



The State Bar of California

Title of Report: Diversity, Equity, and Inclusion Plan: 2023–2024, Biennial Report to the Legislature

Statutory Citation: Business and Professions Code section 6001.3(c)

Date of Report: March 15, 2023

The State Bar of California submits this report to the Legislature in accordance with Business and Professions Code section 6001.3, which directs that the State Bar develop and implement a plan demonstrating its ongoing “commitment to and support of effective policies and activities to enhance access, fairness, and diversity in the legal profession and the elimination of bias in the practice of law.”

This is the third report to be submitted pursuant to this statutory requirement. The report summarizes the activities undertaken over the last two years to promote diversity, equity, and inclusion (DEI) in the legal profession, as prioritized by the State Bar’s 2017–2022 Strategic Plan and described in the State Bar’s prior biennial reports submitted in 2019 and 2021. The report specifically addresses the State Bar’s efforts in the core pillars of its DEI work: statewide leadership, building a culture of diversity, pipeline to the profession, and retention and advancement in the profession. The State Bar remains committed to a data-driven approach to advancing a more diverse, equitable, and inclusive legal profession. The *Report Card on the Diversity of California’s Legal Profession* shares data collected in the 2020 and 2021 attorney censuses, which provides a rich data set of demographic data about the state’s attorney population, identifies key disparities in the overall composition of the attorney population, and highlights key factors in retention and advancement in the profession. This data is supplemented by calls to action for employers and attorneys to take an active role in advancing DEI in the workplace. Additionally, the State Bar continues to make significant progress in studying processes and procedures related to law schools, licensure, and attorney discipline to identify areas for increased transparency, equity, and fairness. This work, along with feedback from key stakeholders, has been used to develop the State Bar’s 2023–2024 DEI work plan, leveraging the State Bar’s unique position to have the greatest impact by collecting data, making systematic changes as a regulator, and incubating innovative programs that can be scaled to increase diversity, equity, and inclusion throughout California’s legal profession.

This summary and the report are submitted in compliance with Government Code section 9795.

The full report and attachments are available for download on the State Bar website at:
<http://www.calbar.ca.gov/About-Us/Our-Mission/Protecting-the-Public/Reports>.

A printed copy may be obtained by calling 415-538-2252.



The State Bar *of California*

Diversity, Equity, and Inclusion Plan: 2023–2024 Biennial Report to the Legislature

Pursuant to Business and Professions Code Section 6001.3

March 15, 2023

TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
INTRODUCTION	8
DEMOGRAPHIC OVERVIEW	9
Figure 1. Percent of California Attorneys who Identify as a Woman or Person of Color by Year Admitted to the State Bar of California: 1990–2021	9
Figure 2. Racial/Ethnic Composition of Attorneys by Year Admitted to the State Bar of California: 1990–2021	10
Figure 4. White and People of Color: California’s Adult Population Compared with	12
California’s 2022 Attorney Population	12
Figure 5. Gender Identity: California’s Adult Population Compared with	12
California’s 2022 Attorney Population	12
Figure 6. Sexual Orientation/Identity: LGBTQIA+: California’s Adult Population Compared with California’s 2022 Attorney Population	13
Figure 7. People with Disabilities: California’s Adult Population Compared with	13
California’s 2022 Attorney Population	13
Figure 8. Veterans: California’s Adult Population Compared with	14
California’s 2022 Attorney Population	14
STATEWIDE LEADERSHIP	14
ATTORNEY CENSUS	14
Gender Identity	15
Employment and Workplace Satisfaction Questions	15
DIVERSITY REPORT CARD AND 2020 IMPACT SURVEY	15
Where California Attorneys Work	16
Figure 9. California Attorneys’ Primary Employment Sector	16
Figure 10. California Attorneys’ Primary Employment Sector by	17
Demographic Background Characteristics	17
Figure 11. Race/Ethnicity and Gender Composition of Employment Settings	18
Diversity in Leadership Roles	18
Figure 12. Percent of Attorneys who are Executives by Employment Sector	19
Figure 13. Racial/Ethnic and Gender Composition of Executive Leaders by Sector	20
Figure 14. Racial/Ethnic and Gender Composition of Law Firm Attorneys and Partners/Shareholders	22
Figure 15. Attorneys who Supervise, or Hire and Promote Attorneys	23
by Race/Ethnicity and Gender	23
Workplace Satisfaction	24
Figure 16. Workplace Domains	24
Figure 17. Workplace Satisfaction by Employment Sector	25
Figure 18. Satisfaction with Individual Career, Collective Workplace Issues, and Work-life Balance	26
Table 1. Top Five Areas of the Workplace that Need to Improve for Employee Satisfaction to Increase	27

Calls to Action.....	27
DEI LEADERSHIP SEAL.....	28
OUTREACH OPPORTUNITIES	29
CREATING A CULTURE OF INCLUSIVITY.....	29
TRAININGS AND LEARNING OPPORTUNITIES TO BUILD AWARENESS AND CULTIVATE INCLUSION.....	29
Building Awareness and Cultivating Inclusion for State Bar Volunteers.....	31
BUILDING AWARENESS AND DEVELOPING TOOLS TO REDUCE BIAS IN THE PROFESSION	31
PIPELINE TO THE PROFESSION.....	31
LAW SCHOOL ENROLLMENT AND RETENTION	32
Enhancements to California Accredited Law Schools and Registered Schools Annual Report	32
Law School Retention Study	32
MINDSETS IN LEGAL EDUCATION: IMPROVING PERFORMANCE ON THE BAR EXAM.....	33
MINIMIZING POTENTIAL BIAS IN BAR EXAM QUESTION DEVELOPMENT AND GRADING	33
IMPLICIT BIAS TRAINING FOR BAR EXAM GRADERS	34
BLUE RIBBON COMMISSION ON THE FUTURE OF THE BAR EXAM.....	35
RETENTION AND ADVANCEMENT IN THE PROFESSION	35
DIVERSITY SUMMITS	36
INACTIVE ATTORNEY STUDY.....	36
ADDRESSING DISPARITIES IN THE DISCIPLINE SYSTEM	37
Table 2. Racial Disparities Study: Results, Recommendations, Implementation, and Evaluation Plans.....	37
AD HOC COMMISSION ON THE ATTORNEY DISCIPLINE SYSTEM	39
Table 3. Resolutions Adopted by the Board of Trustees Upon Recommendation of the Ad Hoc Commission on the Discipline System and State Bar Staff	39
CALIFORNIA RULE OF PROFESSIONAL CONDUCT RULE 8.4.1.....	41
LOAN REPAYMENT ASSISTANCE PROGRAM	41
FUTURE PLANS	42
STATEWIDE LEADERSHIP	42
CREATING A CULTURE OF INCLUSIVITY	42
PIPELINE TO THE PROFESSION	43
RETENTION AND ADVANCEMENT IN THE PROFESSION	43
Reforms to the attorney discipline system.....	43
Prevention and proactive risk-management for attorneys	44
Promoting retention and advancement	44
FUNDING HISTORY AND NEEDS.....	44
Table 4. Elimination of Bias Fund History, 2017–2022	45

EXECUTIVE SUMMARY

The State Bar of California is proud to submit this third biennial report with its Diversity, Equity, and Inclusion Plan, which documents the significant and meaningful progress the State Bar has made in carrying out its mission to increase the diversity of California's legal profession. In a time when we have all been altered by a global pandemic and have experienced a national reckoning on the brutal reality of systemic racism in America, the State Bar takes seriously its role and opportunity to impact the national conversation on diversity, equity, and inclusion—and justice—for all Californians. As the largest legal regulatory agency in the country, and one uniquely charged with addressing diversity, equity, and inclusion (DEI) as part of that regulatory purpose, the State Bar is well positioned to support and advance a diverse, equitable, and inclusive attorney population. As this report reflects, over the last two years, the State Bar has continued a wide array of diversity, equity, and inclusion initiatives impacting its internal culture, prospective and current licensees, and its many partners and stakeholders. The State Bar has engaged in meaningful, substantive, and effective DEI work with the goal to make real change for the attorney population and the public that it serves.

In March 2021, the State Bar submitted its second biennial report, which provided an update on the State Bar's progress in implementing its initial DEI plan as well as future plans. This report similarly includes updates and highlights future planned activities.

The State Bar has made significant progress on all aspects of the 2021 plan. Key accomplishments include:

- Publication of a first-of-its-kind online and interactive Annual Report Card on the Diversity of California's Legal Profession, which included analysis of the demographic composition of California's 2022 attorney population, explores where attorneys work, their leadership experiences, and satisfaction with workplace experiences that impact advancement and retention in the profession, and includes sector-specific calls to action for employers and attorneys;
- Launching the DEI Leadership Seal Program to recognize employers of California attorneys who commit to and implement action items to advance DEI in their workplaces;
- Conducting a bias and sensitivity review of California Bar Exam questions and developing and implementing the *Guiding Principles in Examination Development to Minimize Potential Bias in Bar Exam Questions*; and
- Implementing robust measures to address findings from the groundbreaking study on racial disparities in the attorney discipline system.

Additional accomplishments include:

- Improving the State Bar's attorney census survey so that California attorneys may better express their identities and provide more nuanced answers related to workplace experiences and satisfaction;

- Engaging in strategic outreach efforts to ensure diverse candidates for State Bar subentities with the goal to engage diverse voices in the development and evaluation of State Bar policies;
- Launching a free online Mandatory Continuing Legal Education training module, *Disrupting Implicit Bias*;
- Implementing enhanced demographic reporting requirements for California-accredited and unaccredited law schools to support more meaningful evaluation of matriculation rates for law students of color;
- Continuing the Mindsets in Legal Education Program, a positive mindset intervention that has proven to increase California Bar Exam scores for test takers of color;
- Convening the Blue Ribbon Commission on the Future of the Bar Exam to study and develop recommendations on changes to the California bar exam; and
- Studying and developing a proposal to address the impact of loan repayment assistance programs on retention and advancement in the nonprofit sector, including the impact on attorneys of color.

Moving forward to 2023–2024, the State Bar will continue work related to the attorney census, Diversity Report Card, and the DEI Leadership Seal program. Internally, the State Bar will focus its DEI work by applying for the DEI Leadership Seal as an employer and conducting an internal DEI Audit, including a procurement disparities study. Related to pipeline into the profession, the State Bar will continue the Mindsets in Legal Education program, and the Blue Ribbon Commission on the Future of the Bar Exam will issue its report and recommendations. To support retention in the profession and reforms to the discipline system, the State Bar is committed to implementing recommendations made by the Ad Hoc Commission on the Discipline System, including further reforms to the attorney discipline system and prevention and risk-management for attorneys.

In addition to outlining past accomplishments and future plans, this report identifies critical State Bar DEI funding needs. Currently, funding to support this important work is limited to opt-out fees included as part of the broader attorney licensing fee approved annually by the Legislature. This opt-out fee generates approximately \$300,000 per year, which is outpaced by DEI funding needs. While the State Bar has been able to accomplish a significant breadth and depth of DEI work with this limited funding source, the need is far greater. This report will outline the ongoing DEI work as well as increased funding needs associated with planned 2023–2024 activities. Additional funding would be used to evaluate law school retention programs, develop a court-appointed counsel program for income-qualifying attorneys facing State Bar discipline, and increase proactive communication and outreach regarding the diversity report card and DEI Leadership Seal initiatives.

These investments would have real impact. Increasing diversity, equity, and inclusion in the profession, especially at leadership levels, helps promote the rule of law and confidence in our legal and judicial systems. People will better trust a justice system comprised of people who look like them and understand their identities and life experiences. We hope these efforts to

advance DEI increase confidence in the system of justice, particularly within historically underrepresented communities.

INTRODUCTION

Diversity, equity, and inclusion (DEI) positively impacts the administration of justice, ensures fairness, and promotes the rule of law. As detailed in the State Bar's previous DEI reports to the Legislature, beginning in 2019, the State Bar's organizational and statutory mission has prioritized DEI. The State Bar has approached this work with a "built in, not bolted on" approach.¹ In 2019, the board prioritized DEI work in the State Bar's strategic plan by including nine concrete DEI objectives in that plan. The board took its commitment to DEI a step further when adopting the [2022–2027 Strategic Plan](#),² which states the following:

The State Bar's mission is rooted in protecting the public. The strategic goals reflect the organization's vision for realizing that mission over the next five years. As a foundational principle, the State Bar is committed to advancing diversity, equity, and inclusion with respect to both its own operations and the legal profession itself.

The State Bar is proud to submit this report, which documents significant and meaningful progress in the last two years in the effort to identify and reduce implicit bias in the practice of law and to increase DEI in California's legal profession. As the largest regulatory agency in the country, and against the backdrop of recovery from a global pandemic and growing awareness of the impacts of systemic racism on the justice system, the State Bar continues to embrace its mandate to protect the public by advancing DEI in the profession. By reviewing and improving upon processes and practices from law school to licensure to retention and advancement across sectors, the State Bar's goal is to support an increasingly diverse attorney population which, in turn, will be able to provide meaningful access to justice to all Californians. The State Bar, with support from its Council on Access and Fairness (COAF)³, hopes these efforts will contribute to the larger national conversation on DEI and access to justice issues.

This report begins with a brief overview of the demographics of the California attorney population, then highlights the State Bar's progress and plans in the following areas: Statewide Leadership, Creating a Culture of Inclusivity, Pipeline to the Profession, and Recruitment and Advancement in the Profession.⁴

¹ The State Bar submitted its [first biennial DEI report](#) to the Legislature in 2019 and the [second biennial DEI report](#) in 2021.

