



Findings and Recommendations for Legal Employers to Succeed in Diversifying Talent Within the Legal Profession

The State Bar of California, Council on Access & Fairness
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Introduction

Beginning in 2011, the State Bar of California's Council on Access and Fairness (COAF) convened a series of focus groups to study and develop recommendations for legal employers to increase diversity in the legal profession. COAF conducted the study, collected and assessed data over a two-year period, and presents its findings in this report.

Specifically, the objectives of the Legal Employer Focus Groups were:

- To determine what strategies worked and did not work to improve diversity.
- To determine the impact of the economic downturn on legal employer efforts to improve diversity.
- To identify best practices that legal employers and attorneys could follow to increase diversity.

The focus groups were held in the Los Angeles and San Francisco areas, with a wide variety of legal employers participating, including public interest entities; government and public sector employers; small, medium, and large law firms; law firm diversity directors; and in-house counsel. Over the course of more than twelve months, COAF was fortunate to benefit from the thoughtful and articulate participation of law firm leaders and diversity directors, public interest and government employers, and in-house counsel throughout California. This report summarizes what the Council learned with the hope that it will promote productive dialogues and positive changes in our legal

profession. When we use the terms “diverse” or “diversity”, we are including women, people of color, LGBT individuals and persons with disabilities. Although our report focuses on these categories, we acknowledge that diversity encompasses a wide variety of other characteristics, including veteran's status, religion, and age, among many others.

Shared Observations:

Legal Employers shared the desire to establish true diversity that encompasses considerations of socio-economic background, racial and ethnic ties, disability status, LGBT status and gender. This includes:

- A focus on the recruitment, retention, advancement, and success of diverse talent.
- Seeking an organizational transformation that encourages inclusion of unique backgrounds and traits.
- Achieving diversity among both staff and attorneys.
- Top-down support of diversity policies and best practices, and initiatives throughout the organization.
- Accountability and participation by major firm players, particularly rainmakers.
- Fostering an environment that nurtures initiatives that improve on identified best practices.

Strategic Overview for Improving Diversity:

“The only color that matters is GREEN”--
Focus group participant

- Some law firms stressed the need for clients to provide strong direction in encouraging diversity, for example, by requiring that diverse attorneys staff their matters.
- Partners are more inclined to support diversity initiatives if their efforts are reflected in their compensation.
- Diversity job fairs are a good place to identify talent early on, whereas lateral hiring is an important means to supplement diversity with proven talent.
- Legal employers recognized the need to develop and maintain a welcoming and diverse environment. Mentoring programs are key. Child care and flexible schedules that allow for more involved parenting have encouraged lawyers who are mothers to stay on board. As one participant stated, “The key to retention is that people feel supported. It’s the intangibles that make people stay.”
- For Public Interest employers, there is general success in recruiting diverse interns at law schools by offering loan forgiveness programs that allow the organization to pay part of the attorneys’ educational loans, by posting openings for positions on various public interest websites – including non-traditional outlets, and by offering attractive hours and public impact opportunities as an alternative to law firm employment.

What Seems to Work in Improving Diversity:

- **Mentoring Programs:** Rewarding partners for participating.

- **Career Development Efforts:** Making sure that individual attorneys are obtaining appropriate attention, quality assignments, career development, timely feedback, and networking opportunities.
- **Diversity Training:** Bringing in expert speakers for upper management and other workshops and providing executive coaching for partners.
- **Bar Association Outreach:** Participating and supporting diverse bar association initiatives and encouraging attorneys to become leaders in those programs.
- **Focused Recruiting:** Participating in diversity job fairs and outreach to diverse law schools, student organizations, and bar associations.
- **Affinity Groups:** Establishing affinity groups that link diverse attorneys to leadership in their firms and making affinity groups and activities visible on websites and in recruiting materials.
- **Retention:** Implementing flexible work programs and job retention programs that address reentry after leaves of absence, such as maternity leave.
- **Diversity Committees:** Establishing committees in local offices and having them participate in recruiting.

Impact of a Down Economy on Efforts to Diversify:

“It’s all about money now” –
Focus Group Participant

The most recent economic downturn highlights the need for legal employers to formalize and institutionalize their diversity efforts. Legal employers saw that the economic downturn made diversity take a back seat to profit margins in an even more competitive legal landscape. Even worse, studies show that

diverse lawyers were more likely than non-diverse lawyers to be on the receiving end of downsizing and layoffs — thereby creating a generational gap in mid-level and senior diverse lawyers for years to come.

