

**THE ROLE OF THE BAR IN PROMOTING DIVERSITY**  
**The State Bar of California Bar Leaders' Conference**  
**September 25, 2008**

**1. RAISING AWARENESS: Current Status of Diversity in the Legal Profession**  
-- Presenting a sampling of statistics

- a. **Contra Costa County Bar statistics** re: diversity in the legal profession and among the judiciary (see CCCBA Slides)
- b. **Gender, LGBT, Disability data points:** (see CCCBA slides and Orange County data – “Diversity and Gender Bias”)
- c. **Local Bar Experiences:**
  - Contra Costa County Bar Association
  - Orange County Bar Association
  - San Mateo County Bar Association

**2. MODEL PROGRAMS:** Looking at some recent successful programs at critical points along the diversity pipeline.

**A. JUDICIAL DIVERSITY**

- **Judicial Mentoring:**
  - ❖ **Alameda County Bar Association East Bay Diversity Bar Coalition's Judicial Mentoring Project** (see ACBA handout)
  - ❖ **Multi Cultural Bar Alliance of Southern California -- Judicial Diversity Program**
- **Diversity Video:** The CCCBA Diversity Committee persuaded the local bench to schedule a presentation of the diversity video based on the movie “Crash”, developed in large part by Los Angeles County Superior Court Judge Fumiko Wasserman, member of the State Bar's Council on Access & Fairness. This video gives judges continuing education credit in ethics and is supposed to be very powerful. The Contra Costa County bench has invited judges from surrounding counties to attend.
- **State Bar “Tips for Completion of Online Judicial Application”** (Judicial Application Tips located on State Bar Council on Access & Fairness website at [www.calbar.org/AFCouncil](http://www.calbar.org/AFCouncil))

- **State Bar Diversity Task Force, Courts Working Group Report and Recommendations** (for analysis of challenges and initiatives related to achieving judicial diversity--Report found on Council on Access & Fairness website at [www.calbar.org/AFCouncil](http://www.calbar.org/AFCouncil))

## B. LAW FIRM DIVERSITY

- **CCCBA PowerPoint Presentation:** The CCCBA's Diversity Committee developed a power point presentation entitled "Investing in the Future of Diversity: Building a Better Law Practice", which qualifies for 1 hour of elimination of bias in the legal profession MCLE credit. Members of the Committee present this seminar at no cost, in-house, to member law firms with 10 or more attorneys. Arrangements are also made for presentations to smaller groups of CCCBA members.

The seminar focuses on why diversity matters; the state of diversity in the legal profession nationally, state-wide, and locally, as well as in law schools and on the bench; reasons for the lack of progress; perceptions of lawyers from diverse backgrounds; what the organized bar is currently doing; model law firm programs and practices; and, finally, what lawyers and law firms can do to increase (Contact the CCCBA for background info and copies of the slide show - Lisa G. Reep, Executive Director, Contra Costa County Bar Association, 925.288-2555, fax 925.686-9867, [LGReep@cccba.org](mailto:LGReep@cccba.org))

- **Bar Association of San Francisco "Goals and Timetables" for law firm hiring and promotion –**  
(See listing of Diversity and Pipeline Programs on BASF website at [http://www.sfbar.org/forms/diversity/diversity\\_report\\_2005.pdf](http://www.sfbar.org/forms/diversity/diversity_report_2005.pdf))
- **Law Firm Initiatives:**
  - ❖ **Burnham Brown** (50 lawyers) held a diversity reception on September 18, 2008 for members of the business community to network with diversity bars re pipeline activities (See Burnham Brown website at <http://www.burnhambrown.com/index.cfm?fuseaction=content.contentDetail&id=8998>)
  - ❖ **Latham & Watkins LLP:** Diversity Scholars Program – launched in 2005 and awards four \$10,000 non-renewable scholarships to second-year law students for use during the third year of law school (See Latham website at <http://www.lw.com/upload/aboutLatham/upload/docs/doc44.pdf>)

## C. LOCAL BAR DIVERSITY

Some examples of how bar associations promote diversity and inclusiveness and build a diverse bar leadership

