior, and encourage judges to use effective approaches and tools to address the behavior. Strategic incivility may be most effectively addressed through judicial intervention. Prejudice and rudeness require a different and broader education process encompassing lawyers and law students.
2. Continue to raise awareness among the bench, bar, bar associations and law schools about the nature and prevalence of incivility, and its costs and consequences. In particular, the impact of unprofessional behavior on women, minorities and young lawyers must be publicized and addressed.
3. Continue to encourage mentoring programs for lawyers and law students, including specific activities addressing professionalism and civility.
4. Continue to work with bar associations, CLE providers and law schools to develop training on professionalism and how to prevent uncivil behavior through education, including education for those who use it unintentionally or who are unaware that their behavior is perceived as uncivil. In addition, such training may enable lawyers to learn how to contain, rather than ignore or perpetuate unprofessional behavior when confronted with it.

Findings in Detail

Civility And Professionalism In The Legal Environment

Most respondents perceive attorneys they engage with as civil and professional. Given a five-point scale, more than 90% characterized most attorneys as either civil/professional, or very civil/professional, with fewer than 2% reporting that most attorneys they deal with are uncivil/unprofessional or very uncivil/unprofessional. This is comparable to the findings of the 2007 Survey, in which only 1% of the respondents reported that lawyers they interact with habitually behaved in an unprofessional manner.

Q1. Most attorneys I engage with are:

	Count	Percentage
Very Civil/Professional	1271	28.56%
Civil/Professional	2802	62.97%
Neutral	289	6.49%
Uncivil/Unprofessional	74	1.66%
Very Uncivil/Unprofessional	10	0.22%
No response	4	0.09%
Grand Total	4450	100 %

A number of background characteristics were collected in the course of the survey, including gender, ethnicity/race, years of experience, practice setting, geographic location, and size of the organization. Details of the breakdown of these characteristics are presented in Appendix A.

Of all the background characteristics presented, none had a marked impact on how respondents answered this first question, indicating that across many sectors of the law, in a wide range of settings, and for men, women, people of varied ethnicities, and people with a range of experience, the overall feeling is that civility prevails.

In order to assess any geographic differences, the collected zip codes were analyzed according to the five Illinois Supreme Court Judicial Districts. See map in Appendix A. There is some difference by district in the responses to this question. In District 3, 39% of the respondents chose very civil/professional. This is in contrast to only 29% of the respondent body as a whole. Only 26% of respondents in District 1 chose very civil/professional for this question.

Illinois Supreme Court Judicial District	Percentage Very Civil/Professional
3	39%
5	34%
2	30%
4	30%
1	26%

However, across all districts, the great majority of respondents were still generally positive. No district had more than 2% of respondents stating that most attorneys were uncivil/unprofessional or very uncivil/unprofessional. Considering both positive responses (very civil/professional and civil/professional) a substantial majority of respondents in all districts are positive.

Illinois Supreme Court Judicial District	Percentage Responding Positively
3	96%
5	94%
2	94%
4	93%
1	90%

Considering the findings in both tables, Judicial District 3 could be characterized as more enthusiastic about attorney civility.

This is not to say that uncivil behavior is never observed. The next survey question asked whether respondents had experienced uncivil or unprofessional behavior from another lawyer in the last six months. If the answer was yes, they were asked to choose the type(s) of behavior experienced from a list, shown in the second table below.

Q2a. Experienced uncivil or unprofessional behavior in last six months?		
	Count	Percentage
Yes	3803	85.46%
No	647	14.54%
Grand Total	4450	100 %

Incidence And Types Of Unprofessional Behavior

Q2b. If you checked “Yes” above, select all that apply:

	Count	Percent of all Responses
Prejudice		
Inappropriate comments about a lawyer's age or experience	324	4.01%
Racially or culturally insensitive comments	128	1.58%
Sexist comments	229	2.83%
Rudeness		
Inappropriate interruptions of others (e.g., clients, colleagues, counsel, judges, witnesses)	825	10.21%
Sarcastic or condescending attitude	1464	18.11%
Inappropriate language or comments in letters or email	385	4.76%
Swearing, verbal abuse or belittling language	425	5.26%
Strategic Incivility		
Indiscriminate or frivolous use of drafts, pleadings or motions	912	11.28%
Playing hardball (such as not agreeing to reasonable requests for extensions)	960	11.88%
Inflammatory writings in correspondence, memos, briefs or motions	967	11.96%
Misrepresenting or stretching the facts, or negotiating in bad faith	1313	16.24%
Other: Please click to specify	145	1.79%
Total	8803*	100 %

*Some respondents selected more than one behavior.