Other effects include contraction of on-campus recruitment, reduction or elimination of summer programs, fewer visits to job fairs and other events to recruit diverse talent, tightening of financial support of diversity-related activities, and cutbacks to diversity committees and initiatives.

Firms are also being more strategic about where they are visible and how to support their own attorneys involved in outside organizations. In addition, because the hiring pool is better in a poor economy (more choices), there is less incentive to hire diverse attorneys and clients are not emphasizing it as much.

There is still difficulty in attracting applicants for public interest programs, because debt load has age and class implications in some cultures and there is a bias against low paying positions like public interest programs. It is challenging to overcome the paradigm of “success equals money,” even when some law schools are promoting public interest.

In the government/public sector, pay and promotion are key issues. If entities cannot promote, there will be a negative impact on diversity. Offices find themselves making assignments to help “advance” careers even if there is not a formal promotion (e.g. assigning diverse attorneys to the hiring committee or other similar assignments)

Key Areas of Needed Improvement:

- To overcome bias, there is still a need for diversity at all key levels in the system, especially in leadership positions.
- Individual efforts, including support of diversity policies and championing

diverse attorneys, are needed from diverse lawyers in leadership positions.

- There is a need to continue to educate clients on a firm’s diversity efforts and to get their buy-in.
- There is still a need for law firms to be more open about changing policies that negatively impact diversity efforts. If brought to their attention, most are receptive to change. If they do not adopt more progressive policies as diverse talent advances in firms and organizations, there will be an increased risk of losing diverse talent to more diversity-friendly firms.
- Perceptions must be overcome that diverse attorneys are hired because of their color and not their skills.
- Management and leadership must recognize hostility and make bold and direct moves to address it.
- Firms should share best practices.
- Diversity training in unconscious bias would be good for recruiting partners.
- If you can take billable hours out of the equation, we can do a much better job on diversity and professional development.
- There is a need to teach attorneys how to advance within public interest organizations through training and mentorship programs (including networking and fundraising concentrations) so that attorneys see the potential for advancement in the public interest arena.
- Programs need to have smaller staffs in order to manage salaries and enable staff to survive.

- *U.S. News and World Report* rankings need to include diversity.
- Diversity bars need to work together more closely and collaboratively to achieve diversity goals.

Recommendations for Diverse Talent:

- Work hard and do excellent work.
- Demonstrate motivation and a good attitude.
- Go outside the immediate group and seek leadership opportunities. (Gain opportunities to prove leadership capabilities; seek support from the top for this.)
- Set yourself apart – be the “go to” person.
- Embrace your diversity – own what makes you diverse.
- Speak out about what you want and what opportunities you are seeking.
- Make the most of your opportunities; the more challenge/complexity, the greater the success.
- Attach yourself to firm leaders for guidance and mentoring.
- Take personal initiative — staying in the office and keeping your head down is not the way to get ahead.
- Be proactive: Find out what needs to be done to make partner and ask to be partner.
- Approach management if employment issues arise and be proactive about proposing solutions.

- Seek out leadership positions in bar organizations and in the community.
- Get as much experience as possible, both inside and outside the firm.
- Overcome any sense of entitlement.
- Never use your diversity status as an excuse or defense when not performing well.
- Be patient and take time to understand the culture into which you have been hired.
- Don’t expect too much too fast.
- Be as honest as possible and don’t allow political correctness to interfere with clear and candid communication.
- Do not isolate yourself or limit your social group.
- Be proactive and assertive about business opportunities and client development.
- Break out of your comfort zone.
- Communicate in a professional manner.

Commentary by Practice Setting:

Specific findings and recommendations were generated by the focus groups for each practice setting, including large, medium and small law firms; in-house counsel; government/public sector; public interest organizations; and diversity directors. The findings from specific practice settings appear in the accompanying summaries. It is noted that many of the comments, findings and recommendations are similar among the practice settings.

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Perspectives from Large Law Firms and In-House Counsel

Large law firms are defined as those firms with over 75 attorneys. In-house counsel consists of a company's internal legal department. These two groups often work closely together in the representation of private companies. Following is a summary of our discussions and findings on the state of diversity in the private large law firm and corporate sector.

