

Appendix B

Response Rate and Reliability

The *Pro Bono* Survey was distributed to 10,330 practising, non-practising and retired members of the Law Society and articling students in conjunction with a regular mailing of Law Society materials, including the *Benchers' Bulletin* and other notices. In total, 619 usable responses were received and the data entered for analysis. This represents a response rate of just under 6%. This is consistent with other issue-specific surveys that the Law Society has distributed in a regular mailing of materials.¹ However, the response rate is much lower than has been experienced with issue-specific surveys distributed by separate mailing² or by facsimile.³ It is also much lower than experienced last year with the voluntary Annual Survey distributed with the Annual Practice Declaration.

If the respondents constitute a random sample of lawyers, a response of 619 returns is likely to be representative of the target population +/- 3.8%, 19 times out of 20. However, the relatively low response rate raises the potential that the responses are not representative of the total population. This is particularly true where the entire population of interest had the opportunity to respond to the survey. It also raises the potential for non-response bias. This occurs because the degree of interest of the respondents in the survey topic is the single most important reason for responding. As a result, the responses may over-represent the views of those members of the target population who are interested in the topic of the survey and under-represent the views of those who have no particular interest in the topic.

While the extent of non-response bias cannot be evaluated directly, there are techniques for evaluating the possibility of bias.

The first technique is to compare known characteristics of the respondents, such as age and gender, with known characteristics of the target population. If the known characteristics of both groups are statistically similar, this reduces the likelihood that the respondents are unrepresentative.

A comparison of the gender, insurance status and years of call of the respondent population who indicated that they were practising with the total population of practising lawyers reveals that women are slightly under-represented in the respondent population and that insured lawyers and more experienced lawyers are slightly over-represented. However, the differences between the respondents and the total population are not large.

The second technique is to evaluate the responses of those who responded early with those who responded late. The assumption here is that those most interested in the topic will respond soonest. If the early responses are statistically similar to the late responses, this reduces the likelihood that the respondents are unrepresentative. Based on a

¹ The Practice Management Survey distributed in 2000 had a response rate of 6.6%

² The Articling Survey achieved an overall response rate of 54%.

³ The Form 47 Cost Survey achieved an overall response rate of 48%.

comparison of the first hundred respondents with the last hundred respondents, there were no significant differences between the responses of these two groups.

While the possibility of non-response bias cannot be ruled out, evaluation of the respondent characteristics and the responses over time suggest that the respondents are representative of the total population of lawyers in the province.