More than 85% had experienced uncivil or unprofessional behavior from another lawyer in the past six months. (Note that the 2007 Survey measured different time periods, finding that 81% had experienced or witnessed unprofessional behavior in the past year and 51% in the past month.)

Interestingly, three of the top four identified behaviors in this question (sarcastic or condescending attitude, misrepresenting or stretching the facts, and playing hardball--e.g., not agreeing to reasonable requests for extensions) were identical to those selected in the 2007 Survey.

Through cluster analysis, the 2007 survey had identified three different categories of unprofessional behavior that tended to be reported as a group. Behaviors within each category are grouped in the table above as follows:

1. **Prejudice:** This includes sexist, racist or culturally insensitive comments, along with inappropriate comments about a lawyer's age or experience. While this type of incivility is less common, it is more likely to be experienced by women.

Also, there is a strong relationship between years in practice and a tendency to report that prejudice has not been observed: that is, newer lawyers are more likely to report that they have seen it in others.

Whites and non-whites, however, reported this behavior in similar proportion, 89% among whites and 88% among non-whites.

2. **Rudeness:** This includes behavior such as displaying a sarcastic or condescending attitude, swearing, verbal abuse or belittling language, and inappropriate interruption of others. This is a common type of incivility, and in this analysis is considered to be behavior not directed at any specific group.

Women once again were more likely to report this than men; and years in practice also dampened reporting of this behavior in others, but to a lesser extent than in the case of prejudice.

3. **Strategic Incivility:** This type of unprofessional behavior is as widespread as general rudeness, but is much more deliberate. It encompasses such behavior as misrepresenting or stretching the facts, playing hardball (such as not agreeing to reasonable request for extensions), indiscriminate or frivolous use of pleadings or motions, inflammatory writing in briefs or motions, and inappropriate language in correspondence. Strategic incivility is just that—a strategy designed to give a lawyer a leg up over opposing counsel in a case.

With respect to this class of behavior, years of practice did not show a strong influence on responses. But 64% of non-whites reported observing it, in contrast to only 55% of whites; and a very slightly higher proportion of men did as well (56%, and 55% of women).

Responses to this item did not vary by Illinois Supreme Court Judicial District or size of practice. Responses varied slightly by practice setting. Those in corporate environments were slightly less likely to report experiencing all three types of behavior. So judicial district, size of practice and practice setting did not show much influence on respondents' reporting of uncivil behavior.

Lawyers Support Civility In A Wide Range Of Circumstances

Respondents were asked their most likely response when another lawyer acts unprofessionally or uncivilly toward them, would they try to ignore it, tend to be uncivil in return, choose a civil way to address the behavior, not applicable, or other.

Nearly 75% of respondents (more than 94%, if excluding responses of "Not applicable" or "None selected") reported that they would either try to ignore it, or choose civil ways to address the behavior. When they experience civil or professional behavior, respondents report that they reinforce or support it.

Q3. When another lawyer acts unprofessionally or uncivilly toward you, what is your typical reaction?

	Count	Percentage
Choose civil ways to address the behavior (such as reframing, or providing constructive feedback)	1335	39.00%
Try to ignore it	1586	35.64%
Tend to be uncivil in return	83	1.87%
Other: Please specify	96	2.16%
Not applicable	328	7.37%
None selected	1022	22.97%
Grand Total	4450	100 %

Only a very small percentage (less than 2%) report that they tend to respond to incivility with further incivility, and there were no substantial differences based on demographic characteristics.

Considering geographic differences, Judicial District 1 had the highest percentage of respondents indicating they make a civil response when faced with uncivil behavior. As the table indicates, most districts were close to the overall result of 30% on this question.

Illinois Supreme Court Judicial District	Percentage Choosing Civil Ways To Address Behavior
1	31%
2	30%
5	29%
3	28%
4	24%

Respondents in District 4 were somewhat less likely to report that they responded civilly in return. Instead, they were a little more likely to ignore it (38% choosing this response), or did not make a specific choice for what their reactions are. In all districts, no more than 2% indicated that they would be uncivil in this situation.

When respondents selected the “Other: Please specify” option, representative responses included:

“I deal with each individually. I may ignore or seek other redress. I do not become uncivil. But I will not reward bad behavior with so-called ‘civil’ behavior.”

“Bring it to the court at pretrial conferences.”

“My response to uncivil behavior is to cease personal communication with that person. If he or she wants or needs something from me, the person needs to write a written request or file a motion, to which I either respond in writing or let the judge decide my response.”

“I try to model civil behavior; on occasion, I will call attention to uncivil behavior if it does not prejudice my client. It almost always prejudices my adversaries when they engage in uncivil behavior.”

“I point out behavior in a non-inflammatory way, and reinforce that it is not in their client’s best interest to act that way.”