Tips for Improving and Increasing Recruitment

- Find a way to emphasize the role of diversity in effectively serving clients.
- Show a strong commitment to diversity, even in a weak economy.
- Become a member of organizations like the Leadership Council on Legal Diversity (LCLD) and participate in the LCLD Fellows Program, which sponsors fellowships for diverse senior associates and junior partners.
- Approach recruiting in a broader and more creative way that allows retention of top rated and diverse talent:
 - Expand hiring beyond the top 25 schools and the top 10% of the class.
 - De-emphasize grades during interviews.
 - Go to the talent by building relationships with diversity bars and diverse organizations; publish in diverse media and through minority bar associations.
 - Emphasize to diverse students the need to excel academically.
 - Encourage and mentor diverse students to speak up, be themselves in interviews, and boast of their achievements.
 - Host a diversity fellow.
 - Advertise and promote an inclusive environment for all associates so diverse attorneys want to join.
 - Advertise the diversity of the firm.
 - Recruit nationally and target more diverse schools.
 - Visit law school affinity groups and participate in their events.
 - Create in-house summer programs for first year law students.
- Create accountability for diverse hiring and recruiting practices:
 - Get a commitment for diverse hiring and recruiting practices from firm leadership.
 - Reward people for doing well on diversity.
 - Tie compensation to diversity efforts.

- Evaluate and discuss when diversity is not achieved through recruiting.
- Measure diversity in each office to achieve consistency and to ensure diversity percentages are reflected and exist in all offices world-wide.
- Focus on and address the firm's apprehension about hiring lawyers with disabilities.
- Be flexible about how recruiting is done and allow for some individual recruitment efforts by attorneys.
- Think creatively about recruiting diverse talent:
 - Put names on scholarships and fellowships at local schools.
 - Pay for LSAT, Bar Exam or prep courses.
 - Look at what other firms are offering to attract diverse attorneys.
- Identify and focus hiring criteria on qualities needed to be successful (there is no need to compromise standards).
- Encourage attorneys to be leaders in diverse organizations.
- Create relationships with law students and recent graduates.
- Use available tools in the legal profession:
 - Support California Bar Foundation scholarships.
 - Attend Foundation events/dinners.
 - Do outreach to scholarship recipients.
 - Support LCLD fellowship and mentoring programs.
- Identify strong diverse attorneys as lateral hires.

Tips for Improving and Increasing Retention

- Monitor the assignment process to ensure diverse attorneys receive challenging and important work.
- Consider having someone sensitive to diversity concerns be responsible for assignments and for providing the necessary resources.
- Allow diverse attorneys to meet clients and generate more origination of clients.
- Invite diverse attorneys to share the partnerships' engagement with firm success, become involved in core firm business, and attend pitches to clients.
- Evaluate the firm's work/life balance policies.
- Focus reviews on quality more than quantity by considering factors of success beyond the number of hours billed and trial success.
- Create a formal mentorship program for all attorneys.
- Provide attorneys with disabilities and other diverse attorneys with opportunities to prove themselves.
- Provide alternatives to the traditional partnership track.
- Address misperceptions related to clients not supporting diversity issues, difficulty balancing work with reduced hour programs, and incompatibility of reduced or flexible schedules with working on exciting deals and assignments.
- Allow flexibility in dealing with maternity and eldercare issues.
- Create a child-friendly work environment.

- Set out clear objectives so associates know what they need to do to succeed.
- Provide management personnel with the necessary training to deal with issues, thereby increasing empathy and understanding.
- Strive for diversity in all areas of practice so that each practice area has the critical mass to make diverse attorneys comfortable.
- Offer alternatives to billable hours.
- Provide domestic partner benefits.
- Make sure people feel comfortable being openly LGBT—make an effort to go beyond policy.
- Have diverse partners and firm leaders.
- Encourage active memberships and leadership roles in diversity bars.
- Support inclusive affinity groups with no discrimination as to right of attendance.
- Use diversity as the tie breaker in gray areas in evaluating layoff decisions.
- Ensure that alternative work schedules do not unfairly interfere with promotion and partnership opportunities.
- Engage diversity trainers and expert speakers who can speak to upper management.
- Encourage attorneys to put their families first.