² The 2022–2027 Strategic Plan includes four goals:

- Protect the public by strengthening the attorney discipline system
- Protect the public by enhancing access to and inclusion in the legal system
- Protect the public by regulating the legal profession
- Protect the public by engaging partners

To meet these ambitious goals, the strategic plan focuses implementation strategies in the following areas: effectiveness; consumer focus; diversity, equity, and inclusion; and policy and systems change.

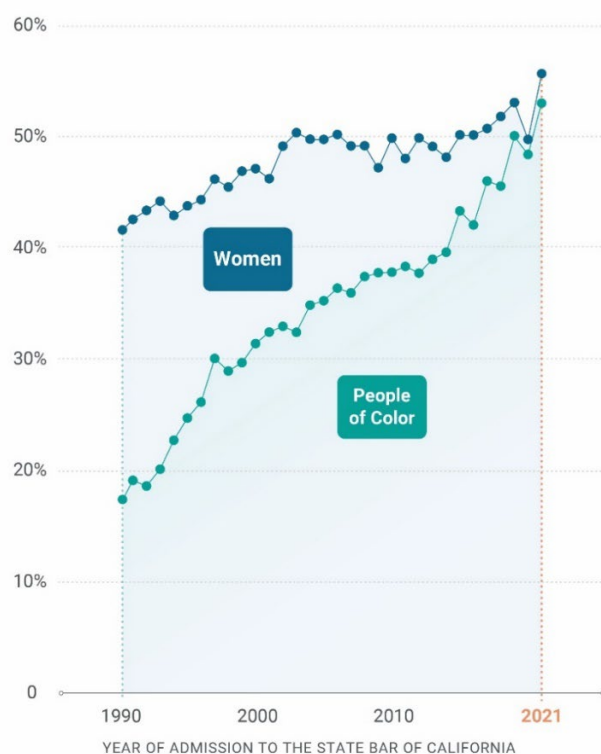
³ The Council on Access and Fairness is the State Bar subentity that supports the Board of Trustees in effectuating the State Bar's DEI goals and objectives.

⁴ Please note that prior versions of this report included a section on Judicial Diversity; as indicated in the 2021 report, the State Bar defers to and supports the efforts of Judicial Council of California in this area. As such, this report does not include a Judicial Diversity section.

DEMOGRAPHIC OVERVIEW

There has been little change in attorney demographics since the last report; as highlighted in the 2021 DEI Plan (2021 plan), while the profession has become increasingly diverse over the last 30 years, much work is still needed to ensure that the state's active attorneys reflect the rich diversity of California's adult population. The newest cohorts in the legal profession are far more diverse than those who have been in the profession for decades, with women comprising half of the newly admitted attorneys for the first time in 2003. People of color reached this milestone over 15 years later; women comprised 53 percent, and people of color 51 percent of newly admitted attorneys in 2019. While there was a slight decline in 2020, in 2021 the percentage of newly admitted attorneys who were women or people of color increased to 56 and 53 percent, respectively, continuing the trend of a more diverse population of admittees.

Figure 1. Percent of California Attorneys who Identify as a Woman or Person of Color by Year Admitted to the State Bar of California: 1990–2021

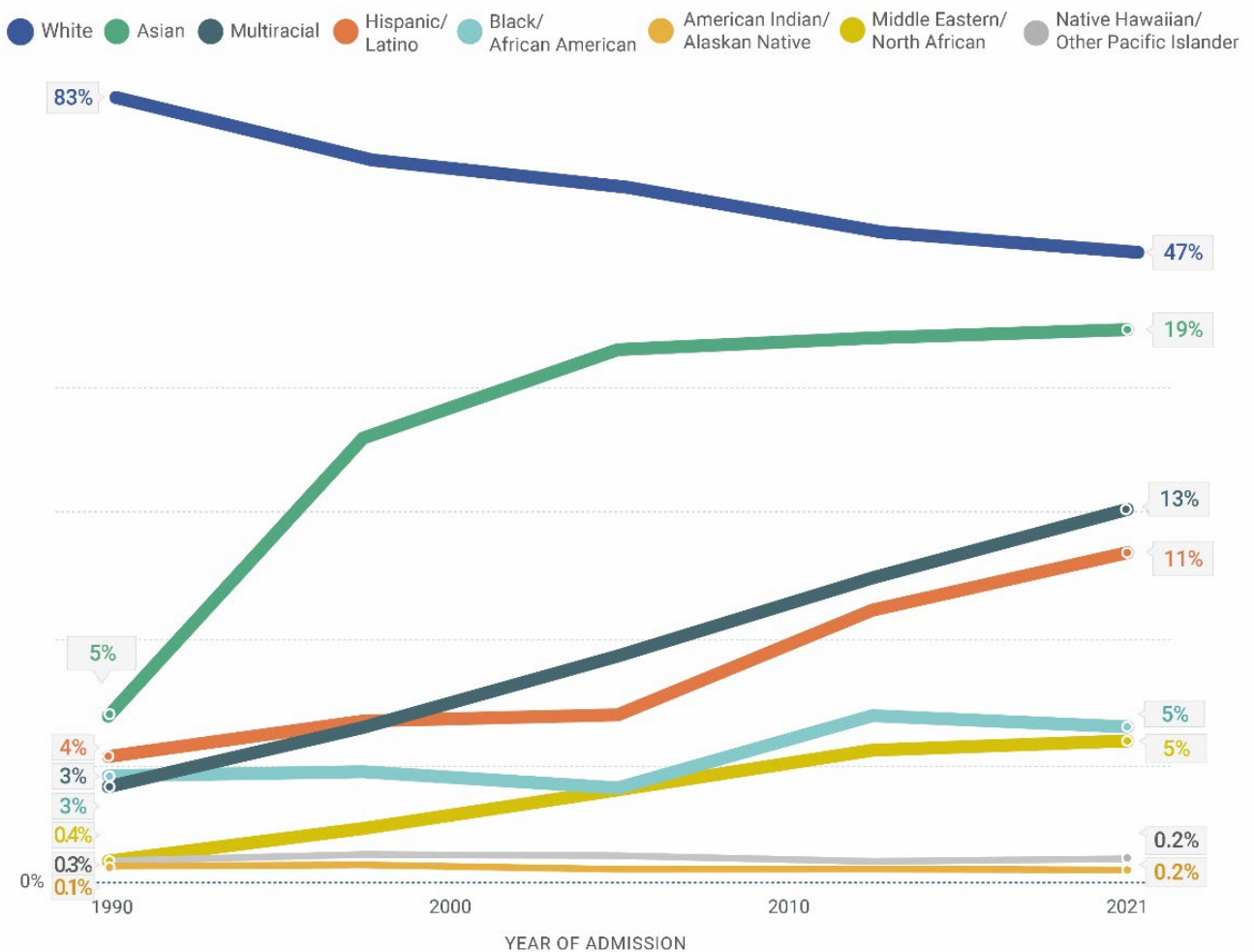


The State Bar's new licensees have become more racially and ethnically diverse, but the rate of change has varied by racial/ethnic group. Over the last three decades, the Hispanic/Latino share of newly admitted attorneys nearly tripled, from 4 percent in 1990 to over 11 percent in 2021.

Likewise, the proportion of new licensees who are Asian or multiracial has more than tripled. The rapid growth in the number of Asian attorneys began in the 1990s and has since leveled off. Over the same period, the proportion of newly licensed Black attorneys increased from 3

percent to 5 percent.

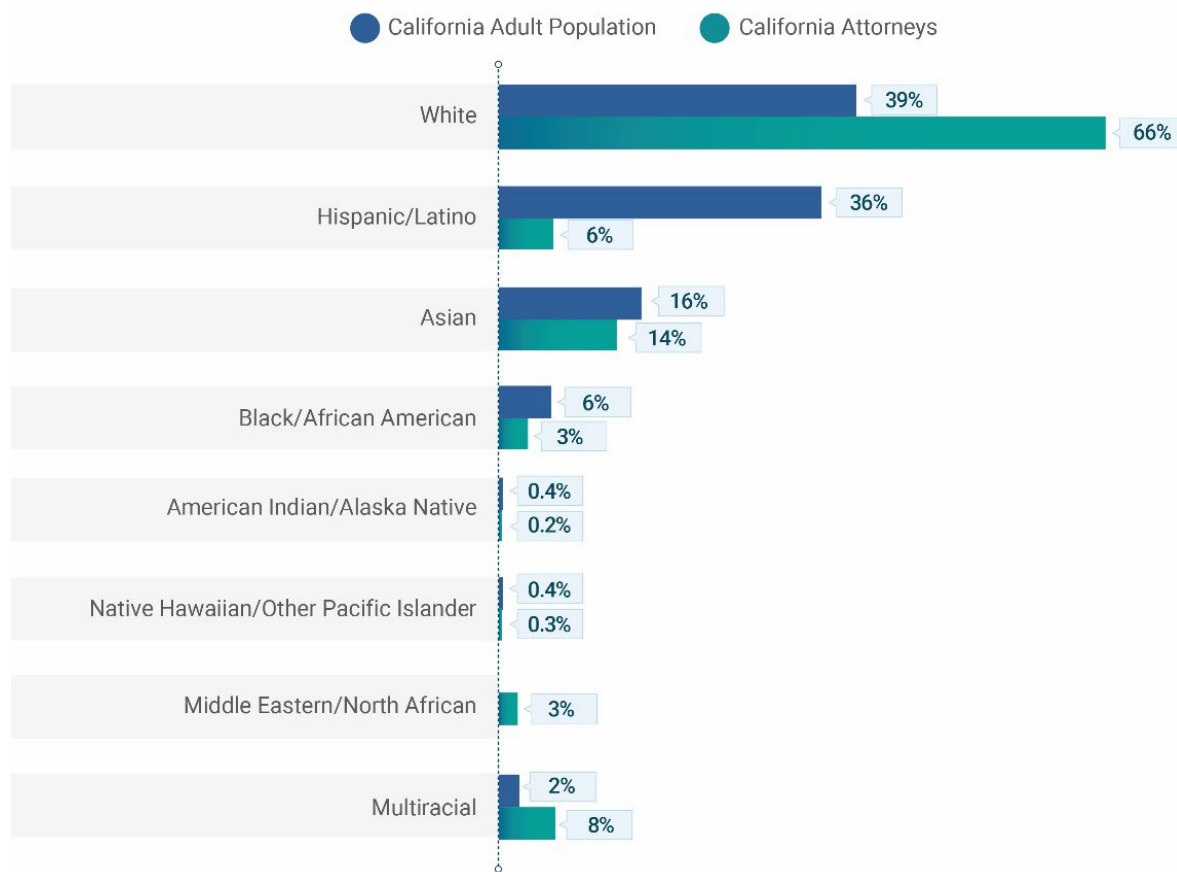
Figure 2. Racial/Ethnic Composition of Attorneys by Year Admitted to the State Bar of California: 1990–2021



While recent cohorts are more diverse by race/ethnicity and gender, the overall attorney population remains predominantly white and male. White people comprise 39 percent of California's adult population yet are 66 percent of the state's active licensed attorneys.

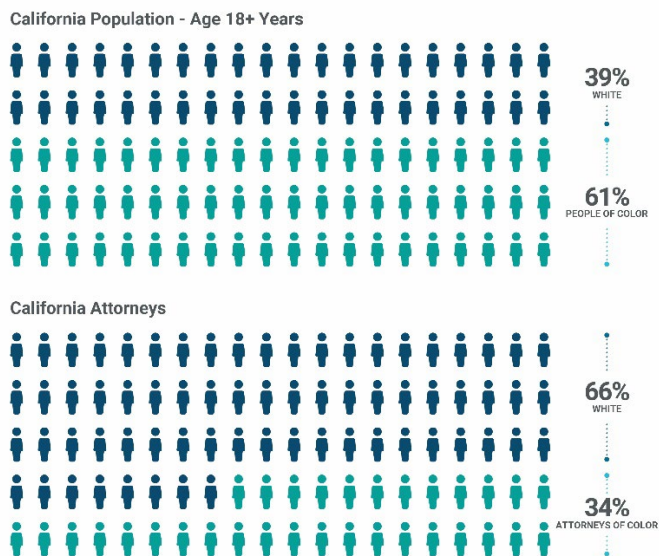
Hispanics/Latinos comprise 36 percent of the state's population but only 6 percent of its licensed attorneys. Asian attorneys comprise 14 percent of all attorneys and 16 percent of the state's population. Attorneys who identify as multiracial comprise 8 percent of all attorneys; this is four times more than the share of adults statewide who identify as multiracial. Black people are 6 percent of the adult population in California but only 3 percent of all attorneys.

