

State Bar of South Dakota 2018 Membership Survey

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Board of Bar Commissioners and Staff



2018 Member Survey Report

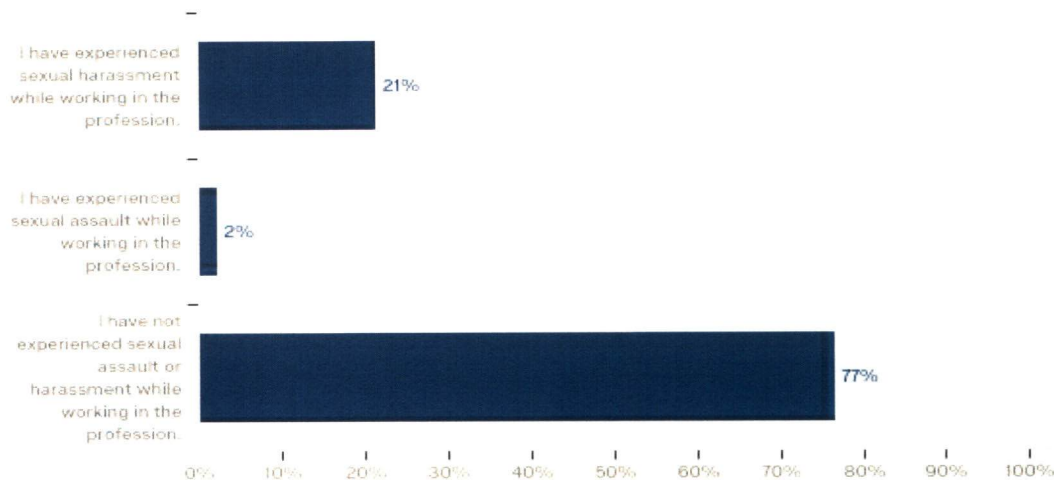
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SEXUAL HARASSMENT AND ASSAULT

30. Please indicate whether you have experienced sexual harassment or sexual assault while working in the profession.



If respondent indicated “yes” to experiencing sexual harassment:

30a. Did you report the sexual harassment to someone you believed could effectively address the issue?

Response	Percentage
Yes	21.8%
No	78.2%
Total	78

If respondent indicated “no” to reporting the sexual harassment:

30b. Why did you not report the sexual harassment you experienced?

MOST FREQUENTLY CITED RESPONSES: (see p. 82 of Appendix for all responses):

AFRAID OF BACKLASH/JOB SECURITY – Concerned reporting incident would jeopardize job and future career opportunities.

TOLERATED/“PART OF CULTURE” – Seemed easier to move on and not deal with it. Put up with it.

FELT OFFENSE WAS MINOR OR NOT WORTH REPORTING – Felt offense was minor and not worth trouble of reporting.

NO ONE TO REPORT TO/WOULD NOT BE ADDRESSED EFFECTIVELY – Did not feel change would result or unsure who to report incident to, if anyone. Felt would not be taken seriously.

PERCEIVED POWER OF HARASSER – Harasser was in a position of power.

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If respondent indicated “yes” to reporting harassment:

30c. Do you feel the issue was effectively addressed?

Response	Percentage
Yes	47.1%
No	52.9%
Total	17

30d. Please explain why you feel the sexual harassment you reported was or was not effectively addressed.

Supervisor outed me and then did nothing.

It was long ago and taken care of.

I never had any re-occurrence once reported.

I believe the Executive Manager who was a neutral party may have been romantically involved or a victim of harassment herself and brushed the harassment off as my paranoia.

It took place at a law firm partnership meeting where every partner witnessed it. Nothing happened.

Discounted as “boys will be boys”

I reported to supervisor and it was A) low balled and B) I experienced retaliation from that person.

My team is amazing and dealt with it.

Appropriate action taken by disciplinary board.

I do not believe it was addressed at all and I never received any communication that it had been addressed.

Male dominated organization with no skills to handle, and zero interest to resolve the issue.

I was listened to, apologized to by the person taking the report, and then nothing happened to the harasser.

If respondent indicated they have experienced sexual assault:

30e. Did you report the sexual assault to someone you believed could effectively address the issue?

Response	Percentage
Yes	57.1%
No	42.9%
Total	7

If respondent indicated “no” to reporting in the incident:

30f. Why did you not report the sexual assault you experienced?

Get more harassment if reported it.

Because no one will give a damn about a man being groped or fondled. This is South Dakota.

Embarrassing.

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If respondent indicated "yes" to reporting the incident:

30g. Do you feel the issue was effectively addressed?

Response	Percentage
Yes	25.0%
No	75.0%
Total	4

30h. Please explain why you feel the sexual assault you reported was or was not effectively addressed.

It was the same person. On the same evening. Although I never had to deal with that person again. It was never really brought up after I made it clear I was offended and the behavior was inappropriate. There were comments made, like "he's just drunk." or "that is how he acts when he's drunk." I still have questions regarding his behavior, but he is a prominent member of the bar and a very well-respected attorney. I had to make the decision to move forward without any real sense of closure.

I was slapped on the butt very openly by the most senior partner in front of every partner in the firm. Nothing happened as a result except some of the younger partners expressed mortification over the event.