“It depends on the circumstances and level of inappropriate behavior. Sometimes I ignore it as it makes the other lawyer look bad; though sometimes I must set boundaries due to the nature of the comments or behavior.”

Respondents were asked, when another lawyer acts professionally or civilly toward them, whether they would not react, tend to act professionally in return, tend to treat others similarly, take advantage of them, not applicable or other.

On the whole, respondents reported positive reactions to professional or civil behavior, with more than 90% of all respondents saying they would repay civility with civility, and fewer than 1% reporting that they react by taking advantage of the other lawyer.

Q4. When another lawyer acts professionally or civilly toward you, what is your typical reaction?

	Count	Percentage
Tend to act professionally and civilly in return	3578	80.40%
Tend to treat others similarly	445	10.00%
Do not react	235	5.28%
Take advantage of them	3	0.07%
Other: Please specify	78	1.75%
Not applicable	107	2.40%
None selected	4	0.09%
Grand Total	4450	100 %

Those respondents that selected “Other: Please specify” noted the following representative reactions:

“I actually have been sending personal follow-up letters to opposing counsel thanking them for their professionalism. Not sure if it makes a difference, but good behavior is becoming rare. I want to reward it.”

“I tend to act more warmly and am more likely to give them the benefit of the doubt for extensions, etc.”

“I always try to congratulate other attorneys when they ‘win’, acknowledging that my loss hurts, but I appreciate their courtesy throughout the proceedings.”

“I do not have a particular reaction when people behave as they should.”

“When attorneys who appear in front of me behave with civility, I always try to mention how professional they were in front of their clients.”

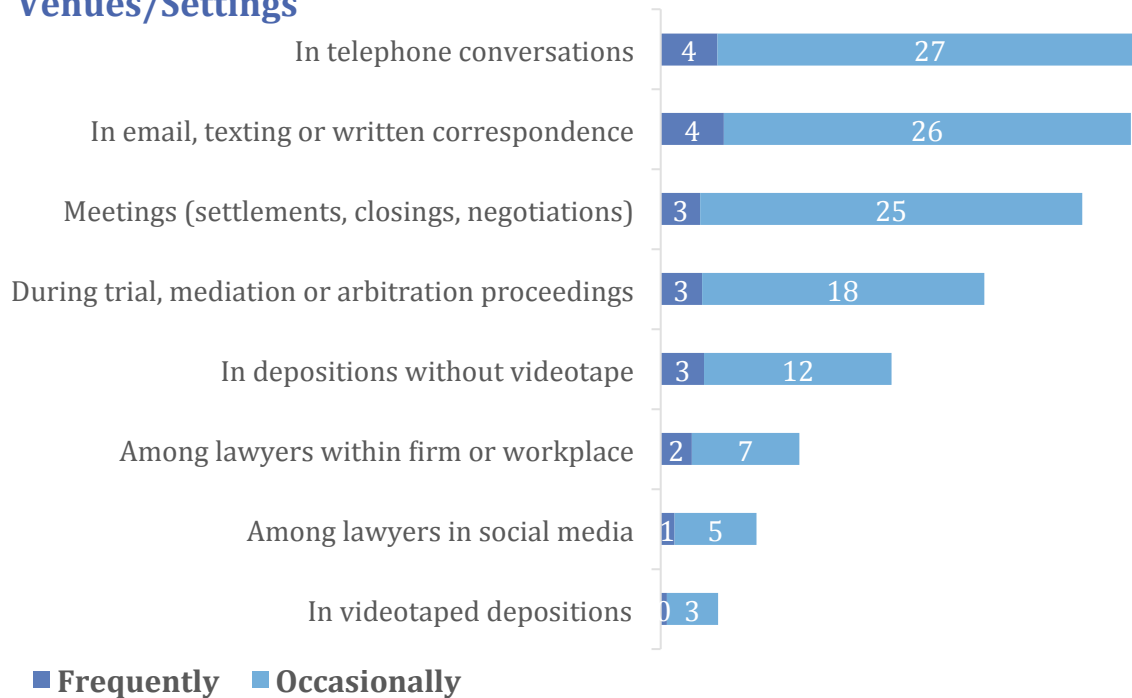
“I try to act professionally regardless of how opposing counsel acts, but I definitely react more favorably on a personal level when I’m treated with civility. I think that contributes to keeping lines of communication open, which can ease some of the unnecessary burdens of litigation.”

Where Does It Occur?

Respondents were asked to provide their impressions of whether uncivil or unprofessional behavior occurs (never, rarely, occasionally, frequently, or do not know/not applicable) in given settings, set forth in the chart below. The percentages of respondents answering frequently or occasionally are indicated in the chart below.