Figure 3. Race/Ethnicity of California's Adult Population Compared with California's 2022 Attorney Population



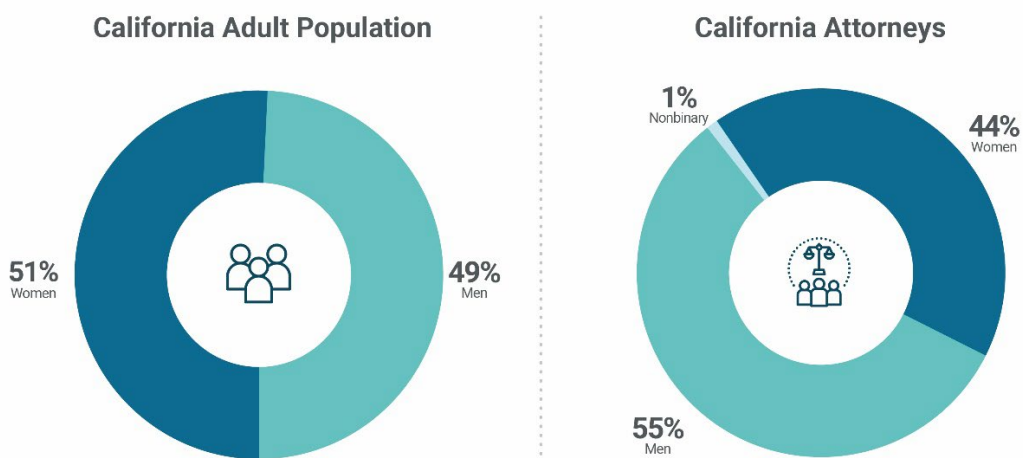
People of color constitute 61 percent of California's adult population yet just over one-third (34 percent) of the state's attorneys.

Figure 4. White and People of Color: California's Adult Population Compared with California's 2022 Attorney Population



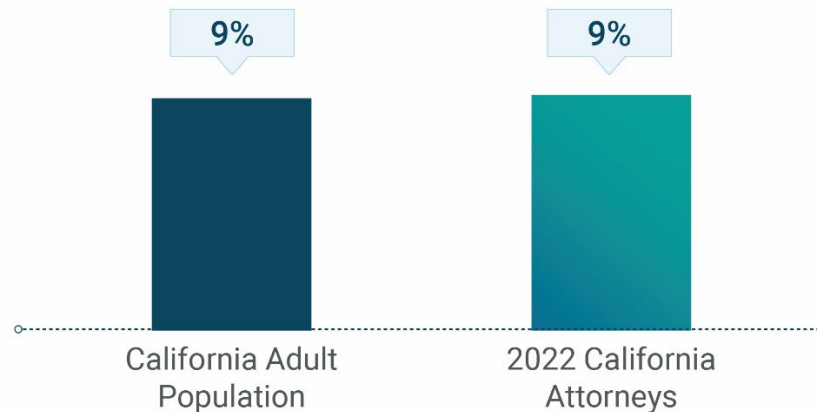
Women are over half of California's adult population, but just 44 percent of the state's attorneys. One percent of the attorney population identifies as nonbinary. No comparable data is available for the California adult population.

Figure 5. Gender Identity: California's Adult Population Compared with California's 2022 Attorney Population



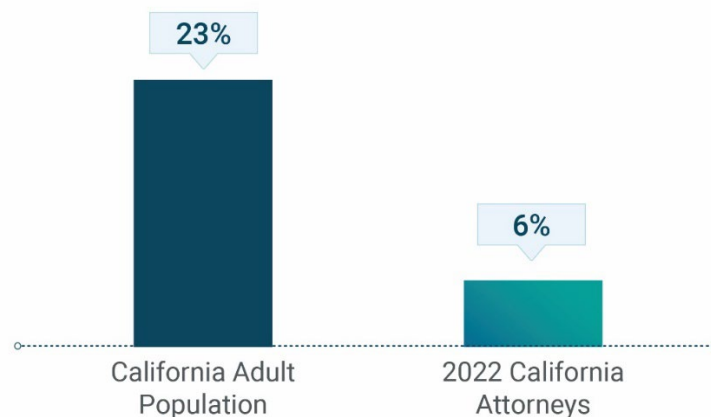
The share of attorneys identifying as LGBTQIA+ is the same as California's statewide LGBTQIA+ adult population.

Figure 6. Sexual Orientation/Identity: LGBTQIA+: California's Adult Population Compared with California's 2022 Attorney Population



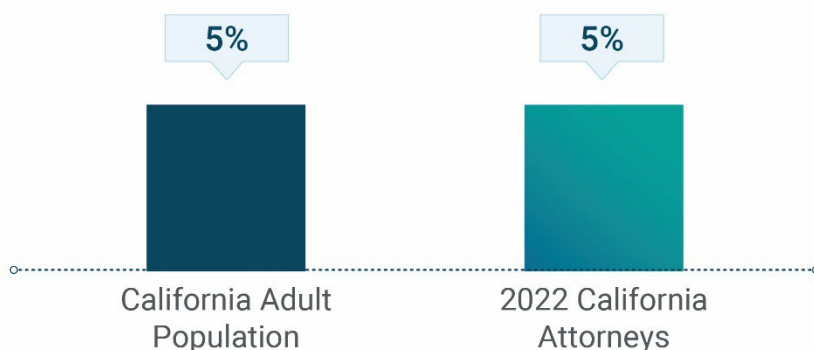
Attorneys with disabilities comprise just six percent of the profession. More than one in five Californians report having at least one form of disability that limits activities and self-care. These include mobility issues, cognitive impairments, and vision and hearing impairments. By contrast, only 6 percent of California attorneys reported living with a disability in 2022.

Figure 7. People with Disabilities: California's Adult Population Compared with California's 2022 Attorney Population



Veterans' presence in the attorney population is comparable to the state population.

Figure 8. Veterans: California's Adult Population Compared with California's 2022 Attorney Population



STATEWIDE LEADERSHIP

The 2021 plan outlined key statewide leadership activities as follows:

- Administer annual attorney census
- Administer 2020 Impact Survey
- Publish Diversity Report Card
- Develop DEI Leadership Seal program

ATTORNEY CENSUS

The attorney census continues to be administered annually to all California attorneys. It is a voluntary survey administered during the annual licensing fee payment period through the State Bar's online portal. As reported previously, the survey was first issued in 2019, and it contained questions on (1) demographic characteristics, (2) primary employment sector, (3) workplace leadership, and (4) workplace climate. The State Bar has since developed two versions of the survey. A short version, containing demographic questions and formatted so that prior answers are stored and available for updating, is administered annually. An extended version of the survey that includes employment and workplace-related questions is administered every two to three years. The extended version of the survey was administered in 2021, and the shortened version was administered in 2022.

Since 2019, the State Bar has learned a great deal about collecting and analyzing demographic and other data; it is not a static or one-size-fits-all process. Creating an inclusive and equitable demographic data collection tool requires actively seeking input from relevant stakeholder groups and inquiring how they choose to express and define their identities.

The State Bar is committed to continuously improving the attorney census to maximize its

reliability and validity and has made several changes since it was first administered in 2019.

Gender Identity

The 2019 attorney census included transgender as a response option to the gender identity question. California attorneys from LGBTQIA+ bar associations partnered with the State Bar to explore how to allow transgender attorneys to best self-identify. Consistent with best practice, the solution was to create an additional question to allow respondents to identify as cisgender, transgender, or intersex, or to provide another category with which they identify. This new question immediately follows the gender identity question, which no longer has “Transgender” as a response option. The new question was first administered in the 2021 attorney census.

Employment and Workplace Satisfaction Questions

In fall 2019, the State Bar engaged in focus group discussions with California licensed attorneys to review preliminary results of the 2019 attorney census. These informative discussions led to the following modifications, which were first deployed in the 2020 census:

- Improved categories to capture the primary employment sector;
- Updated categories listed for employment position levels across all sectors;
- New questions on employment status, position title, practice area, office size and location, and salary; and
- New questions for attorneys who work in law firms that delve more deeply into leadership opportunities specific to this sector.

The workplace climate questions were revised as follows:

- Listed improved workplace factors in the primary matrix question;
- Expanded the Likert response scale associated with the matrix question from three response categories to five and removed the option to select “not applicable”; and
- Added a new question that asked attorneys to identify the top five areas of work that would need to change for their overall satisfaction to increase.

DIVERSITY REPORT CARD AND 2020 IMPACT SURVEY

Building off the [2020 Diversity Report Card](#), the State Bar published a first of its kind online, and interactive [Report Card on the Diversity of California’s Legal Profession](#) in August 2022. The report card describes the demographic composition of California’s 2022 attorney population and explores racial/ethnic and gender patterns in more recent cohorts of attorneys admitted to the State Bar. Analyses that explore where attorneys work, their leadership experiences, and satisfaction with workplace experiences crucial to advancement and retention are also included and are based on the 2021 attorney census.

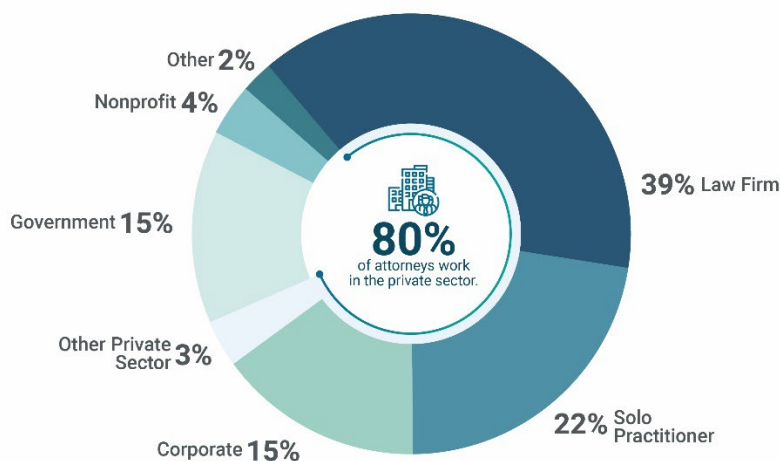
These analyses were supplemented with findings from the 2020 Impact Survey, which was administered in April 2021 to explore how the first year of the COVID-19 pandemic and the

increased national attention on racial justice affected attorneys' work experiences.⁵ Data visualizations are provided throughout the report, and a closer examination of specific topics is to be released during the coming year. Key findings are highlighted below.

Where California Attorneys Work

Showing little change from the 2020 Report Card, the majority of attorneys (80 percent) work in the private sector, with white attorneys and male attorneys more likely to do so than women, nonbinary attorneys, and attorneys of color. The largest share of attorneys works in law firms of two or more attorneys (39 percent), while 22 percent are solo practitioners, and 15 percent work in corporate settings. Over one in 10 attorneys work in the government sector, 4 percent work in nonprofit settings, 3 percent work in other private settings, and 2 percent work in academic or other settings (labeled as "Other").

Figure 9. California Attorneys' Primary Employment Sector

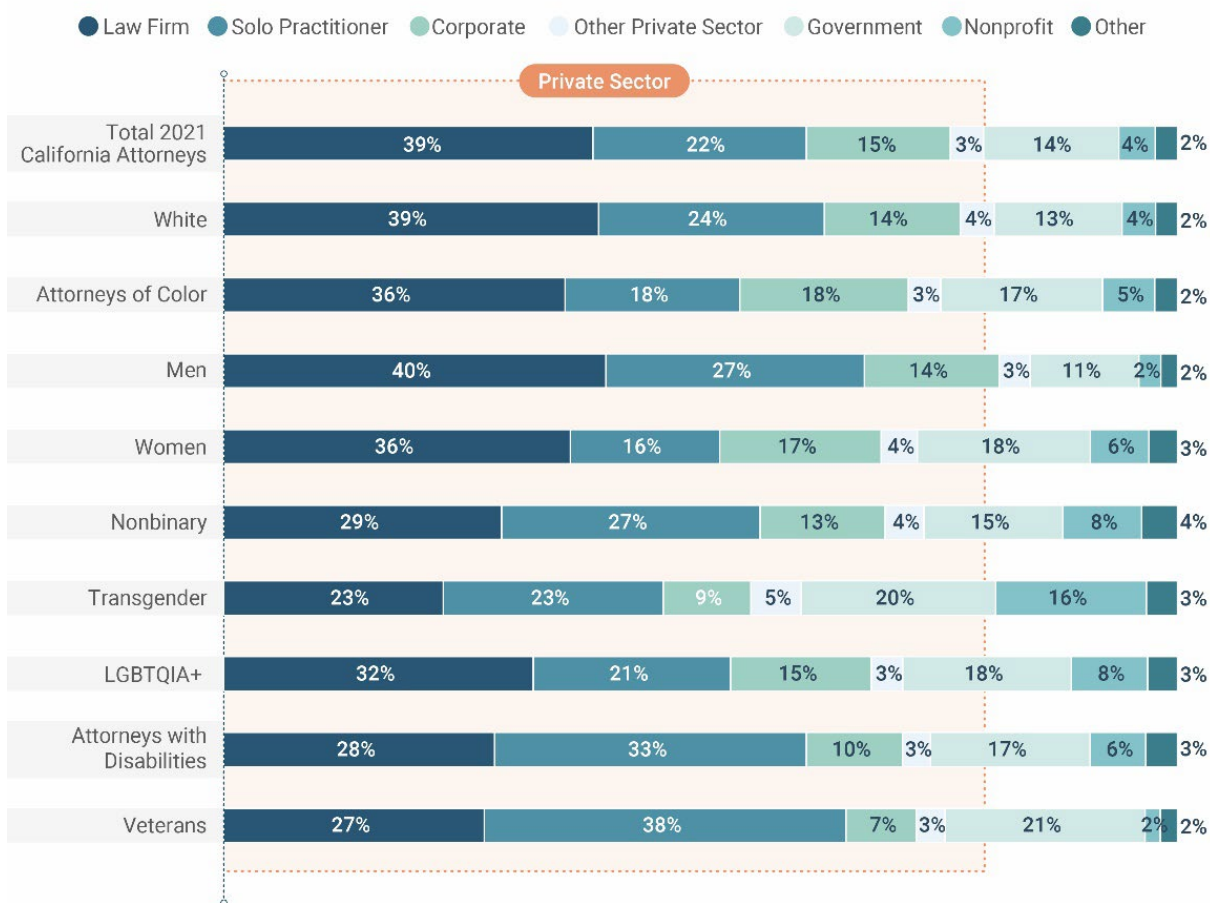


⁵ The 2020 Impact Survey was a onetime survey that sought to learn how the first year of the COVID-19 pandemic and the increased national attention on racial justice affected attorneys' work experience. Survey topics included: (1) the challenges faced by California licensed attorneys in their work life, (2) the employee resources that aided them, (3) the priority attorneys placed on diversity and inclusion, and (4) perceptions about employers' efforts to advance diversity and inclusion in the workplace. The findings represent 18,000 attorneys who met the following conditions: (1) they had an active license at the time of the survey, and (2) their race/ethnicity was available via this survey or any other data sources by which the State Bar collects demographic data from attorneys. This group of attorneys comprised 9 percent of all 2021 active attorneys and is a representative sample of active attorneys licensed in California along racial/ethnic and gender demographics.