Model Programs Accounting for Ongoing and Increased Diversity

- Job retention programs that allow those coming back from parental leaves to maintain their position and seniority upon return.
- Mentoring programs that match diverse mentees with non-diverse mentors.
- Diversity training with expert speakers, including training for upper management.
- Individual, group and executive coaching on work-related issues.
- Associate training in acculturation and rainmaking.
- Organizational perception of diversity as strength and business advantage as well as a moral issue.
- Telecommuting and job sharing policies.
- Leadership that matches the value system of the firm concerning diversity.
- Intentional approaches to train on leadership and diversity.
- Involvement in the Constitutional Rights Foundation and Managing Partners Roundtable.
- Pipeline programs such as diversity scholarships, paid internships, Urban Debate League.

Perspectives from Medium and Small Firms

Medium and Small Firms are defined as firms that have less than 75 attorneys. Following is a summary of the discussions and findings on the state of diversity at small and medium law firms.

Tips for Improving and Increasing Recruitment

- Sponsor diversity events with judges and attorneys to let candidates know the firm is recruiting.
- Participate in diversity job fairs and interviews.
- Establish a diversity workshop program for law students.
- Attend diversity events at local schools to meet potential candidates.
- Co-sponsor events with other legal organizations supportive of diversity.
- Establish or maintain a diversity program that includes an internal committee that talks to hiring partners during the hiring process.
- Get local bar associations to participate in diversity events and take on interns.
- Promote your firm's strong diversity record and programs to attract candidates.
- Offer more perks and benefits to attract top talent.
- Track statistics to show applicants compared to actual hires.
- When firms are not actively recruiting, get candidates based on past interactions.
- Give priority to diverse candidates to get to the interview stage.

Tips for Improving and Increasing Retention

- Put diverse attorneys in positions of power and leadership within the firm.
- Encourage career development opportunities for diverse lawyers, including client contact and court appearances.
- Hold social events so lawyers get to know each other and find common ground.
- Support involvement with bar associations and other organizations such as chambers of commerce to encourage client generation that some attorneys don't have coming into firms.
- Offer flexible schedules to the extent permitted by the firm's business model.

- Build an effective mentorship program.
- Create a firm culture where diversity is discussed as an asset by emphasizing that the firm wants divergent view points, that diversity is achievable – especially in large

urban areas in California – and a recognition that the firm ought to reflect the diversity of the community to meet the needs of clients and to serve clients more comfortably.

Model Programs Accounting for Ongoing and Increased Diversity

- Formal mentorship programs.
- Training programs that build marketing and client development skills.
- Connections with diverse attorneys outside the law firm to provide leadership and networking opportunities.

Perspectives From Law Firm Diversity Directors

Law Firm Diversity Directors provide leadership and consultation to help their firms achieve and sustain a diverse and inclusive workplace. Diversity Directors regularly review diversity and inclusion (DUI) best practices and work closely with their firm leadership, practice group leaders, recruiting committees, affinity groups and others to develop internal and external D&I initiatives, both firm-wide and within individual offices. The Diversity Directors who participated in this focus group represented large and mid-sized firms with both national and international offices.

Tips for Improving and Increasing Recruitment

- Participate in campus recruitment and diversity job fairs.
- Conduct regular outreach at a wide variety of institutions and with diverse student organizations.
- Establish diversity committees in local offices and have the committee members participate in recruiting, even if a diversity director is not present in that office, and make diversity a year-round responsibility.
- Provide opportunity for diverse attorneys to play a genuine, significant role in recruitment efforts, sending a message that the firm supports diversity and its diverse attorneys and opening the door for conversations around diversity.

- Seek feedback from diverse students and attorney applicants on questions.
- Establish a first-year law school hiring program to give diverse students opportunities to gain law firm experience and be considered for future opportunities.
- Invite all bar associations leaders to speak to the firm's attorneys to stress the importance of diversity in the legal profession as key to keeping the issue at the forefront of attorneys' minds.
- Train the people in charge of the firm's recruiting efforts to make diverse candidates feel comfortable. It is important that the firm's own people know about the firm's diversity policies and efforts and can communicate them during the recruiting process — sharing the firm's commitment and desire to increase diversity.
- Reduce reliance on grades once an applicant meets the firm's requirements and focus on other aspects of the applicant's resume.
- Establish affinity groups within a firm to get diverse attorneys linked to firm leadership across a firm's various offices.
- Make affinity groups visible on websites and in recruiting materials so that candidates are aware of the firm's commitment to diversity and the support structure that may be available at the firm.