Q5. How often have you experienced uncivil or unprofessional behavior in these venues/settings during the last six months?

Venues/Settings



The venues in which uncivil and unprofessional behavior occur most often tend to support the finding that some lawyers are selective about when and where they act unprofessionally.

In general, as in the 2007 Survey, respondents indicated that uncivil behavior is more likely to occur behind the scenes than in situations where it might be witnessed or documented. Incivility is reported as rare among co-workers or on social media.

When asked about specific venues/settings, District 3 respondents were more likely to state that uncivil behavior was rarely or never experienced (consistently with their responses to Question 1).

For example, 37% of District 3 respondents said they had not experienced incivility in telephone conversations in the last six months, compared to an overall percentage of 27%. And 43% state they had not experienced it in depositions (without videotape), compared to 29% overall. Where depositions are videotaped, 52% state uncivil behavior had not been experienced in the last six months, versus 36% overall, though this is less conclusive as nearly half of the respondents across the board replied they did not know or that the question did not apply. Finally, during trial,

mediation, or arbitration proceedings, 64% of District 3 respondents report incivility had rarely been experienced or not at all, compared with 49% overall, in the last six months.

District 5 also emerges as distinct from the general results on some points. With respect to social media, while around a third of respondents from all Districts were not prepared to specify, a further 53% of District 5 respondents stated uncivil behavior had not been experienced in the last six months. On the other hand, during trial, mediation, or arbitration proceedings, a quarter of District 5 respondents feel they've experienced uncivil behavior, compared with just 18% for the respondents as a whole.

For further information on Venues/Settings, see Appendix B.

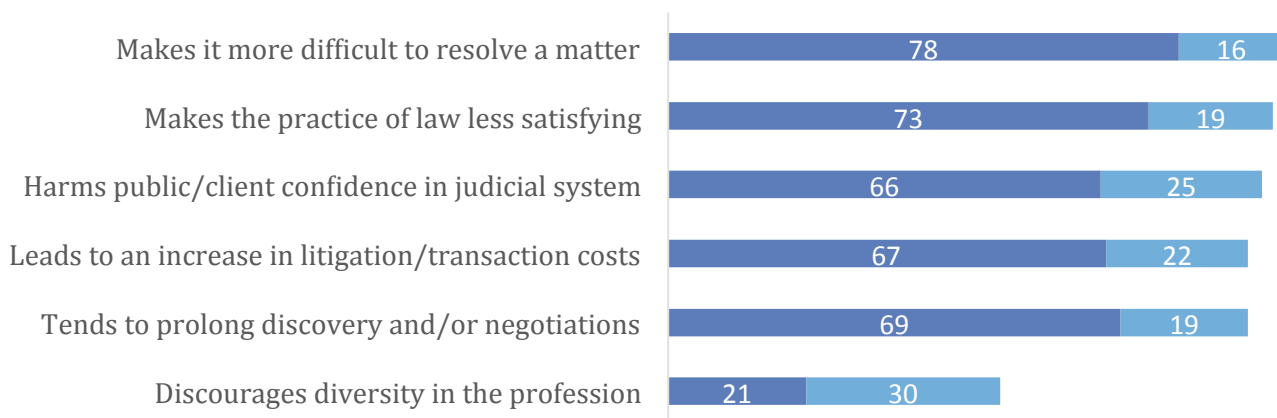
Consequences of Unprofessional Behavior

Illinois lawyers report that unprofessional and uncivil behavior has a significant negative impact on the practice. When asked to choose among strongly disagree, disagree, somewhat agree, strongly agree, or do not know/not applicable, for all but one behavior, the great majority of respondents stated they strongly agreed or somewhat agreed with the statement that uncivil or unprofessional behavior was likely to lead to the given results. The exception was the response to whether incivility has an impact on diversity, where 51% indicated they strongly or somewhat agreed that it did.

These responses were generally comparable to responses to the same question posed in the 2007 Survey, with slightly smaller percentages responding they strongly or somewhat agreed that incivility led to most of the stated results. Again, however, a slightly higher percentage of respondents than in 2007 (51% versus 50%) indicated they agreed that incivility discourages diversity. The chart below indicates the percent of those who strongly agreed and somewhat agreed regarding the consequences of incivility. Percentages are based on those answering the question/item.

Q6. Think about the consequences of uncivil or unprofessional behavior. For each statement, indicate how much you agree or disagree.

Consequences



■ Strongly agree ■ Somewhat agree

Remarkably, judicial districts across the board responded very similarly to the items in this question. There was more variation across the different items than there was in any given item between districts. For example, about half of the respondents in each district indicated that they agreed, or strongly agreed, that uncivil behavior discourages diversity in the workplace. This percentage varied from 45% in District 3 to 52% in District 4. But nearly everyone agrees, or strongly agrees, that incivility makes it more difficult to resolve a matter (91% to 95%). So district had little impact on responses to this question.