Figure 10 explores attorneys' primary employment setting by demographic characteristics. Highlights include the following:

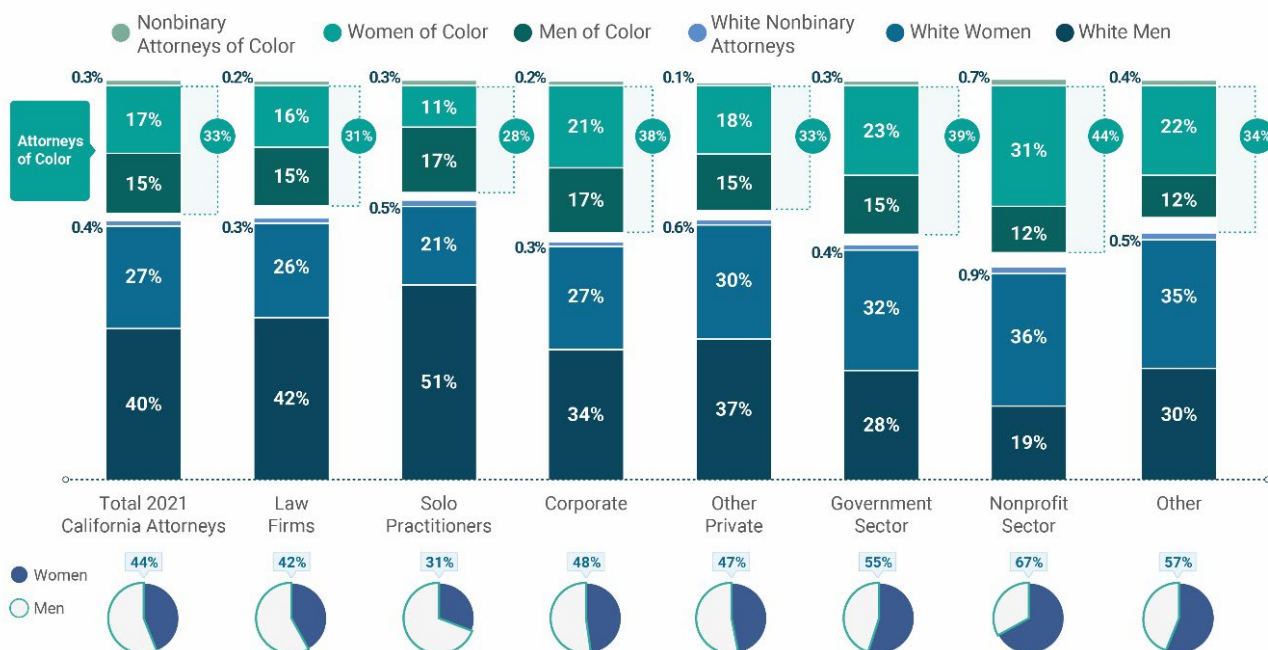
- Nearly one in four white attorneys (24 percent) are solo practitioners compared with 18 percent of attorneys of color.
- Attorneys of color are more likely to work in government settings than white attorneys (17 percent versus 13 percent).
- Eighteen and 6 percent of women work in the government and nonprofit sectors, respectively, while only 11 and 2 percent of men work in these sectors.
- Transgender attorneys are four times more likely to work in the nonprofit sector compared with all attorneys.
- Veterans and people with disabilities are more likely to work as solo practitioners compared with all attorneys.
- One in five transgender attorneys and veteran attorneys work in the government sector.

Figure 10. California Attorneys' Primary Employment Sector by Demographic Background Characteristics



By sector, the government/public and nonprofit sectors are the most diverse. Women comprise 44 percent of all attorneys yet are more than half of attorneys who work in the government sector and 67 percent of attorneys who work in the nonprofit sector. This pattern is also the same for attorneys of color, although it is primarily driven by women of color, who comprise just 17 percent of all attorneys yet 23 and 31 percent of the government and nonprofit sectors, respectively. White men comprise 40 percent of all active attorneys but were slightly more than half of all solo practitioners (51 percent).

Figure 11. Race/Ethnicity and Gender Composition of Employment Settings



Diversity in Leadership Roles

Diversity in leadership roles in any organization reflects the entity's values to its workforce, clients, stakeholders, and community. Leaders who demonstrate a commitment to inclusion and diversity can drive a workplace culture that supports the recruitment, retention, and advancement of a diverse workforce. The following findings underscore the importance of studying, developing, and supporting initiatives to ensure retention and advancement for women attorneys, nonbinary attorneys, attorneys who identify as transgender, attorneys of color, and attorneys living with disabilities.

The 2021 attorney census contained several questions regarding workplace roles and responsibilities. Among all attorneys, 42 percent are executives. Law firms stand out as the sector that provides the most opportunities for an executive role, with 56 percent of law firm attorneys reporting that their primary position is an executive. In contrast, only one in five attorneys who work in the government sector report serving in an executive role.

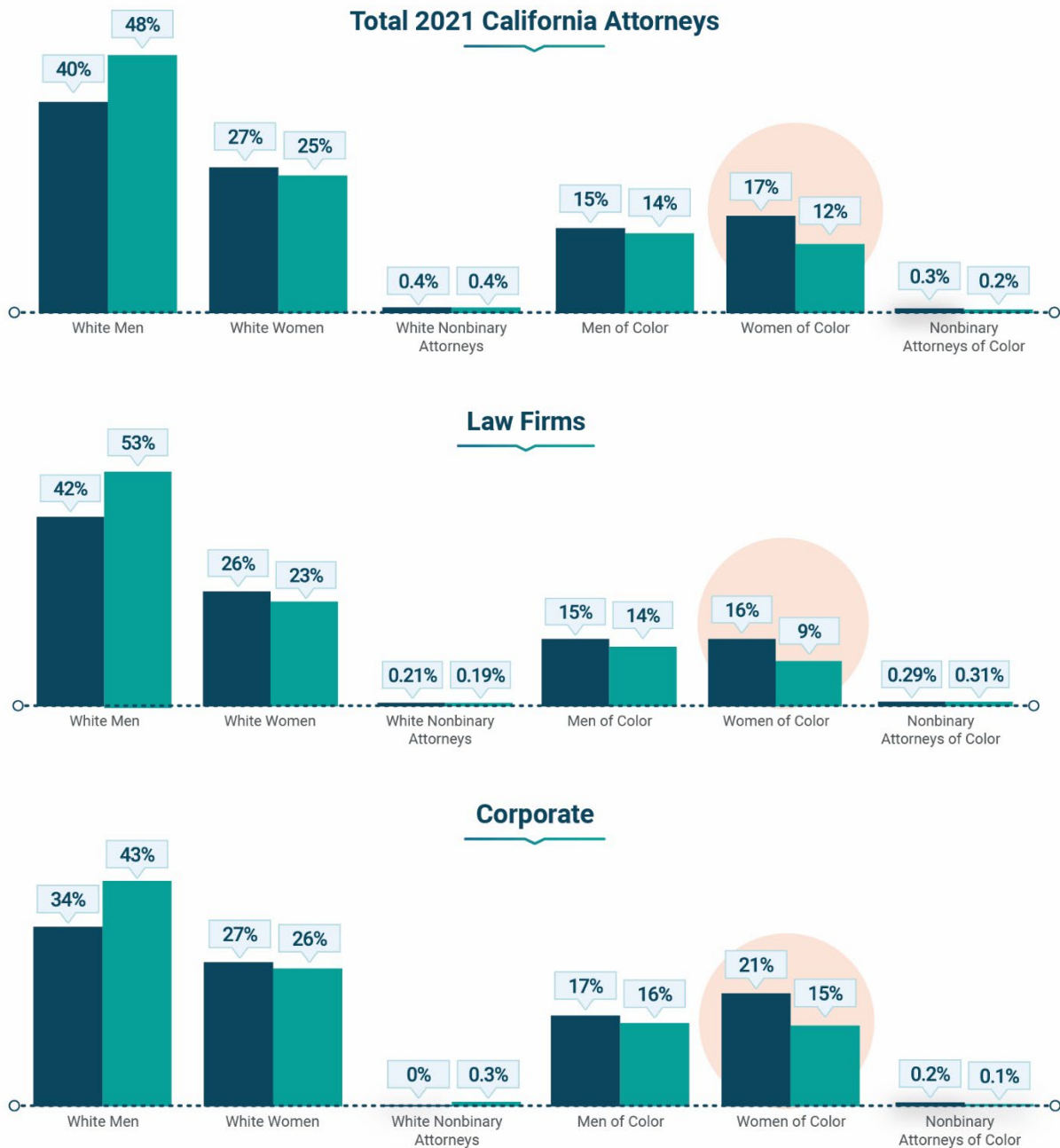
Figure 12. Percent of Attorneys who are Executives by Employment Sector

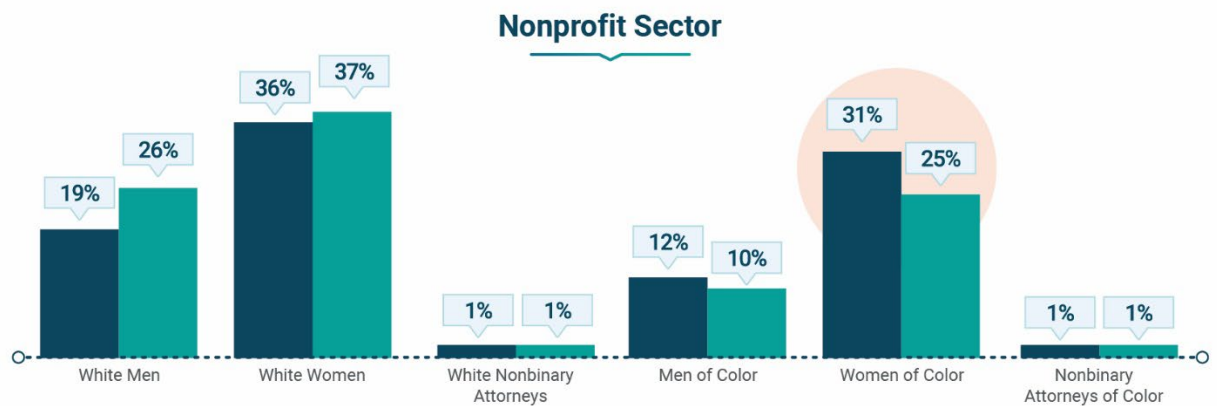
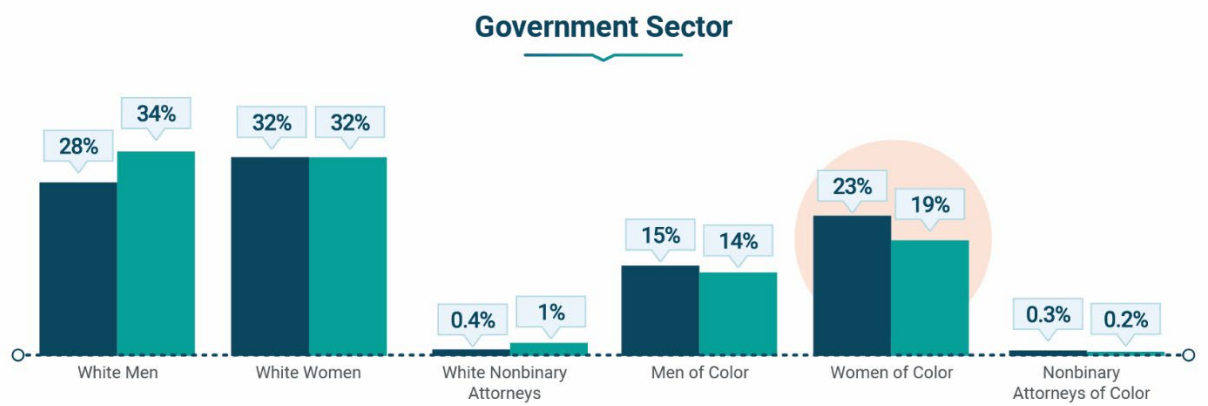
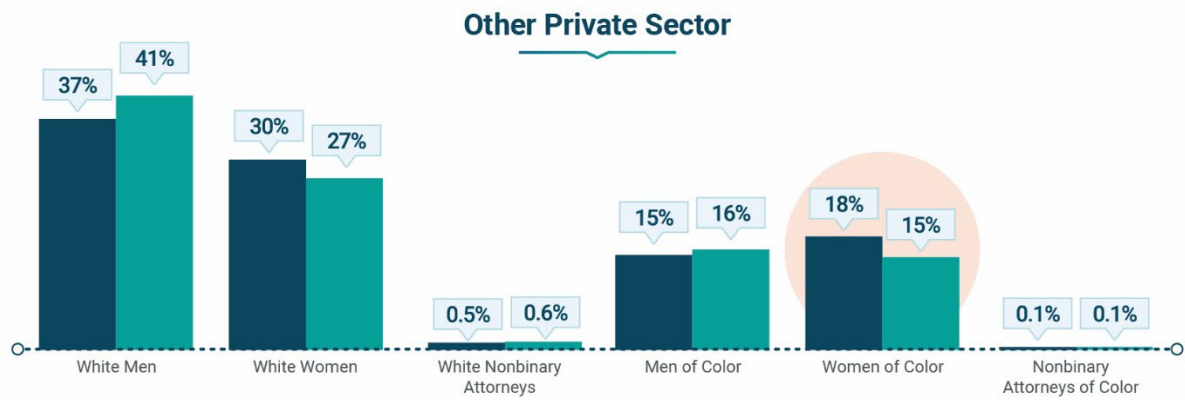
Total Attorneys	42%
Law Firms	56%
Corporate	36%
Other Private	37%
Government Sector	12%
Nonprofit Sector	31%

Women of color are underrepresented among executives. Figure 13 compares the demographic composition of executives with the composition of attorneys statewide and at law firms, corporations, and in the government and nonprofit sectors. Racial/ethnic and gender disparities among executives are driven mainly by patterns among white men and women of color. White male attorneys comprise 40 percent of attorneys statewide yet are 48 percent of all executives. In contrast, women of color are 17 percent of total attorneys and 12 percent of executives.