Tips for Improving and Increasing Retention

- Establish alternative work schedule programs, such as de-stigmatized "part-time" status.
- Create opportunities for women, in particular, to achieve work-life balance to address the perception that asking for part-time hours would have a negative impact on career paths.
- Successful alternative work schedule programs should be gender neutral and "reason-blind".
- Educate law firm leaders through "road shows" across all offices of a firm to show attorneys how alternative and flexible work arrangements can work without sacrificing accessibility and responsiveness for clients.
- Promote and advertise the firm's diversity initiatives.
- Ensure that diverse attorneys are getting individual attention, career development/feedback and guidance while working on matters and not just during annual review periods.
- Establish a process to identify issues early on by monitoring hours and reviewing assignments for diverse associates to ensure they are receiving sufficient significant and meaningful work.
- Create effective mentorship or coaching programs to meet practice and non-practice needs of diverse attorneys, to ensure inclusion within the firm and to ensure that diverse attorneys have advocates within the firm structure.
- Establish leadership programs.

- Incorporate true diversity consisting of racial, ethnic, socio-economic, gender, sexual orientation, disability and cultural diversity and including all staff levels.
- Create and implement programs to ensure inclusion of diverse attorneys (involves an organizational transformation).
- Encourage firm managers and rainmakers to buy in and have accountability for diversity policies.

Model Programs Accounting for Ongoing and Increased Diversity

- Ongoing training for the people in charge of the firm's recruiting efforts.
- Interviewer education to help make diverse candidates feel comfortable.
- Diversity positioned as an integral part of recruitment efforts, not as a separate issue from recruitment.
- Diversity committees in local offices, so that they participate in recruiting and all aspects of the firm's work (e.g. participating in client marketing and presentations and participating in CLEs offered by the firm).
- Alternative work schedules and flex time programs.

Perspectives From Public Interest Entities

Public Interest Organizations are generally non-profit entities that provide legal services to persons who have been traditionally underrepresented in the justice system, including, but not limited to those who are indigent, elderly, juveniles, victims of domestic violence, persons with disabilities and members of immigrant communities. In addition, Public Interest Organizations often advocate for civil rights and provide education on issues of concern to underrepresented communities, as well as engaging in impact litigation, policy analysis and advocacy and leadership development. Often, Public Interest Organizations are able to offer legal services within specific communities by offering legal services in languages specific to the communities they serve and understanding the special and unique needs of clients. The following is a summary of our discussions and findings on the state of diversity in public interest organizations.

Tips for Improving and Increasing Recruitment

- Make best efforts to recruit diverse interns while they are in law school, because they often return to the organization for full-time jobs.
- Utilize Registered Legal Services Attorneys (RLSA's). Include a notice that the organization will accept RLSA's in job postings in order to attract more diverse applicants. These are non-California attorneys who are eligible to register to work in California for up to three years as legal services attorneys as part of the State Bar's Multijurisdictional Practice Program, under California Rules of Court, rule 9.45.
- Post positions on various public interest websites, not just traditional legal search outlets (e.g. idealist.org).
- Reach out to diverse organizations (campus groups, diverse bar associations, etc.) and invite these groups to participate in volunteer opportunities so diverse attorneys become familiar with the work of the organization.
- Change the recruitment approach to allow more available travel to diverse student group conferences.
- Develop a strategic approach to recruitment.
- Provide support and training for new staff to enable the organization to hire new diverse staff who may not be ready to assume all tasks.
- Raise funds to pay interns and law clerks who may not be able to work without pay.
- Promote the work of the organization through mainstream organizations and media so the work of the organization is better known.
- Look at other employment factors and experience that reflect an interest in the work the public interest organization does, rather than specifying that applicants must have attended certain law schools.
- Increase salary structure to be on par with the non-profit sector.
- Offer a loan forgiveness program which allows the organization to pay part of the attorney's law school loans.
- Have a diverse staff to attract diverse applicants.
- Create a program-wide diversity committee including diverse managers, attorneys and administrative staff tasked with focusing on retention, promotion, initial screening of applicants and creating standards for review.
- Promote a program focused on diverse cultures, languages, and access to justice.
- Establish a broad range of diversity factors because emphasis on one set of criteria results in a lack of applicants from other areas.
- Take advantage of cycles in hiring by hiring when the economy is down and there are more quality applicants compared to when the economy is good and finding quality and passionate applicants is more challenging.
- Involve the entire office, including the Executive Director if possible, in the interview and selection process.