For further information on Consequences, please see Appendix C.

Potential Actions To Improve Unprofessional Behavior

While the overall picture is that most lawyers are civil in most situations, there are some who are not, and some situations in which bad behavior is more likely to happen. Nevertheless, treating others with civility is a subject that many Illinois lawyers take seriously and feel strongly about.

Respondents were asked an open-ended question: “What potential action, programs or initiatives would you recommend to improve professionalism and civility?” Over 1,800 respondents took the time to give their suggestions and thoughts.

While the open-ended nature of the question meant strict classification wasn’t possible, the most common type of suggestion involved action by the judiciary: judges taking control of the atmosphere in the courtroom, imposing meaningful consequences, and ensuring those being uncivil do not profit by it.

To summarize, the majority of the responses generally related to six areas, as follows, in order from most frequently mentioned to least:

- Impose/enforce court or judicial consequence
- Training/CLE on civility/professionalism
- Mandatory CLE on civility/professionalism
- Educate judges to better deal with incivility
- Increase law school professionalism training
- Create mechanism for reporting to ARDC or other tribunal

Some specific examples are these:

“Have the judges do their job. Giving a pass to bad behavior only leads to additional bad behavior. This goes for judges, too.”

“People will be uncivil as long as they think they can benefit from it. The more the bar and judges do to discourage it by removing the advantage, the better.”

“Offer CLEs on professionalism in different settings (in the courtroom, in negotiations, in informal correspondence, etc.)”

“Mandatory CLE with examples of behavior that is inappropriate. Many lawyers just don’t even know they are misbehaving.”

"It should be a required component of CLE, since common courtesy is a dying trait in our society."

"Train judges in how to deal with [incivility], including reporting to the ARDC and issuing rulings that have teeth to be enforced."

"Emphasis on respect for other human beings generally, mutual respect among lawyers specifically, should be taught in law school."

"Education in law school, attempting to reform the lawyer-as-Rambo stereotype in popular media, and greater access to court proceedings via media."

"A mechanism by which a lawyer could complain of unprofessional conduct, with the remedy being interactive programs on the importance of professionalism."

"There should be some system for reporting unprofessional or uncivil behavior short of the ARDC..., and when a certain number of instances have been logged, the offending attorney should [face] consequences."

And there were other diverse observations, such as these:

"This is difficult to address because I believe it is just the result of personality traits. Contentious people are just that way. Other than personality tests to weed them out before they [become] attorneys, which is obviously not an option, I think little can be done."

"[Create] favorable publicity of resolutions that were reached amicably."

"[Foster] a culture within firms and other employers that encourages cooperation with opposing counsel and does not praise or reward obstreperous or overly aggressive practices."

"Try to teach us how to stop talking and be quiet in the heat of the moment or disagreement. Often, I wish I, and others, had better ability for restraint of tongue and pen. Later, after cooling down, everything seems less important. The heat of the moment is when uncivil moments happen most."

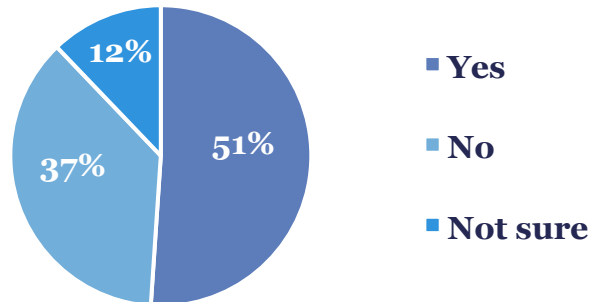
"I think attorneys who train other attorneys at their firms need to stress that acting in an overly aggressive and unreasonable manner to opposing counsel usually will result in more prolonged and contentious litigation or settlement. Being a bully doesn't pay."

"Get judges involved in developing solutions."

Awareness of the Commission

In order to try to gauge the effectiveness of the Commission's outreach efforts, respondents were asked if they had heard of the Commission before taking the survey. Just over 50% of the respondents reported positively.

Q8. Before taking this survey, had you heard of the Illinois Supreme Court Commission on Professionalism?



