



June 16, 2020

## AN OPEN LETTER TO THE LEGAL COMMUNITY FROM THE STATE BAR OF CALIFORNIA:

Recent events that have roiled the nation create a moment of reckoning for American ideals of justice and equality. This moment calls each of us to engage in an unflinching search for systemic racism in our institutions and accept individual and collective responsibility for making and accelerating change. How can we contribute to a nation united in fairness and equality?

The California Supreme Court said it best in its June 11, 2020, Statement on Equality and Inclusion: *“It is all too clear that the legacy of past injustices inflicted on African Americans persists powerfully and tragically to this day. Each of us has a duty to recognize there is much unfinished and essential work that must be done to make equality and inclusion an everyday reality for all.”* The legal profession bears a special responsibility to guarantee the equal treatment of all persons and to ensure remedies for those subjected to unfair, unequal, and unjust treatment. Many in the legal community have worked for years to reduce bias, support access to justice, and foster diversity and inclusion, but there is much more to do. Each instance of injustice is one too many.

As the regulatory agency for California lawyers, the State Bar must focus both outwardly toward the profession and inwardly on our own operations. By statute, access and inclusion are core to our public protection mission. To that end, the State Bar has recently taken the following steps:

- Early last year, the Board of Trustees committed to concrete objectives to advance diversity and inclusion within the legal profession.
- We are scrutinizing the development and framing of bar exam questions, and how answers are graded, to identify and address bias, implicit or explicit.
- We conducted the first comprehensive California attorney census designed to help identify particular obstacles to diverse attorneys’ entry into, retention, and advancement in the legal profession.
- Two years ago, we commenced a tradition of annual diversity summits to bring leaders in key legal sectors together to discuss how to improve inclusion and diversity in the legal profession.

- Soon we will release the State Bar's first Report Card on the Diversity of California's Legal Profession to move the ball forward toward meeting our diversity and inclusion objectives for the profession.

In a state as diverse as California, the lagging growth of diversity in the legal profession both reflects entrenched inequities and limits progress to eradicate such inequities. By working to diversify the profession, we do our part to address those inequities and help to shape the California we wish to see. We also increase trust in the profession among the people it serves. Diverse experiences and perspectives make the profession stronger and the legal system more just, both in perception and in reality.

Looking inward, the State Bar has recently examined its own disciplinary system and found evidence that African American male attorneys have experienced a higher rate of serious discipline than other attorneys. The Board of Trustees is committed to examining the mechanisms that may have contributed to disproportionate discipline and rectifying the disparity, a process that remains underway.

We must seize this important moment and commit to sustained actions that continue even if the news cycle moves on and the hashtags fade. We must find ways to accelerate progress. We commit to continuing this work, and we invite you to join us.



Alan Steinbrecher  
Chair, State Bar Board of Trustees



Donna S. Hershkowitz  
Interim Executive Director