Tips for Improving and Increasing Retention

- Be innovative with compensation packages:
 - Increase salaries to compete with private firms and other employers.
 - Establish pay scales that accounts for skills.
 - Develop a pay scale of “juniors” and develop administrative support.
- Go to the client community pipeline and start developing skills there.
- Create a clearinghouse for positions and skills.
- Implement office policies that can benefit diverse staff, including health plans and leave policies.
- Offer professional development opportunities to train/co-teach/participate in workshops and conferences of national significance.
- To balance lack of promotion opportunities, create career development opportunities that fit your organization, like creating “project director” designations plus stipends for extra assignments.
- Teach attorneys how to take charge of their careers, develop substantive and leadership skills, and advance within public interest organizations through training and mentorship programs (including networking and fundraising concentrations).
- Support (financially and otherwise) participation and leadership positions in bar associations of interest to attorneys.
- Hold diversity receptions for law clerks and present a panel of diverse attorneys who discuss what led them to public interest law.
- Strive for full diversity in all levels of staff and in all areas.

Model Programs Accounting for Ongoing and Increased Diversity

- Diversity in the organization’s leadership positions (executive directors, legal staff and board).
- Organizations that “look like our clients,” with diverse staffs to serve the communities in which we operate (including, language, ethnicity, gender, sexual orientation, etc.).
- A “language bank” available so diverse attorneys can serve all the organizations’ constituents and are not restricted to serving clients using the same language (e.g. any attorney may serve any client with the assistance of 24/7 on-call language interpreters).
- A loan forgiveness program that allows diverse attorneys to consider public interest organizations, as well as law firms, when seeking employment.
- Access to technology for legal staff, so that attorneys and staff don’t feel that they are lacking critical experience with legal technology by working with a public interest organization.
- On-site or subsidized child care.
- Organization offices in adequate and “good quality” space so attorneys feel that they are working in a professional setting.

- Leave and non-discrimination policies that won't discourage applicants during the recruitment process.
- Procedures for enforcement of non-harassment policies through zero tolerance regardless of staff levels and background.
- A workplace marketed as a more interesting place to work than traditional law firms and promoting the idea that a workplace is richer by having people bring their varied backgrounds and experiences.
- A program with a diversity of clients because clients feel like they have a comfortable place to go.
- Fundraising ads that promote the importance of diversity when attracting new donors.

Perspectives From The Government/Public Sector

Government and public sector employers are local, state, and federal governments and their agencies. They include City Attorneys, District Attorney, and Public Defenders. The following is a summary of our discussions and findings on the state of diversity in the government and public sector.

Tips for Improving and Increasing Recruitment

- Participate in general and diversity job fairs.
- Use local bar associations to conduct active outreach.
- Broadly promote the importance of applying to government offices, district attorney's offices, and other public sector jobs:
 - Market social justice in the public sector and impact on community.
 - Conduct informal interviews beyond the civil service process to identify diverse candidates who should be considered.
- Expand outreach to build pipeline:
- Recruit at local law schools (not just at traditional national schools).
- Conduct outreach early in legal education regarding future careers.
- Include the importance of bilingual skills.
- Reach out to youth in high schools before college regarding legal careers.
- Conduct a weekly roundtable for students with members of the office doing presentations.
- Ensure that outreach and recruitment are conducted by a diverse interview team to convey the message that the office supports diversity and inclusion.
- Have a diverse management team and leadership so that diversity policies are created from the top down.

- Create opportunities through paid intern programs and work study. (Note: It is important to provide paid positions — students from diverse backgrounds are often not able to afford to work in unpaid positions.)
- Hire from summer clerkship programs and assign mentors to each clerk.
- Select from a diverse applicant pool (background, broad range of factors; grades should not be only factor).
- Invite some interns back after graduation.
- Provide for leave (on paid status) to prepare for the bar exam.