These patterns persist across all sectors, including the nonprofit sector, where women of color comprise 31 percent of attorneys yet only 25 percent of nonprofit executives.

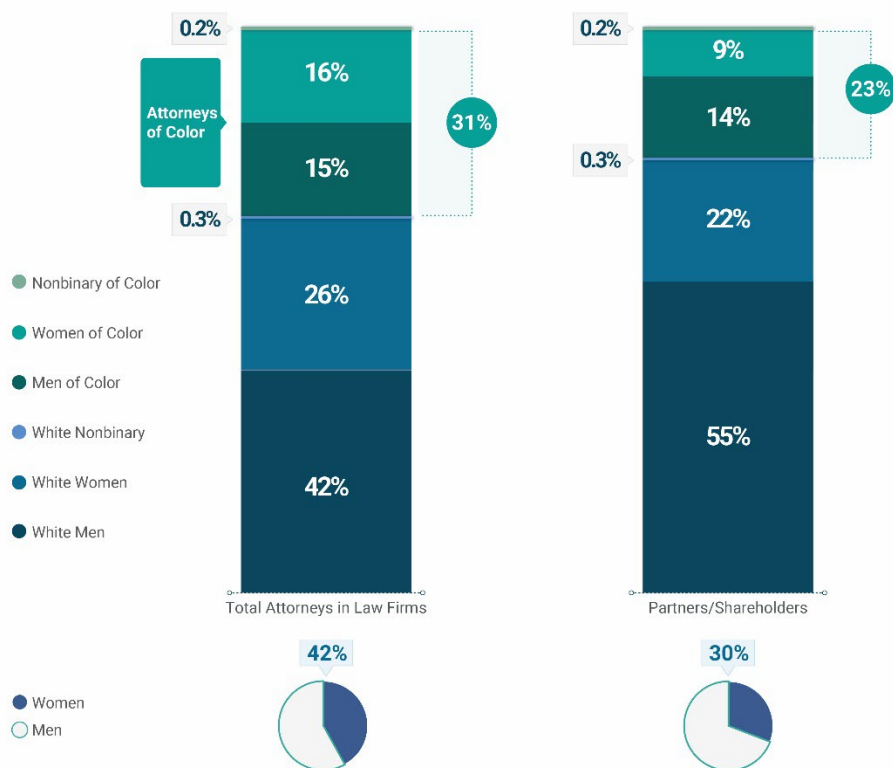
Figure 13. Racial/Ethnic and Gender Composition of Executive Leaders by Sector





People of color and women are underrepresented among law firm partners and shareholders. Women comprise 42 percent of all law firm attorneys yet 30 percent of law firm partners and shareholders. Racial disparities among law firm partners/shareholders are driven mainly by differences between white men and women of color. For example, white men comprise 42 percent of all law firm attorneys yet are 55 of law firm partners and shareholders. In contrast, women of color are 16 percent of law firm attorneys yet comprise just 9 percent of partners and shareholders. The difference for white women is not as large (26 percent versus 22 percent), and there is little difference for men of color.

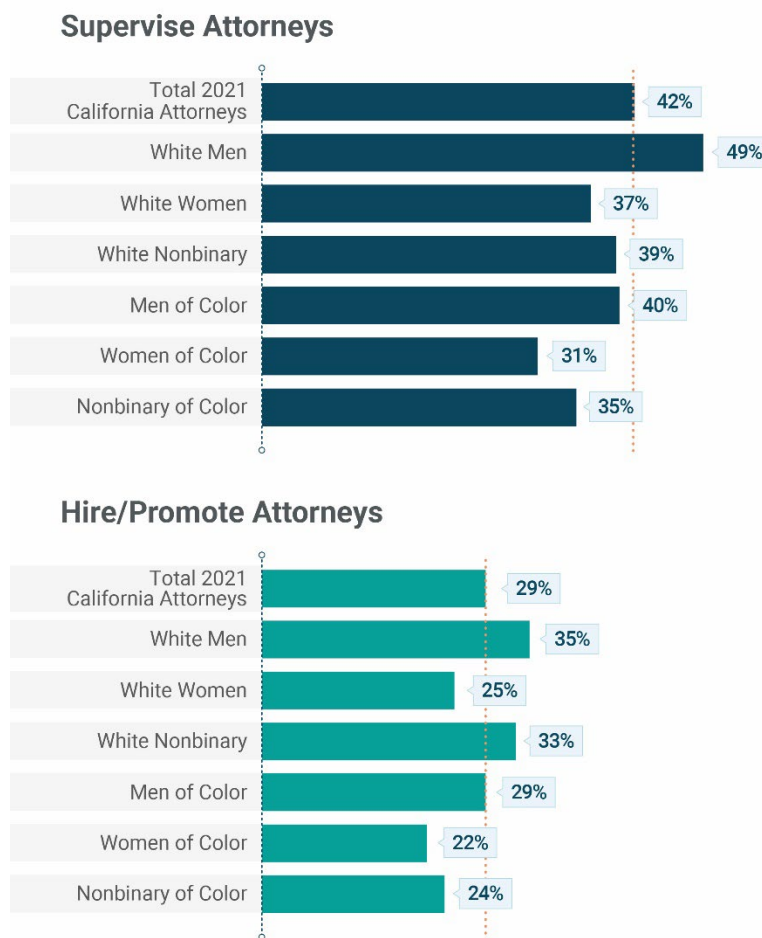
Figure 14. Racial/Ethnic and Gender Composition of Law Firm Attorneys and Partners/Shareholders



Women, nonbinary attorneys, and attorneys of color are less likely to supervise, hire, and promote other attorneys than white men.

Figure 15 explores variation in the share of attorneys who supervise, hire, and promote other attorneys by the intersection of race/ethnicity and gender identity. Unsurprisingly, white men are more likely to be in these roles than all attorneys, with the difference in the percent of attorneys who have these roles being largest between white men and women of color. For example, nearly half of white male attorneys (49 percent) supervise other attorneys compared with one-third of women of color attorneys (31 percent), an 18-percentage point difference. In addition, over one-third (35 percent) of white men hire and promote other attorneys compared with just one in five women of color (22 percent), a difference of 13 percentage points.

Figure 15. Attorneys who Supervise, or Hire and Promote Attorneys by Race/Ethnicity and Gender



Workplace Satisfaction

Satisfaction with workplace experiences is an important retention factor. The attorney census asked survey respondents to indicate their satisfaction with 15 areas of the workplace that impact: (1) individual careers, (2) the collective workplace, and (3) work-life balance. The analyses below are based on composites that represent an overall satisfaction rating for each of these three domains based on three to seven areas. Each domain and its areas are listed in Figure 16.

Figure 16. Workplace Domains



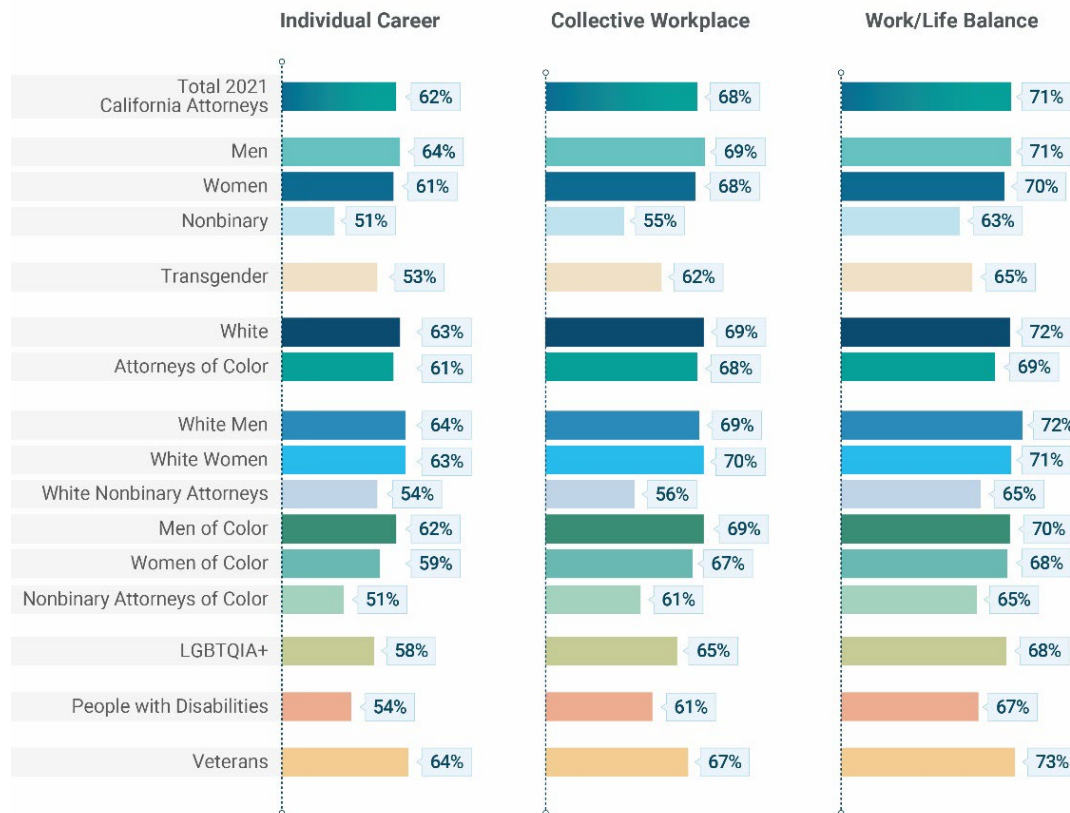
There is minimal variation in satisfaction with individual career issues by sector. However, nonprofit attorneys report the highest satisfaction with collective workplace and work-life balance issues (83 and 79 percent, respectively). All three private subsectors (corporations, law firms, and other private settings) report lower satisfaction with work-life balance than attorneys working in the government and nonprofit sectors.

Figure 17. Workplace Satisfaction by Employment Sector



Attorneys who identify as nonbinary (white and of color) report the lowest satisfaction levels with workplace experiences across all three domains. The satisfaction gap between white men and women of color is largest in workplace experiences related to individual careers. Attorneys with disabilities also report lower satisfaction levels in workplace experiences related to both individual careers and the collective workplace compared with total attorneys.

Figure 18. Satisfaction with Individual Career, Collective Workplace Issues, and Work/Life Balance



Related to workplace satisfaction, belonging in the workplace is rooted in the basic concepts of feeling supported, accepted, and valued as an employee. The 2020 Impact Survey found that approximately 69 percent of attorneys reported feeling a sense of belonging and inclusion in their organization. However, differences in race/ethnicity and gender identity are notable. Attorneys of color and women report lower levels of belonging than white and male attorneys (65 and 66 percent compared with 71 and 72 percent, respectively). These patterns were consistent before 2020 and in 2021.

The 2020 Impact Survey also found that the shift from in-person to remote or hybrid work environments due to the pandemic affected workplace satisfaction. In response to the survey, most attorneys reported working primarily from home during the pandemic and, in response,

cited benefits of remote work, including cost savings, personal flexibility, and better work-life balance. However, attorneys of color, especially women of color, were more likely to report increased workload during the pandemic.

In addition, women were much more likely to report difficulties coordinating and providing care for children and family members. For example, 57 percent of women, 40 percent of men, and 42 percent of nonbinary attorneys reported their ability to manage childcare was worse during the pandemic. Attorneys' ability to manage childcare also varied by race/ethnicity. About half of white and Hispanic/Latino attorneys reported it was worse (about 50 and 48 percent, respectively), while only about 41 percent of Black attorneys reported it was worse.