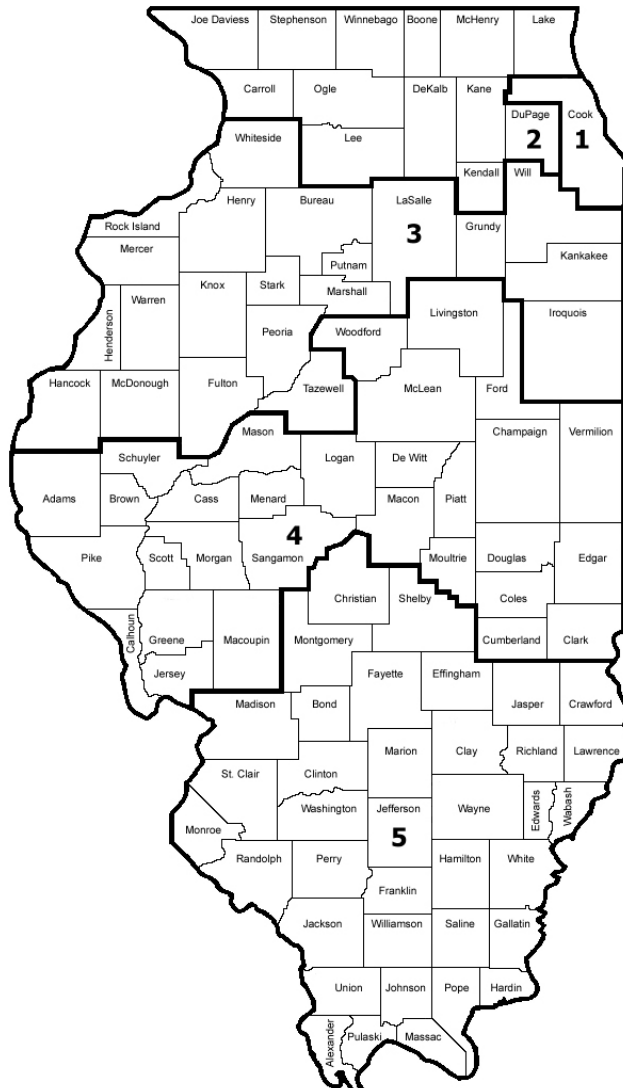
Appendices

A. Respondents' Characteristics

Respondents to the survey were asked about specific background characteristics so that any effect of these on answers/responses to the other questions could be evaluated. The results of these background questions are set out below.

9a. Zip code	Count	Percentage
60000-62999 (Illinois)	3863	82.76%
Outside Illinois	767	17.24%
Grand Total	4450	100 %

Illinois zip codes were correlated to Supreme Court Judicial Districts:



9b. Years of experience		
	Count	Percentage
1-5	728	16.36%
6-12	861	19.35%
13-23	1046	23.51%
24-34	1106	24.85%
35-45	584	13.12%
46+	125	2.81%
Grand Total	4450	100 %

9c. Practice setting		
	Count	Percentage
Corporate/In-House Counsel	604	13.57%
Government	626	14.07%
Judiciary	105	2.36%
Law Firm	2488	55.91%
Law School	31	0.70%
Legal Service or Non-Profit	129	2.90%
Military	13	0.29%
Not Currently Practicing	186	4.18%
Other: Please specify	268	6.02%
Grand Total	4450	100 %

9d. Area of law	Count	Percent of all Responses
Antitrust	49	0.58%
Bankruptcy	189	2.26%
Civil and Commercial Litigation	1126	13.44%
Civil Rights/Liberties	169	2.02%
Criminal Law	618	7.38%
Employment Law	422	5.04%
Environmental Law	102	1.22%
Family Law	529	6.31%
General Corporate	616	7.35%
General Practice	553	6.60%
Health Law	158	1.89%
Immigration Law	88	1.05%
Insurance	341	4.07%
Intellectual Property	281	3.35%
Municipal Law	197	2.35%
Personal Injury	521	6.22%
Probate/Estate Planning	525	6.27%
Public Utilities/Administrative/Regulated Industries	75	0.90%
Real Estate	789	9.42%
Securities Law	122	1.46%
Tax	184	2.20%
Workers' Compensation	171	2.04%
Other: Please specify	554	6.61%
Grand Total	8379*	100 %

*Some respondents selected more than one practice area.

9e. Size of practice		
	Count	Percentage
1-10	2554	57.39%
11-50	826	18.56%
51-100	296	6.65%
101-300	370	8.31%
301-500	133	2.99%
501-1000	184	4.13%
1001+	87	1.96%
Grand Total	4450	100 %

9f. Ethnicity/race		
	Count	Percent of all Responses
White	3803	81.59%
Black or African-American	234	5.02%
Asian	156	3.35%
Native Hawaiian/Other Pacific Islander	9	0.19%
Hispanic or Latino	143	3.07%
American Indian or Alaska Native	25	0.54%
Middle Eastern	45	0.97%
Multiracial	60	1.29%
No response given	186	3.99%
Grand Total	4661*	100 %

*Some respondents selected more than one ethnicity/race.