Tips for Improving and Increasing Retention

- Provide for paid memberships to various bar associations.
- Classifications should involve automatic movement along classifications track.
- Make promotion opportunities for attorneys from diverse backgrounds.
- Provide higher salaries in the Bay Area and areas with higher costs of living.
- Ensure inclusion of diverse attorneys.
- Create affinity groups (e.g. Black and Asian associations).
- Allow attorneys freedom to take the initiative regarding diversity activities.
- Make assignments to help “advance” careers, even if there is not a formal promotion (e.g. assign diverse attorneys to the hiring committees or other similar assignments).
- Be sure new hires understand their role regarding community outreach and community connections.
- Be willing to implement multiple paths depending on skills, interests and effectiveness, as opposed to rigid paths.
- Address situations where older (mostly non-diverse) attorneys retain positions, preventing the ability to bring in diverse, more energetic attorneys.
- Implement effective mentoring programs to support and champion attorneys.
- Identify and use skills that attorneys bring to the job; develop proficiency in others.
- Communicate with diverse attorneys and inquire about success and issues faced to keep them on track.
- Work with management and staff to overcome feelings that minorities are hired because of color and not skill.
- Management and leadership need to recognize hostility and make bold and direct moves to address it.
- Eliminate discrimination in the workplace. (Excellent on-the-job training helps counter discrimination, ensuring that those conducting performance reviews are culturally aware and giving fair evaluations regarding retention, promotion, etc.)
- Be aware of and try to overcome inherent biases.

Model Programs Accounting for Ongoing and Increased Diversity

- Effective mentoring programs to support and champion attorneys.
- Identification and use of skills that are identified and brought to the job and the development of proficiency is developed in others
- The pipeline is built by expanding outreach, (e.g., through recruiting at local law schools rather than just traditional national schools, early outreach at law schools regarding future careers; and an emphasis on the advantage of bilingual skills).
- Outreach is conducted by diverse panels.
- Every color of the rainbow and economic sector is represented.
- Communication is ongoing with diverse attorneys to review successes and address issues in order to keep them on track.
- A close and collaborative relationship with diversity bars to achieve diversity goals.

The State Bar Council on Access & Fairness

Background Information:

The Council on Access and Fairness (COAF) was created in 2006 to serve as the State Bar diversity “think tank” and to advise the State Bar Board of Trustees on strategies to enhance diversity *opportunities* and *advancement* in the legal profession. The 25-member Council is composed of attorney and public members appointed by the Board of Trustees. The membership represents a wide range of stakeholders engaged in programs and initiatives focusing on increasing diversity in the legal profession. Consistent with State Bar appointments policies and diversity criteria, Council members are drawn from diverse constituencies, including but not limited to: race, ethnicity and national origin; gender; age; sexual orientation and transgender; disabilities; large, small and solo firms; government and public sector practice; domestic corporate and private firm practice; Pre-K to high school, community colleges, universities and law schools; and the judiciary. The vision, mission, goals, strategies, and charge of the Council on Access and Fairness are detailed, below.

COAF Vision:

COAF’s vision is of a culture of inclusion within California legal and judicial communities that accommodates the needs of California’s diverse population and ensures that the justice system delivers procedural fairness and substantive justice to the people of California; of a legal profession comprised of a diverse population of attorneys (including minorities, women, LGBT, seniors, and persons with disabilities); of the elimination of the educational achievement gap between diverse K through 12 students and other student populations; of equal access for diverse students to enhanced educational opportunities and information about the legal profession to cultivate and support their interest and involvement in the judicial system, and of a student population that understand its role and responsibilities as active participants in our democracy.

COAF Mission:

The Council on Access and Fairness provides leadership and guidance for the State Bar of California to ensure the legal profession reflects the rich diversity of the people of California in a way that is equally accessible and free of bias.

COAF Strategies:

Strategy 1. Produce Institutional and Attitudinal Changes. Produce institutional and attitudinal changes to create a culture of inclusion within the legal profession and judiciary that fosters diversity.

Strategy 2. Communicate to Inspire and Engage Diversity. Serve as a catalyst for change by framing and communicating ways to respond to diversity challenges to inspire and empower potential lawyers from diverse communities.

Strategy 3. Partner, Collaborate and Coordinate to Achieve Diversity.

Partner, collaborate and coordinate with existing entities and individuals already working toward the goal of diversity within the justice system to achieve that goal.