I feel the matter was effectively addressed only because I addressed the matter myself and the conduct ended, although there were long term consequences for me. The perpetrator was a "grabby" person and would give "hugs" to women that were not mutual or invited. We all just tried to ignore or avoid being close to him rather than be confrontational. He had been hugging me more and more and eventually ended with him hugging me forcibly without letting me go and kissing my cheek. It was completely humiliating as it was in a group of attorneys. I handled the issue essentially myself by bluntly telling perpetrator to let me go and never touch me again. Nothing happened to perpetrator as it was deemed "only a kiss on the cheek". It never happened again but I was told by the other attorneys that I was now considered a b*tch.

Because of who it was.

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30b. Why did you not report the sexual harassment you experienced?

AFRAID OF BACKLASH/JOB SECURITY

Harasser would not have been disciplined and I would have been labeled a troublemaker and denied career opportunities and advancement

Didn't want to be labeled.

It would have cost me my employment at the time.

It would have cost me my job.

I was an intern while in law school with a firm. The partner (who was married) was touchy feely in the copy room and kept trying to take me out on after hour dates. I left the job as soon as I could, but if I had reported him I would have lost my job and gotten a poor letter of recommendation. In 1992, no one reported those things.

When I started as a brand-new lawyer, the oldest partner in the firm gave me a secretary dictation machine and told me that I would do secretary work for him and introduced me to a client as a secretary. I did not report him, but I did politely refuse to take dictation and told him I felt my law degree entitled me to practice law. He came around.

I needed my job and was fearful that my reputation in the bar would not recover.

Fear of retribution

TOLERATED IT/"PART OF CULTURE"

I dealt with it.

I disclosed the situation to my senior partner - who informed me to just simply overlook my feelings/thoughts of the situation because it was likely just "him being him" with no harm intended. I figured that if I said something, I would be labeled as difficult to work with and "weak" - so you just put up with it.

I can handle it myself.

This is male dominated field. You have to toe the line

It seemed easier to move on and not dwell on the issue at the time.

Because it happens all the time.

At the time reporting just was not done - was more tolerated.

In the 1980s female lawyers did not report male judges because they knew better.

It was in the form of disparaging sexual comments, which I find too common to report

Because I am the person in charge, and because unfortunately, it is a normal occurrence for women, especially in rural South Dakota.

It was part of the culture of the workplace and not uncommon. There would have been nothing done about it.

FELT OFFENSE WAS MINOR OR NOT WORTH REPORTING

Not severe enough to be a problem--did not adversely affect my job

Wasn't worth reporting, as it was relatively minor.

My bosses are old men and have no idea that calling me "hon" or the like is not appropriate. They don't really mean anything by it. I'm not a fan, but it's not a huge deal.

Was very young, context did not warrant reporting, and since it involved opposing counsel, not sure to whom it would have been reported in any event

Most often, it was just comments by other lawyers—often about my looks and I didn't think it rose to the level of reporting it. But my male colleagues didn't have to deal with similar comments.

It was with a client rather than an employer, and I did not feel it rose to a level where a complaint to the proper authorities would be productive.

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I repeated the incident to law school classmates, but did not think it was worth the conflict to report it to someone officially.

It was the statements from fellow lawyers as to different sexes making me uncomfortable, but not an intent to harass me. Some of the flirtation by opposite sex. Again not offensive to the point where I felt a need to report. It was annoying, but not something that was worth the storm reporting it would have created. Also, many people witnessed it. Par for the course for a female attorney.

NO ONE TO REPORT TO WOULD NOT BE ADDRESSED EFFECTIVELY

Change would not result

I did not believe there was anyone interested or able to resolve it effectively

I did not believe any action would be taken and I would likely experience some sort of backlash.

I was not aware of anyone with authority to whom it could be reported.

It was a current client and my only option for reporting was law enforcement and I knew they would not be able to assist.

1. I worked for a solo practitioner so there wasn't anyone in the firm that could help. 2. I didn't report to the disciplinary board for fear I wouldn't be able to find other employment in the legal profession because I would be labeled a problem.

As a young, female lawyer, it was very clear to me that all the males I worked with at the time did not care.

There have been multiple incidents and each one was not reported for different reasons. One reason was there was no one to report it to who would have done anything. Another reason was because I didn't want to face the backlash of reporting it. I would then become known as the person who "couldn't take a joke" or "doesn't understand a compliment"

It was embarrassing. It was a colleague, not someone I was working with on a particular case and certainly not from my firm. So who exactly should I report that to? That's the problem, it doesn't have to be a superior, or even someone within your organization.

Perceived lack of concern.

It would not have changed the situation.

What's the point? It's never taken seriously.

Because it is the culture of our state bar, displayed by countless older, male attorneys, and I'm simply not convinced it would make a shred of difference.

PERCEIVED POWER OF HARASSER

Because the other attorney was not in my office and was more powerful, older

I was a second-year law clerk, and he was a senior partner in a large firm. No power v. total power did not seem like good odds.

Because it was a Judge and male prosecutors and a boss.

It was made clear to me by senior partners, and even a judge, that I would not be taken seriously and, if necessary, they would spread the word that I was either a trouble maker or an overly sensitive feminist. In addition to experiences in my early career, even as an experienced expert in my field, clients and male colleagues will ignore my advice but when the same idea is later suggested by a male lawyer, then it's brilliant. Speaking up about it did once cause a client to fire me.

The sexual harassment was from my boss.

It was a judge and I was a young attorney

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OTHER

I did not feel comfortable reporting it at the time - I was only a year out of law school and young.

I knew I would be quitting anyways.

I am not sure that I immediately recognized it.

Young

I was a 29 year old male at the time (and also 6'2") and pretty much nobody would believe a female attorney would say those sorts of things to me at the Minnehaha courthouse.