9g. Gender		
	Count	Percentage
Female	1594	36 %
Male	2851	64%
Transgender	5	
Grand Total	4450	100 %

B. Additional Data on Question 5

Respondents to the survey were asked how often they experienced uncivil or unprofessional behavior in specific venues or settings during the last six months. The results of these responses are set out below.

5a. How often: during trial, mediation or arbitration proceedings		
	Count	Percentage
Never	1235	27.75%
Rarely	961	21.60%
Occasionally	811	18.22%
Frequently	118	2.65%
Do not know/NA	1325	29.78%
Grand Total	4450	100 %

5b. How often: at meetings (settlements, closings, negotiations, etc.)		
	Count	Percentage
Never	1231	27.66%
Rarely	1363	30.63%
Occasionally	1095	24.61%
Frequently	114	2.56%
Do not know/NA	647	14.54%
Grand Total	4450	100 %

5c. How often: in email, texting or written correspondence		
	Count	Percentage
Never	1325	29.78%
Rarely	1389	31.21%
Occasionally	1167	26.22%
Frequently	182	4.09%
Do not know/NA	387	8.70%
Grand Total	4450	100 %

5d. How often: in telephone conversations		
	Count	Percentage
Never	1203	27.03%
Rarely	1440	32.36%
Occasionally	1221	27.44%
Frequently	162	3.64%
Do not know/NA	424	9.53%
Grand Total	4450	100 %

5e. How often: in videotaped depositions		
	Count	Percentage
Never	1617	36.34%
Rarely	485	10.90%
Occasionally	147	3.30%
Frequently	17	0.38%
Do not know/NA	2184	49.08%
Grand Total	4450	100 %

5f. How often: in non-videotaped depositions		
	Count	Percentage
Never	1285	28.88%
Rarely	628	14.11%
Occasionally	538	12.09%
Frequently	125	2.81%
Do not know/NA	1874	42.11%
Grand Total	4450	100 %

5g. How often: among lawyers within your firm or place of employment		
	Count	Percentage
Never	2367	53.19%
Rarely	804	18.07%
Occasionally	308	6.92%
Frequently	90	2.02%
Do not know/NA	881	19.80%
Grand Total	4450	100 %

5h. How often: among lawyers in social media		
	Count	Percentage
Never	2004	45.03%
Rarely	517	11.62%
Occasionally	235	5.28%
Frequently	40	0.90%
Do not know/NA	1654	37.17%
Grand Total	4450	100 %

C. Additional Data Question 6

Respondents to the survey were asked to think about the consequences of uncivil or unprofessional behavior and indicate how much you agree or disagree specific statements. The results of these responses are set out below.

6a. Consequences: discourages diversity in the profession		
	Count	Percentage
Strongly disagree	338	7.60%
Disagree	906	20.36%
Somewhat agree	1313	29.51%
Strongly agree	937	21.06%
Do not know/NA	956	21.48%
Grand Total	4450	100 %

6b. Consequences: harms public/client confidence in justice system		
	Count	Percentage
Strongly disagree	104	2.34%
Disagree	145	3.26%
Somewhat agree	1092	24.54%
Strongly agree	2931	65.87%
Do not know/NA	178	4.00%
Grand Total	4450	100 %

6c. Consequences: tends to prolong discovery and/or negotiations		
	Count	Percentage
Strongly disagree	84	1.89%
Disagree	38	0.85%
Somewhat agree	861	19.35%
Strongly agree	3066	68.90%
Do not know/NA	401	9.01%
Grand Total	4450	100 %

6d. Consequences: leads to increase in litigation/transaction costs		
	Count	Percentage
Strongly disagree	83	1.87%
Disagree	66	1.48%
Somewhat agree	959	21.55%
Strongly agree	2971	66.76%
Do not know/NA	371	8.34%
Grand Total	4450	100 %

6e. Consequences: makes it more difficult to resolve a matter		
	Count	Percentage
Strongly disagree	91	2.04%
Disagree	33	0.74%
Somewhat agree	715	16.07%
Strongly agree	3458	77.71%
Do not know/NA	153	3.44%
Grand Total	4450	100 %

6f. Consequences: makes practice of law less satisfying		
	Count	Percentage
Strongly disagree	100	2.25%
Disagree	124	2.79%
Somewhat agree	839	18.85%
Strongly agree	3256	73.17%
Do not know/NA	131	2.94%
Grand Total	4450	100 %

D. Survey Questions

2014 Study of Illinois Lawyers - Survey on Professionalism

1. Most attorneys I engage with are: (Select one)

- Very Civil/Professional
- Civil/Professional
- Neutral
- Uncivil/Unprofessional
- Very Uncivil/Unprofessional

2a. I have experienced uncivil or unprofessional behavior from another lawyer in the last six months.