Strategy 4. Measure Change. Create mechanisms to measure change in the diversity of the legal profession over time.

COAF Long-Range Goals:

GOAL 1. Barriers are eliminated and diversity is encouraged all along the California educational pipeline (from preschool through admission to the legal profession).

GOAL 2. The California legal profession and judiciary will reflect the rich diversity of the California population and respect the cultural values of their constituents.

COAF Charge:

The charge of the Council on Access & Fairness is to:

- A. Advise the Board on strategies to develop collaborative activities and efforts along the diversity pipeline to raise interest in the legal profession
- B. Serve as liaison between the State Bar and the diverse stakeholders and constituencies in the legal profession
- C. Identify and encourage individuals from diverse backgrounds to enter the legal profession.
- D. Encourage full and equal opportunity for individuals from diverse backgrounds to remain and advance in the legal profession.
- E. Identify and encourage attorneys from diverse backgrounds to become active participants in the administration and governance of the State Bar and make specific recommendations to the Board of Trustees for increasing that participation.
- F. Promote and ensure collaborative efforts to generate and provide support and to increase the numbers of attorneys from diverse backgrounds entering and advancing in the legal profession.
- G. Study and report on the status of attorneys from diverse backgrounds in the legal profession and in State Bar activities.
- H. Produce on an ongoing basis programs and materials designed to maximize opportunities for individuals from diverse backgrounds in the legal profession and in the administration and governance of the State Bar's programs and activities.
- I. Comment, when requested by the Board of Trustees or the Executive Director, on barriers directly related to access opportunities within the profession for attorneys from diverse backgrounds
- J. Screen applicants and make recommendations to the Board of Trustees for recipients of the Annual Diversity Awards.
- K. Educate all attorneys of State Bar policy within the authority of this charge.

The Case for Diversity

Diversity is beneficial for the profession, for our diverse communities and for the local and global marketplace.

- **Policymaking:** The State Bar recognizes the critical role played by attorneys in the leadership of our local communities, state and nation (with lawyers nationwide representing 40% governors, 20% state legislators, 58% US Senators, 37% US Representatives and 11% major CEO's).
- **Administration of Justice:** Diversity among practitioners and the bench is critical for the fair representation of diverse individuals and for enhancing public confidence in the judicial system.
- **Business Case:** Business entities are rapidly responding to the needs of global customers, suppliers, and competitors by creating workforces from many different backgrounds, perspectives, and skill sets. And more frequently, clients now expect and sometimes demand lawyers who are culturally diverse and who reflect the diversity of their customer base.

Current State Bar Membership Demographics

The State Bar's Diversity Goal is for the profession to reflect the current Census figures/demographics for statewide population on a macro level and for countywide population on a micro level.

State Bar membership data (based on 2001, 2006 and 2011 member surveys) show:

| Categories | 2001 Members | 2000 Census | 2006 Members | 2006 Census | 2011 Members | 2010 Census |
|---------------------------------|-----------------|-------------------|-----------------|-------------------|-----------------|-------------------|
| Total Active Bar Members | 148,000 | 33,871,648 | 154,500 | 36,457,549 | 172,402 | 37,253,956 |
| Minorities: | | | | | | |
| African American | 2.4% | 6.7% | 1.7% | 6.7% | 2.7% | 6.2% |
| Latino/Hispanic | 3.7% | 32.4% | 3.8% | 35.9% | 4.2% | 37.6% |
| Asian/Pacific Is. | 6.0% | 11.2% | 5.3% | 12.8% | 7.7% | 13.4% |
| Other/Mixed | 4.9% | 3.0% | 4.8% | 1.5% | 6.1% | 2.7% |
| Total Minorities | 17.0% | 53.3% | 15.6% | 56.9% | 20.7% | 59.9% |
| Other Groups: | | | | | | |
| Women | 32.0% | 50.2% | 34.0% | 50.0% | 39.4% | 50.7% |
| LGBT | 2.4% | 2.1%* | 5.2% | No data | 4.6% | 3.2%* |
| Disabilities | 4.0% | 17.4%** | No data | No data | | 10.0%** |

* presumed undercounted with low rate of voluntary, self-identification by LGBT persons

**presumed range of disabilities undercounted with emphasis on physical disabilities