Both the 2020 Impact Survey and the attorney census identify that there are opportunities to improve workplace satisfaction for attorneys. A question in the attorney census asked attorneys to select the top five areas that would need to improve for their overall satisfaction to increase. The analysis below highlights key findings.

Table 1. Top Five Areas of the Workplace that Need to Improve for Employee Satisfaction to Increase

Top Five Areas of the Workplace that Need to Improve for Employee Satisfaction to Increase
"Compensation and benefits" is ranked as the top area of desired improvement by all attorneys and demographic groups analyzed.
"Ability to make a difference in/for my community" is the second-highest area selected by white men and attorneys who work in law firms and other private noncorporate settings.
"Professional development resources and support" is the second-highest area selected by women, nonbinary and attorneys of color, LGBTQIA+, attorneys with disabilities, veterans, and attorneys working in nonprofit settings.
"Alternative work schedules/flexible hours" is a top-five area for women, transgender attorneys, attorneys with disabilities, veterans, and attorneys across all employment sectors, except corporate settings.
"Mentorship and sponsorship opportunities for advancement" is a top-five area for attorneys of color, nonbinary attorneys, LGBTQIA+, attorneys with disabilities, and attorneys who work in corporate, government, and nonprofit settings.

Calls to Action

The Report Card also features "Calls to Action" to share strategies and best practices to encourage employers and attorneys to advance an inclusive workplace in support of a profession that reflects the diversity of our state. The calls to action build off the ones included

in the 2020 report card and are based on research of best practices and stakeholder focus groups and interviews. Additionally, recognizing the differences in available resources and practices across sectors, the calls to action section now include sector-specific calls to action for the private, government, and nonprofit sectors. The employer calls to action are organized into four sections:

- Promote transparency and accountability
- Build an inclusive culture
- Diversity recruitment strategies and pipelines
- Retain, advance, and empower staff

Calls to action for attorneys were also developed to encourage individuals to proactively take steps to advance DEI in their workplaces and the profession in categories that complement the employer calls to action:

- Transparency and accountability
- Contribute to an inclusive workplace culture
- Advocating for equitable resources and opportunities

[Calls to action by sector and for attorneys](#) are available as downloadable PDFs.

DEI LEADERSHIP SEAL

Complementing the Diversity Report Card and its calls to action, the goal of the [DEI Leadership Seal program](#)—launched in mid-January 2023—is to encourage legal employers to publicly commit to and implement measurable diversity, equity, and inclusion best practices. The DEI Leadership Seal will be available to all employers with California-licensed attorneys, including law firms of all sizes, in-house legal departments, legal academia, nonprofit organizations, and government agencies with attorney staff. Employers that commit to pursuing at least five out of ten Action Items will be recognized as participating employers and listed on the State Bar website.

Participating employers that have already implemented at least five of the ten Action Items will be eligible to receive the State Bar DEI Leadership Seal, which they can use on their own print and online materials to signal their participation. Seal recipients will be recognized as bronze-, silver-, or gold-tier recipients based on the number of Action Items they implement.

Participating employers that have not yet implemented the Action Items will have one year to implement them before the employer can receive the DEI Leadership Seal.

The DEI Leadership Seal Action Items were informed by best practices, research on existing DEI programs for legal and non-legal employers, and information gathered from focus groups and interviews. Staff held over a dozen focus groups and feedback sessions with members of COAF, representatives from the California Lawyers Association (CLA), members of local and affinity bar associations, legal employers, and stakeholders in the nonprofit, private, and government sectors to gain their perspectives on whether employers would be willing and able to commit to and implement the Action Items.

The State Bar has compiled the [DEI Leadership Seal Program Resource Guide](#), which includes best practices and samples, as a tool to help employers develop and achieve their DEI goals.

The State Bar plans to announce the first cohort of participating employers and seal recipients in summer 2023. In future years, the DEI Leadership Seal Action Items will change to encourage employers to commit to additional, more ambitious steps toward diversity, equity, and inclusion to continue participating in the program.

The State Bar, itself as an employer of California attorneys, also plans to seek DEI Leadership Seal status and will [publicly share progress](#) to encourage legal employers to participate in the program and to promote transparency and accountability along the journey.

OUTREACH OPPORTUNITIES

The State Bar continues to seek out opportunities to promote DEI with individual attorneys, including making presentations on the Diversity Report Card, DEI Leadership Seal, and other initiatives to law schools, including UC Berkeley and Pepperdine School of Law, as well as to local and affinity bar associations, including the Alameda County Bar Association, Bar Association of San Francisco, Black Women Lawyers Association, and the California Asian Pacific American Bar Association. Staff are also seeking partnerships with CLA and local and affinity bar associations to further develop and make available resources to attorneys.

CREATING A CULTURE OF INCLUSIVITY

The 2021 plan outlined key efforts related to building a culture of inclusivity as follows:

- Regular implicit bias trainings and learning opportunities for all staff
- Regular cycle for subentity training
- Monitoring online implicit bias module/explore other Elimination of Bias subtopics

TRAININGS AND LEARNING OPPORTUNITIES TO BUILD AWARENESS AND CULTIVATE INCLUSION

Utilizing the “built in, not bolted on” approach to cultivating a culture of inclusion, the State Bar has launched and continued to improve existing internal DEI initiatives for its staff, including robust training and learning opportunities. In 2021 and 2022, State Bar staff were required to complete the following online courses:

- Moving from Bias to Inclusion in a DEI Journey
- Recognizing and Addressing Micro-behaviors in the Workplace
- Workplace Diversity, Equity, and Inclusion in Action
- Understanding Unconscious Bias (retired mid-2022)
- Overcoming Unconscious Bias in the Workplace (retired mid-2022)
- Overcoming Your Own Unconscious Biases (retired mid-2022)

- Expert Insights on Unconscious Bias (retired mid-2022)

With input from staff, a well-received quarterly speaker and discussion series launched in 2021. Topics have included:

- Unconscious bias (March and May 2021)
- Navigating microaggressions in the workplace (August 2021)
- Allyship (November 2021)
- DEI topics in television series and documentaries (March 2022)
- Inclusive behaviors featuring Dr. Arin Reeves (July 2022)
- Performance of *Why Would I Mispronounce My Own Name?* presented by Irma Herrera (Minimum Continuing Legal Education credit, October 2022)
- Open discussion with an opportunity for staff feedback (November 2022)

The State Bar developed and maintained a host of voluntary resources to develop and increase staff awareness and sensitivity. Resources include reference websites, books, videos, and podcasts, a guide for bias-free writing, and a glossary of key DEI words and phrases; the glossary is a living tool that is updated as appropriate. In 2022, the State Bar also made available the option for staff to voluntarily update at any time their demographic information using an online human resources portal. Gathering this information will help the State Bar further monitor and analyze trends in employee retention, promotion, and separation. The State Bar plans to share this analysis with staff regularly.

In addition, the State Bar expanded opportunities for staff to provide feedback using various modalities, including stay interviews for all new hires, exit interviews for staff leaving the organization, and an anonymous online feedback platform. The State Bar also regularly surveys staff to better understand staff perspectives. The 2021 Employee Engagement Survey was administered with the goal of improving the State Bar's assessment of its organizational culture. The survey gauged employee engagement by assessing employee attitudes, conditions in the work environment, and the impact of perceptions about working conditions and organizational culture on individual and team performance.

The State Bar continually evaluates and seeks to improve staff engagement and opportunities for feedback. Staff are currently planning to incorporate additional belonging and inclusion questions in stay interviews, exit interviews, and employee engagement surveys to gauge how these impressions change over the employee life cycle. Additionally, to supplement existing resources, an annual implicit bias training series for staff in decision-making roles, like the Office of Chief Trial Counsel and State Bar Court, will be launched in 2023. Lastly, due to the enthusiastic responses and with feedback on potential topics and activities, the quarterly DEI speaker and discussion series will increase to six times a year in 2023.

Building Awareness and Cultivating Inclusion for State Bar Volunteers

The State Bar's obligation to advance diversity, equity, and inclusion applies not just to staff but also to the organization's hundreds of volunteers. All State Bar volunteers, who collectively serve on 14 committees, commissions, and the Board of Trustees, will be required to participate in regular implicit bias training. Lastly, to support the long-range goal of diversifying subentity membership to engage diverse voices in the development and evaluation of State Bar policy, the State Bar engaged in unprecedented outreach efforts in 2022 to ensure diverse candidates for State Bar subentities with respect to race and ethnicity, gender, profession, and geographic diversity. This comprehensive outreach effort resulted in a record number of applications—226 received in total, and 38 for public members.

BUILDING AWARENESS AND DEVELOPING TOOLS TO REDUCE BIAS IN THE PROFESSION

With the exception of those who are statutorily exempt, active attorneys in California must take 25 hours of minimum continuing legal education (MCLE) every three years, including credit related to “the recognition and elimination of bias in the legal profession and society.” In September 2020, the Elimination of Bias (EOB) MCLE requirement was doubled to two hours of credit every three years. The EOB MCLE requirement now includes an implicit bias subtopic to conform to the requirements of Business and Professions Code section 6070.5. Over the course of 2021, the State Bar worked with a subject matter expert and learning design company to develop a free online program to support attorneys in satisfying this new requirement. The curriculum went live in early 2022 through the State Bar's online learning portal.

The Disrupting Implicit Bias course is comprised of four modules: Implicit Bias and Microaggressions; Types of Implicit Bias; Managing and Disrupting Bias; and a post-course completion assessment that allows the learner to test their knowledge. To date, over 12,000 attorneys have completed the course.

PIPELINE TO THE PROFESSION

The 2021 plan outlined specific strategies to advance the goal of a diverse pipeline into the profession:

- Study law school enrollment and retention across all law school types
- Continue Mindsets in Legal Education
- Review DIF working group developed guidelines approved by CBE and BOT
- Blue Ribbon Commission on the Future of the Bar Exam

These efforts collectively focus on the law school to licensee pipeline to foster a diverse legal profession representative of California's communities, particularly as related to race, ethnicity, gender identity, sexual orientation, disability status, and veteran status. While the State Bar continues to focus on areas where it can be most impactful, it recognizes the important work of early pipeline initiatives that many stakeholders, including the CLA, California Leadership-Access-Workforce (California LAW), and local and affinity bar associations, are engaged in. The State Bar continues to coordinate closely with these organizations to share information and to

support their work where appropriate. In 2023, following up on a 2020 video interview with Golden State Warriors chief legal officer David Kelly to spotlight nontraditional legal paths/careers, COAF will develop a new video to outreach to aspiring law students and lawyers. The State Bar will continue to explore partnership opportunities with CLA in this early pipeline space, including sharing information and resources, as appropriate.

LAW SCHOOL ENROLLMENT AND RETENTION

The State Bar's efforts to study law school enrollment and retention to increase law student diversity have involved a multiyear process to engage law school leadership in sharing information about their programs to recruit and retain diverse law students and gather demographic and attrition data from all California law schools.

Enhancements to California Accredited Law Schools and Registered Schools Annual Report

Consistently gathering law school enrollment and attrition data is a key component to understanding law school recruitment and retention. In 2019, the State Bar implemented a three-year plan to collect more comprehensive demographic and attrition data from the California Accredited Law Schools (CALS) and unaccredited law schools registered with the State Bar as part of their annual reporting requirements. Enhancements to reporting requirements include the following: (1) requiring the reporting of enrollment and graduation data by sexual orientation, disability, and veteran status, (2) modifying reporting requirements on gender identity to include data on nonbinary students, and (3) requiring the reporting of attrition data by race/ethnicity, and gender identity. Improvements to these annual reporting requirements align with best practices for collecting demographic data in an inclusive, representative way.

This new comprehensive data set will be analyzed along with data reported by the American Bar Association (ABA) for ABA-accredited California law school data to support the identification of demographic trends among law school students in California.

Law School Retention Study

To better understand the efforts of California law schools to retain diverse law students, the State Bar administered a survey from late 2020 to early 2021 that asked law schools about current student recruitment efforts, academic support programs, nonacademic student support, mentorship opportunities, career development services, faculty and staff, financial support, and key retention program performance indicators. Overall, 87 percent of law schools responded to the survey.

The State Bar also held several focus groups with the law schools to obtain additional context that would supplement the survey results and provide relevant updates. Approximately 28 law schools participated in focus groups from December 2021 to February 2022 to discuss academic support, nonacademic support, attrition, and other topics. The focus groups revealed nuances between the different law school types and provided an opportunity for law schools to share recent challenges as a result of the pandemic.

The State Bar will publish a report in 2023 on California law school enrollment and attrition trends and provide recommendations for improving law school recruitment and retention practices.

MINDSETS IN LEGAL EDUCATION: IMPROVING PERFORMANCE ON THE BAR EXAM

The State Bar has continued to work with academic researchers to deliver the Mindsets in Legal Education Program, known also as the California Bar Exam Strategies and Stories Program. As detailed in the 2019 report, this intervention was developed to help test takers find productive ways to interpret the challenges, obstacles, and negative psychological experiences associated with preparing for the bar exam. Its goal was to improve bar applicants' test-taking experiences and exam performance. The program includes an introductory film, audio and written stories from prior test takers that illustrated how to reduce psychological friction, and an activity in which participants write letters to future test takers about how to use the insights and strategies they gained from the program. The voluntary program is offered to all bar exam applicants during the application process.