- Yes
- No

2b. If you checked "Yes" above, select all that apply:

- Indiscriminate or frivolous use of drafts, pleadings or motions
- Playing hardball (such as not agreeing to reasonable requests for extensions)
- Inflammatory writings in correspondence, memos, briefs or motions
- Misrepresenting or stretching the facts, or negotiating in bad faith
- Inappropriate interruptions of others (e.g., clients, colleagues, counsel, judges, witnesses)
- Sarcastic or condescending attitude
- Inappropriate language or comments in letters or email
- Swearing, verbal abuse or belittling language
- Inappropriate comments about a lawyer's age or experience
- Racially or culturally insensitive comments
- Sexist comments
- Other: please specify

3. When another lawyer acts unprofessionally or uncivilly toward you, what is your typical reaction? (Select one)

- Try to ignore it
- Tend to be uncivil in return
- Choose civil ways to address the behavior (such as reframing, or providing constructive feedback)
- Not applicable. I have not experienced unprofessional or uncivil behavior
- Other: please specify

4. When another lawyer acts professionally or civilly toward you, what is your typical reaction? (Select one)

- Do not react
- Tend to act professionally and civilly in return
- Tend to treat others similarly
- Take advantage of them
- Not applicable. I have not experienced professional or civil behavior.
- Other: please specify

5. How often have you experienced uncivil or unprofessional behavior in these venues/settings during the last six months?

	Never	Rarely	Occasionally	Frequently	Do not know/ Not Applicable
During trial, mediation or arbitration proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
At meetings (settlements, closings, negotiations, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In email, texting or written correspondence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In telephone conversations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In videotaped depositions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In depositions without videotape	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Among lawyers within your firm or place of employment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Among lawyers in social media	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6. Think about the consequences of uncivil or unprofessional behavior. For each below, indicate how much you agree or disagree with the following statements:

Incivility or unprofessional behavior...	Strongly Disagree	Disagree	Somewhat Agree	Strongly Agree	Do not know/ Not Applicable
Discourages diversity in the profession	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Harms public/client confidence in the justice system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tends to prolong discovery and/or negotiations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Leads to an increase in litigation /transaction costs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Makes it more difficult to resolve a matter	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Makes the practice of law less satisfying	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. What potential actions, programs or initiatives would you recommend to improve professionalism and civility?

8. Before taking this survey, had you heard of the Illinois Supreme Court Commission on Professionalism?

- Yes
- No
- Not Sure

9. About You:

9a. What is the zip code in which you primarily practice? _ _ _ _ _

9b. Years of experience in legal profession:

- 1-5
- 6-12
- 13-23
- 24-34
- 35-45
- 46+

9c. Check the one that best describes your practice setting:

- Law Firm
- Corporate/In-House Counsel
- Government
- Judiciary
- Law School
- Military
- Legal Service or Non-Profit
- Other
- Not Currently Practicing

9d. What best describes the primary area of law in which you concentrate. Check all that apply.

- | | |
|---|---|
| <input type="radio"/> Antitrust | <input type="radio"/> Intellectual Property |
| <input type="radio"/> Bankruptcy | <input type="radio"/> Municipal Law |
| <input type="radio"/> Civil and Commercial Litigation | <input type="radio"/> Personal Injury |
| <input type="radio"/> Civil Rights/Liberties | <input type="radio"/> Probate/Estate Planning |
| <input type="radio"/> Criminal Law | <input type="radio"/> Public |
| <input type="radio"/> Employment Law | <input type="radio"/> Utilities/Administrative/Regulated Industries |
| <input type="radio"/> Environmental Law | <input type="radio"/> Real Estate |
| <input type="radio"/> Family Law | <input type="radio"/> Securities Law |
| <input type="radio"/> General Corporate | <input type="radio"/> Tax |
| <input type="radio"/> General Practice | <input type="radio"/> Workers' Compensation |
| <input type="radio"/> Health Law | <input type="radio"/> Other: please specify |
| <input type="radio"/> Immigration Law | |
| <input type="radio"/> Insurance | |

9e. Approximately how many lawyers are employed in your practice/place of work?

- 1-10
- 11-50
- 51-100
- 101-300
- 301-500
- 501-1000
- 1001+

9f. Check all that apply to you:

- White
- Black or African-American
- Asian
- Native Hawaiian/Other Pacific Islander
- Hispanic or Latino
- American Indian or Alaska Native
- Middle Eastern
- Multiracial

9g. Check all that apply to you:

- Male
- Female
- I self-identify as transgender