Analyses of bar exams administered in July 2018, July 2019, October 2020, and February 2021 continue to yield very positive results, especially for first-generation college students and people of color. After controlling for Law School Admissions Test, grade point average, and cohort effects, participants' total bar scores increased by approximately 24 points when compared to those who did not participate. Participation also increased bar passage rates. The combined effect of participation in the program and the Supreme Court modifying the bar passage cut score to 1390 improved bar passage by more than 20 percentage points. For first-generation and bar takers of color, the joint effect of program participation and the modified bar passage score improved bar passage by 22 percentage points. The researchers concluded that the productive mindset intervention was successful in reducing psychological friction, fostering a stress-is-enhancing and growth mindsets, and recommended that the State Bar continue to offer the program. See the [Executive Summary of Evaluating Productive Mindset Interventions that Promote Excellence on California's Bar Exam](#) for more information.

The program was also offered for bar exams administered in July 2021, February 2022, and July 2022. Though the program cannot be offered for the February 2023 bar exam due to a transitionary period with the research team, the State Bar has included administration of the program in its budget and anticipates offering the program for the July 2023 bar exam. The State Bar is also exploring expanding the program for applicants taking the First-Year Law Students' Exam.

MINIMIZING POTENTIAL BIAS IN BAR EXAM QUESTION DEVELOPMENT AND GRADING

In 2019, the State Bar contracted with Scantron Corporation to conduct a differential item functioning (DIF) analysis for essay and performance test questions administered on the California Bar Exam between 2009 and 2019. The study raised no major areas of concern related to how the essays and performance tests performed in different populations. However,

as some individual questions resulted in a degree of differential performance, the report recommended that the State Bar conduct a bias and sensitivity review of those items to inform future essay and performance test question development. The report also recommended that the State Bar incorporate bias and sensitivity reviews into the examination development process prior to the administration of future exams.

To that end, the Board of Trustees directed State Bar staff to form a joint working group comprised of members from the Committee of Bar Examiners (CBE) and COAF to review the findings of the DIF study, conduct a bias and sensitivity review of flagged items, and develop a set of guiding principles to inform future question development. The DIF working group met from December 2020 through January 2022 and developed [Guiding Principles in Examination Development to Minimize Potential Bias in Bar Exam Questions](#) (Guiding Principles), which were approved by the CBE in January 2022 and the Board in March 2022.

Since the Guiding Principles were adopted, all Exam Developers (Examination Development and Grading Team, Performance Test Drafting Team, essay question drafters, essay question pretesters, and performance test pretesters) have been provided with the Guiding Principles as part of the onboarding and training process, as well as with each round of drafting and pretesting. All Exam Developers are encouraged to keep the Guiding Principles in mind as they complete their assignments and when providing feedback and recommendations. State Bar staff overseeing examination development monitors and ensures overall consistency and continuity in the implementation and application of the Guiding Principles by Exam Developers, and ultimately in the exam questions themselves. It is the intent of the State Bar to continue with this practice on an ongoing basis.

IMPLICIT BIAS TRAINING FOR BAR EXAM GRADERS

The State Bar continues to diversify the grader application pool by sharing information about the grader program with a wide array of California affinity bar associations, advertising the program online, and by inviting committee members to disperse grader applications to their resources. Interested graders who may have a conflict with the pre-selected meeting dates of a particular exam are kept on a solicitation list for future exam cycles to build a vast base of interested parties. Prior to the required orientation, graders participate in unconscious bias/implicit bias training.

Staff continues to build the grader pool throughout California. Prior to July 2020, only graders in the San Francisco Bay Area were part of the grading program as a result of calibration meetings being held in-person locally. To expand grader geographic diversity, meetings are now held online to allow grader participation from throughout the state.

The State Bar continues to collect demographic data on the grader application and uses a matrix to mitigate bias when selecting graders. Real-time statistical analysis is performed throughout the grading cycle to monitor calibration standards and diagnose potential grading issues. This analysis of grader performance ensures fairness and equity in the scoring process.

BLUE RIBBON COMMISSION ON THE FUTURE OF THE BAR EXAM

The Supreme Court of California and the State Bar established the Blue Ribbon Commission on the Future of the Bar Exam (BRC)⁶ to develop recommendations concerning whether and what changes to make to the California Bar Exam, and whether to adopt alternative or additional testing or tools to ensure minimum competence to practice law. Appreciating the significant impact the bar exam has on the pipeline into the profession, one of the goals of the BRC is to minimize disparate impact on attorneys of color, women, and other underrepresented groups who traditionally underperform on standardized tests like the bar exam.

The BRC's [mission statement and guiding principles](#), in part, explicitly focuses on:

- Fairness and equity of the examination, or examination alternative, should be an important consideration in developing the recommended approach. Fairness and equity include but are not limited to cost and the mode and method of how the exam or exam alternative is delivered or made available.
- The recommended examination, or examination alternative, should minimize disparate performance impacts based on race, gender, ethnicity, or other immutable characteristics.

Guided by these principles, the BRC in 2021 and 2022 conducted a landscape analysis and examined various studies on the bar exam, including national and State Bar studies, and bar exam models in different jurisdictions. The BRC considered a broad range of topics, including substantive areas of law, knowledge, and skillsets to be tested; reciprocity, portability, and comity for attorneys licensed in other jurisdictions; and various testing modalities, including exam and non-exam pathways. The public and attorneys will have an opportunity to provide public comment before the BRC finalizes and publishes its final report and recommendations in 2023.

RETENTION AND ADVANCEMENT IN THE PROFESSION

The 2021 plan outlined the following retention and advancement activities:

- Public sector diversity summit, potential additional summits
- Inactive attorney survey
- Recommendations in response to racial disparities in attorney discipline system and Ad Hoc Commission on the Attorney Discipline System
- Loan Repayment Assistance Program

⁶ The 19 members of the BRC were appointed by the Supreme Court, have multiple areas of expertise, reflect the state's demographic and geographic diversity and diversity in attorney practice sector and settings, and represent a range of stakeholders, including two members of COAF.

DIVERSITY SUMMITS

The State Bar continues to engage with leaders in diversity, equity, and inclusion in the profession by hosting diversity summits annually. These convenings are an opportunity to share the latest California attorney diversity data, discuss common challenges, uplift best practices, and make connections to further advance this work.

Following the 2020 convenings held for the private and nonprofit sectors, on May 27, 2021, the State Bar hosted a Diversity Summit for the public sector with 74 attendees via Zoom. This summit featured a presentation focused on public sector attorney census data, a panel discussion with government/public sector leaders on effective diversity and inclusion efforts and the impact of the COVID-19 pandemic and increased focus on racial justice issues, and an interactive breakout session to encourage and promote new ideas for recruitment, retention, and advancement. Through a post-event survey, participants expressed appreciation for the focused space to discuss issues specific to the government sector, requested future opportunities to share successful programs and best practices, and suggested future topics, including developing DEI policies and strategic plans, and recruitment strategies.

On October 24, 2022, the State Bar hosted the 2022 diversity summit with 113 attendees via Zoom. The summit featured a presentation on the new Diversity Report Card; a panel discussion on advancement, mentorship, and sponsorship across sectors; and a presentation about the DEI Leadership Seal Program.

Through a post-event survey, attendees identified the following additional topics of interest for future convenings, including: mentorship and sponsorship, retention and advancement, data collection and metrics to measure belonging and inclusion, and exploring resources to fund such work. Attendees also identified several challenges, including: data collection; lack of diversity in positions of power and hiring; recruitment and retention; pushback against and lack of capacity for DEI initiatives and policies; and a lack of professional development opportunities.

Based on this feedback, the State Bar plans future convenings to include reflections on the first cohort of the Leadership Seal Program, as well as a panel or workshop about recruitment, retention, and advancement.

INACTIVE ATTORNEY STUDY

National data suggest that women of color, particularly Black women, are highly likely to leave the legal profession within the first 10 years of admission. Considering this data, the State Bar will explore trends for inactive attorneys and has added questions to the inactive transfer form to better understand reasons for transition to inactive status. The State Bar plans to analyze the data annually and explore trends that may lead to involuntary transfer to inactive status.

In 2023, the State Bar will publish a comprehensive study of inactive attorneys. This will include an analysis of historical data to identify demographic and employment patterns among attorneys who opt to transfer to inactive status.

ADDRESSING DISPARITIES IN THE DISCIPLINE SYSTEM

As reported in the 2021 report, the State Bar initiated a study of complaints and discipline against attorneys admitted to the State Bar between 1990 and 2009 to determine whether nonwhite attorneys experience disproportionate discipline. The study found that Black male attorneys experienced disproportional discipline and that factors associated with this discipline include the number of prior complaints and lack of counsel representation in discipline proceedings. Among attorneys with 10 or more complaints, Black male attorneys had nearly twice as many reportable-action bank cases as white male attorneys.⁷ The State Bar invited Professor Christopher Robertson, N. Neal Pike Scholar and Professor at the School of Law of Boston University, to explore possible remedies. He identified 13 potential reforms across three broad areas: (1) client trust fund accounting, (2) the treatment of prior complaints and discipline history, and (3) securing legal representation for those facing discipline. Since then, the State Bar has implemented several of these reforms, summarized in table 2, and will evaluate the impact of these reforms in 2023.

Table 2. Racial Disparities Study: Results, Recommendations, Implementation, and Evaluation Plans

Study Finding and Recommendation	Implementation	Evaluation Plans
<p>Finding. The number of prior complaints is a strong predictor of discipline. Almost half (46 percent) of all Black male attorneys had at least one complaint filed against them, and 12 percent had 10 or more complaints. In contrast, 32 percent of white male attorneys had at least one complaint filed against them, and 4 percent had 10 or more complaints.</p> <p>Recommendation. Shield decision-makers from complaints more than five years old that were closed</p>	<p>In late 2020, the State Bar archived nearly 400,000 cases of all types and origins that were more than five years old and were closed without discipline (excluding the issuance of warning, directional, or resource letters). Archiving complaints removes them from the view of Intake staff when they assess the merits of a new complaint.</p>	<p>Staff will evaluate the impact of archiving complaints on reducing racial disparities in discipline in 2024.</p>

⁷ Reportable Action Bank cases are initiated when a bank reports insufficient funds activity in an attorney's client trust account as required under Business and Professions Code section 6091.1.

<p>without discipline by expunging complaints or, alternatively, archiving complaints closed without discipline after five years.</p>		
<p>Finding. Among attorneys with a large number of complaints against them, Black male attorneys had, on average, 6.8 Reportable Action Bank cases while white male attorneys had 3.7.</p> <p>Recommendation. Explore proactive, preventive options for attorneys who experience low-level Reportable Action Bank matters that also ensure public protection is not compromised.</p>	<p>OCTC modified the four letters it sends attorneys in response to notices from banks of insufficient funds in a client trust account. All letters now include a comprehensive list of resources related to client trust accounting and warning language regarding the risk of discipline. Approximately 800 attorneys receive these letters annually.</p>	<p>In 2023 staff will conduct an exploratory analysis that examines the impact of modifying and expanding the reach of communication regarding client trust account resources.</p>
<p>Finding. The proportion of investigations in which attorneys were not represented by counsel is a strong predictor of discipline. Black respondents were less likely to be represented by counsel when facing a disciplinary investigation by the State Bar compared with white attorneys.</p> <p>Recommendation. (1) Track and report rates of representation in the discipline system as a key performance indicator. (2) Inform attorneys facing discipline about the statistical likelihood of probation or disbarment if they fail to secure counsel.</p>	<p>Staff operationalized a metric “Percent of Respondents that Retain Representation” that is based on closed cases of all types that reached the investigation stage or a later stage. This metric is reported in OCTC operational reports and reports to the Board.</p> <p>Staff developed a one-page flyer for respondents that includes a link to the membership directory of the Association of Discipline Defense Counsel Association (ADDC) and advises them of the importance of securing counsel. This letter is distributed to all attorneys when notified that OCTC has opened an investigation.</p>	<p>Staff will evaluate the impact of the flyer on counsel retention that goes beyond descriptive statistics. The evaluation will leverage all available data to determine whether the flier has independent effect on securing representation and identifying any additional factors that contribute to doing so.</p>

AD HOC COMMISSION ON THE ATTORNEY DISCIPLINE SYSTEM

In addition to proactively addressing racial disparities in discipline, the State Bar has implemented several initiatives, policies, and procedures to improve the effectiveness and fairness of the attorney discipline system over the last several years. Given these wide-ranging and ambitious efforts, the Board directed a comprehensive review of discipline system improvement efforts and established an Ad Hoc Commission on the Discipline System in 2020. The commission was charged with reviewing the entire catalog of reforms OCTC has implemented and identifying one or more sets of processes, policies, and procedures to focus on; evaluating whether these processes, policies, and procedures had their intended effect; and based on this evaluation, recommending additional or revised reforms.

The 26-member commission included members with a broad array of backgrounds and expertise in the legal profession and professional regulation, as well as two members of the public. The commission formed two subcommittees reflecting the effectiveness and fairness categories of reform to facilitate its work. The Effectiveness Subcommittee focused on initiatives, policies, and procedures that address workload and operational efficiency. The Fairness Subcommittee focused on initiatives, policies, and strategies to promote procedural justice, reduce disparate impact, prevent future attorney misconduct, and improve the experiences and perceptions of complaining witnesses and respondents. In particular, the Fairness Subcommittee reviewed how the State Bar addressed Professor Robertson's policy recommendations and considered additional remedies.

Drawing upon its collective expertise as practitioners and members of the public, the commission adopted nine recommendations at its meetings on June 1, 2022, and August 24, 2022. Many of the recommendations seek to improve fairness in the discipline system and either directly or indirectly addressed the racial disparities identified by the [2019 State Bar study](#) on disparities in the discipline system. Staff also developed a set of recommendations that complement those adopted by the commission and advised the Board of Trustees on which recommendations required further study. In January 2023, the Board, sitting as the Regulation and Discipline Committee, adopted the resolutions provided in table 3 and directed staff to develop proposals and update the Board in September 2023.

Table 3. Resolutions Adopted by the Board of Trustees Upon Recommendation of the Ad Hoc Commission on the Discipline System and State Bar Staff

Resolution	Commission's Motivation
Discipline Costs	
Reevaluate State Bar discipline cost model with a focus on reducing costs. This includes, but is not limited to, restructuring the costs structure so that attorneys are not penalized for going to trial or review and scaling fees when charges are dismissed.	Addresses the fairness of the current discipline cost model.

Resolution	Commission's Motivation
Assess the need for a statutory amendment to eliminate disciplinary sanctions given the commission's concerns and report its findings to the Board.	
Early Neutral Evaluation Conference	
Work with stakeholders to propose revisions to all applicable rules to promote the use of Early Neutral Evaluation Conferences as a mechanism for arriving at settlements of State Bar disciplinary proceedings.	Addresses the efficiency of the Early Neutral Evaluation Conference.
Display of Attorney Discipline on State Bar Website and Expungement of Discipline Records	
Propose timelines for the removal of discipline history from attorney profile pages on the State Bar website that are consistent with the practices of California regulatory agencies and other state attorney licensing agencies.	Addresses historical racial disparities in discipline. Aligns the State Bar with California's current criminal justice trends and the practices of other regulatory agencies.
Propose timelines for the removal of discipline history from attorney profile pages on the State Bar website for attorneys who resign with or without charges pending.	
Propose timelines and procedures for the removal of administrative inactive enrollments from attorney profile pages on the State Bar website for attorneys who resign with or without charges pending.	
Explore the removal of criminal conviction transmittals and discipline from the profile page where the sole underlying basis for discipline was a criminal conviction that was expunged pursuant to Penal Code section 1203.4.	
Propose a definition of expungement of attorney discipline.	
Moral Turpitude	
Work with stakeholders to study possible revisions to all applicable rules to determine the feasibility of conducting a pre-transmittal meeting similar to an Early Neutral Evaluation Conference in misdemeanor conviction matters that would determine whether or not the facts and circumstances underlying the misdemeanor conviction involve moral turpitude or other misconduct warranting discipline.	Addresses efficiency by resolving cases prior to transmittal to State Bar Court. Increases fairness in system by allowing respondents to respond to and resolve matters before transmittal to State Bar Court (which makes the matter public).
Work with stakeholders to study and clarify all applicable rules involving referrals to the Alternative Discipline Program, specifically concerning whether or not moral turpitude has	Expands access to the Alternative Discipline Program.

Resolution	Commission's Motivation
resulted in significant harm to a client(s) or the administration of justice.	
Attorney Representation	
Develop a plan to implement a State Bar Appointed Counsel Program based on an hourly rate structure similar to the 6007 State Bar Court Appointed Counsel Program. The Board will review funding at the 2023 midyear budget review and make decision to fund the program at that time.	This directly addresses Professor Robertson's recommendation to explore options for providing respondents with attorney representation during State Bar disciplinary proceedings.

CALIFORNIA RULE OF PROFESSIONAL CONDUCT RULE 8.4.1

In providing feedback on various issues impacting reforms to the attorney discipline system, COAF requested that staff review attorney complaint data related to California Rule of Professional Conduct 8.4.1, which prohibits unlawful discrimination, harassment, and retaliation by attorneys and law firms. At COAF's suggestion, the State Bar sought to increase awareness of the rule by producing a short video explainer for consumers and attorneys. This video was included in an all-licensee email sent in April 2022 and posted on State Bar social media accounts.⁸

LOAN REPAYMENT ASSISTANCE PROGRAM

As reported in the 2021 report, the State Bar has focused efforts on the retention and advancement of diverse attorneys in the nonprofit sector⁹ by studying the viability of a statewide loan repayment assistance program (LRAP.) Recruitment and retention of attorneys in the nonprofit sector, and specifically in legal aid organizations, is an acute issue affecting both DEI in the profession and access to justice for low-income Californians.¹⁰ Traditionally low legal aid salaries and high student debt load—particularly for attorneys of color¹¹—influence attorneys' ability to remain in legal aid jobs due to financial pressure. Turnover in these positions negatively impacts DEI efforts, both in terms of the attorney population as well as in serving a diverse client constituency. Successful work in this area could encourage attorneys of

⁸ The video is posted on the [State Bar's YouTube channel](#).

⁹ As the Diversity Report Card shows, the nonprofit sector is the most diverse sector in California's legal profession, yet leadership in the sector does not reflect this diversity.

¹⁰ See State Bar of California. 2019 [California Justice Gap Study](#); Legal Aid Association of California, [Justice at Risk: More Support Needed for Legal Aid Attorneys in California](#); and California Access to Justice Commission, [Legal Aid Recruitment, Retention, and Diversity: A Report to the State Bar of California](#).

¹¹ According to a 2020 report, law students graduate with an average of \$164,742 in debt (including both undergraduate and law school loan debt). Attorneys of color have been disproportionately affected by the median debt load—for Black, Latinx, and Asian attorneys, approximately \$30,000-35,000 higher than for white attorneys at graduation. American Bar Association Young Lawyers Division, [2020 Law School Student Loan Debt Survey Report](#).

color to pursue careers in the public interest, support advancement to leadership positions, and ensure that a diverse attorney population is available to serve low-income Californians.

In partnership with COAF, the State Bar's Legal Services Trust Fund Commission and the California Access to Justice Commission, the State Bar examined the current LRAP and loan forgiveness landscape in early 2021 to develop recommendations for potential interventions or initiatives. In addition, the working group surveyed nonprofit and public sector attorneys to better understand the types of loans and amount of debt experienced among that cohort and spoke with student loan debt experts regarding best practices in LRAP design.

In March 2022 the working group unveiled an LRAP proposal to benefit civil legal aid attorneys in California. The proposal intended to cover up to \$10,000 per year in loan repayment assistance per attorney as long as the attorney continued to work for a qualifying employer (i.e., organizations that receive State Bar grants or funds for immigration-related legal services from the California Department of Social Services). These funds would have been administered by a government agency, such as the Student Aid Commission or the State Bar, as a forgivable loan, and the intent was to design a program that would render significant tax savings to the borrower.

Advocacy with the Legislature garnered support for the program, and the 2022–2023 budget initially earmarked \$55 million for the establishment and administration of the LRAP over the next five years. However, this funding provision was removed from the final version of the budget. The working group remains committed to exploring other funding alternatives.

Moreover, the California Access to Justice Commission continues to collaborate with the State Bar to provide educational webinars and technical assistance to legal aid employers who want to develop their own LRAPs, either individually or in tandem with other employers.

FUTURE PLANS

For 2023–2024, while seeking continuous feedback from stakeholders, the State Bar plans the following activities to advance DEI and promote the elimination of bias in the legal profession.

STATEWIDE LEADERSHIP

The State Bar will prioritize the following activities in the area of Statewide Leadership:

- Administer the attorney census annually.
- Publish annual Diversity Report Card.
- Implement, monitor, and improve Leadership Seal Program.

CREATING A CULTURE OF INCLUSIVITY

The State Bar plans the following activities to continue to prioritize and develop a culture of inclusivity:

- Conduct an internal DEI Audit, including a procurement disparities study and revisions to

the State Bar investment policy.

- Apply for the DEI Leadership Seal as an employer and share progress with stakeholders.
- Hold annual implicit bias training for decisions makers in the Office of Chief Trial Counsel and State Bar Court.
- Expand current DEI and implicit bias training offerings and discussions for all staff.
- Expand outreach on subentity appointment opportunities to support the long-range goal of diversifying subentity membership.
- Continue to review metrics for the implicit bias module and explore development of additional trainings addressing EOB with the goal to update the course content regularly to ensure that it remains relevant.

PIPELINE TO THE PROFESSION

The State Bar plans the following activities to further develop and support a diverse pipeline into the profession:

- Increase the numbers of diverse attorneys in the legal profession through studying and highlighting diversity pipeline programs that support aspiring attorneys in graduating from law school and passing the bar exam.
- Continue the Mindsets in Legal Education Initiative and evaluate the merits of expanding the program to first-year law student examinees.
- Conduct an equity and cost focused analysis of the impact of various options for administration of the bar exam on pass rates, including remote and open-book formats.
- Continue to provide implicit bias trainings for bar exam proctors and graders to reduce bias.
- Continue to diversify the exam development and grading pool.
- Issue the Blue Ribbon Commission on the Future of the Bar Exam final report and implement recommendations.
- Publish Law School Retention Study, including attrition data from all California law schools.
- Survey law students on their experiences with law school retention programs.
- Identify recommended metrics for law school retention programs and share results with stakeholders.

RETENTION AND ADVANCEMENT IN THE PROFESSION

The State Bar plans the following activities to support attorney retention and advancement in the profession.

Reforms to the attorney discipline system

The State Bar takes seriously the shortcomings and criticism of its attorney discipline system and plans to:

- Implement reforms and recommendations to reduce inequities identified in the 2019 report Discrepancies by Race and Gender in Attorney Discipline by the State Bar of California: An Empirical Analysis.

- Conduct a follow-up study of racial disparities in attorney discipline, identify areas for improvement, and implement recommendations.
- Identify and implement strategies to address other disparities in discipline rates and outcomes, including those related to solo and small firm practitioners.

Prevention and proactive risk-management for attorneys

The State Bar recognizes its role in protecting the public by providing support and resources to attorneys, particularly underrepresented attorneys, so that they do not enter the attorney discipline system. The State Bar plans to:

- Develop metrics for assessing the impact of the State Bar's prevention and proactive risk-based management work.
- Support attorneys from disenfranchised and underserved communities who may experience unique practice management and other challenges.
- Create a licensee resource page on the State Bar website to provide information and tools on emerging topics and issues including mental health, financial literacy, and navigating imposter syndrome in the workplace.
- Identify competency-related factors that drive disparate voluntary departures from the legal profession by race and gender.

Promoting retention and advancement

The State Bar will continue to study trends and engage with leaders in the legal profession to explore barriers and solutions to recruitment and advancement in the profession. The State Bar plans to:

- Identify data-supported practices that promote retention and advancement of a diverse and inclusive legal profession and share those practices through toolkits and other resources.
- Review innovative DEI practices from other industries that may be adaptable to the legal profession.
- Collaborate with legislative and other stakeholders to establish a law school student loan forgiveness program to make legal aid an attractive and sustainable career goal.

FUNDING HISTORY AND NEEDS

The primary funding source for the State Bar's DEI work has been the EOB opt-out fee that is part of the annual attorney licensing fee. This fee generates approximately \$300,000 in annual revenue, which is used primarily to fund staff in the State Bar's Office of Access & Inclusion is responsible for supporting COAF activities and implementation of the work outlined in this report.

Table 4. Elimination of Bias Fund History, 2017–2022

	2017	2018	2019	2020	2021	2022*
Total Revenue	\$106,130	\$317,958	\$325,589	\$327,640	\$314,893	\$325,438
Total Expenses	\$569,059	\$187,893	\$166,923	\$284,388	\$338,221	\$689,650
Surplus (Deficit)	\$(462,929)	\$130,065	\$158,666	\$43,252	\$(23,328)	\$(364,212)
*From unaudited year-end revenue and expense statement						

As reflected in deficit spending in the fund in 2021 and 2022, the State Bar’s DEI funding needs far outpace available resources. While in prior years the State Bar has absorbed this deficit in the General Fund, the State Bar’s recently adopted 2023 budget reflects a structural General Fund deficit and outlines the impact of trying to address that deficit through cost reduction efforts State Bar-wide. These efforts include a reduction in budgeted EOB expenses, which total just \$335,000 in 2023.

Unfunded 2023-2024 planned activities include:

- Resources to support robust evaluation of law school retention initiatives, including identifying recommended metrics: \$100,000 (one-time)
- Outreach and communications support to better publicize Report Cards and the new DEI Leadership Seal initiative, increasing opportunities for the data and reporting to be used to support local and affinity bar efforts, and to hold the State Bar and legal employers accountable for results: \$25,000 (annually)
- Funding to support implementation of a State Bar-appointed counsel program for income-qualifying respondent attorneys: \$250,000 estimated for a pilot program recommended by the Ad Hoc Committee on the Discipline System.

In January 2023, the Board of Trustees directed staff to seek legislative support for an increase in funding for the support of the State Bar’s external and internal DEI efforts. The current EOB contribution that is paid as part of the annual licensing fee is voluntary, i.e., licensees may opt out of contributing the two dollars that goes to support the DEI work. To fund the ongoing work and the new projects identified above, the State Bar will seek to convert this two-dollar contribution to a mandatory fee and increase the amount to fully support the State Bar’s efforts to promote elimination of bias in the legal profession and meaningfully impact diversity, equity, and inclusion in California’s attorney population.