- **ACBA Initiatives – Steps to Consider in Creating a Diverse Bar Association** (see ACBA handout)
- **Bay Area Minority Summer Clerkship Program (BAMSCP):** Joint project of the Alameda County Bar, Bar Association of San Francisco, Contra Costa County Bar, and Santa Clara County Bar Association, currently administered by the SCCBA. See [http://www.sccbba.com/docs/cs\\_proj6.pdf](http://www.sccbba.com/docs/cs_proj6.pdf)
- **Los Angeles County Bar Association Diversity Pipeline Summit:** Major countywide diversity conference held in June 2007, convening a wide range of stakeholders involved in and impacted by diversity initiatives. (See LACBA website for the conference reports at <http://www.lacba.org/showpage.cfm?pageid=7709>)
- **OCBA Board Initiatives**—Board bylaws provide for increased board diversity. Appointments Committee Chaired by President, who selects members with input from the Affiliate representatives. Nominations reflect the diverse composition of the membership, with at least five slots to be filled by members from Affiliate Organizations (for more information contact Trudy Levindofske, Executive Director, OCBA, [trudy@ocba.net](mailto:trudy@ocba.net), ( 949) 440-6700
- **BASF Bay Area Minority Law Student Scholarship Program:** The scholarship program was established to reaffirm a commitment to diversity in legal education and the legal profession. Each scholarship involves a substantial three-year commitment to worthy qualified students. The vast majority of scholarships awarded are \$10,000 yearly. This program was created in response to the passage of SP-1, the University of California Regent's resolution to end affirmative action and race-based admissions at UC Schools. Over 45 scholarships have been awarded to date! (See BASF website at <http://www.sfbar.org/diversity/scholarships.aspx>)
- **BASF Bay Area Diversity Career Fair:** The Diversity Career Fair, underwritten by Orrick and sponsored by BASF, brings together prominent law firms and government legal departments in the San Francisco Bay Area with highly qualified diverse second-year law students. The participating students come from distinguished local law schools, as well as other top schools from around the nation to participate in summer associate

programs. In addition to the interviews, the fair also provides students with networking and educational opportunities. A welcome reception that includes prospective employers takes place the night before the interviews and a breakfast panel the morning of the interviews features diverse lawyers from a variety of practice areas. (See BASF website [http://www.sfbar.org/diversity/career\\_fair.aspx](http://www.sfbar.org/diversity/career_fair.aspx))

#### D. LAW SCHOOLS

- **Law School Street Law Programs:** cultivated by law students and provides lawyers, law students, paralegals and judges with programs, professional development opportunities, and publications to enable them to teach practical law in their communities and schools (see <http://www.streetlaw.org/en/Audience.2.aspx>)
- **Marshall Brennan Constitutional Literacy Program:** law school based mock trial program focusing on high schools in disadvantaged communities  
(See [http://www.slaw.neu.edu/marshallbrennan/MB\\_Info\\_Sheet.doc](http://www.slaw.neu.edu/marshallbrennan/MB_Info_Sheet.doc))
- **Pacific Pathways Programs: Mentoring, Moot Court/Mock Trial & Law Day: UOP McGeorge School of Law:** An integrated multi-part program for students of different ages including mentoring of high school students by law students, moot court/mock trial programs, Law Day mock trial version of the Three Little Pigs at a local elementary school, speaker programs with prominent members of the bench and profession, and professional development for teachers. (See Mc George Pacific Pathways site at <http://www.mcgeorge.edu/x1603.xml?print>)

#### E. COLLEGES AND UNIVERSITIES

- **Wingspread P20 Leadership Pipeline:** a consortium of P20 Educators, the bench and the bar dedicated to the success of diverse high school and college students with a focus on the law as a career (<http://www.usm.maine.edu/pdc/edlaw/WingspreadVI.pdf>)
- **UC Davis School of Law: King Hall Outreach Program (KHOP):** Two outreach programs for college students including field trips, LSAT scholarships, presentations by lawyers, mentoring, undergraduate academic plan, and individual pre-law advising (See <http://www.law.ucdavis.edu/admissions/outreach.shtml>)

## F. HIGH SCHOOLS/ MIDDLE SCHOOLS/ AND ELEMENTARY SCHOOLS

- **BASF School to College Program:** a multi-faceted college readiness program for grades nine through twelve including mentor advice on college ad financial aid applications, SAT prep course, Strategies for Success class, weekly after school discussions of career options ad obstacles to planning for college, local college tours and a tour of colleges in New York and Boston.

The program is for students from diverse, low income families who are, for the most part, the first in their families to attend college.(see BASF website <http://www.sfbar.org/diversity/schooltocollege.aspx>)

- **SCCBA Junior Judges program:** targets grades three to five, with volunteer lawyers showing video segments to students and discussing what the “smart choice” would be. Units cover Cheating, Destroying Property, Bullying, Teasing, Stealing, Drugs and Alcohol, and Gangs ad Weapons.
- **OCBA Teenage Legal Survival Skills Program:** The OCBA partners with the Orange County Department of education and other organizations to conduct this 45 minute education program in high school classrooms focusing on how the law will affect the students when they turn 18. (See <http://www.ocbar.org/>)
- **ACBA VIDEO “Step Up to the Bar”:** development of a video on staying in school, becoming a lawyer against all odds, etc. – Similar to the current ACBA video on “Justice for All” (click on ACBA website at <http://www.acbanet.org/> -- link to video is on home page)
- **Corporate Counsel Street Law Program** – The Corporate Legal Diversity Pipeline partners corporate legal departments with nearby, diverse high school law classes in an effort to engage the students, teach them more about civil law, and encourage them to consider careers in the legal profession. This program is a national partnership between Street Law and the Association of Corporate Counsel. (see <http://www.streetlaw.org/en/Program.1.aspx>)
- **Mock Trial Programs**
  - ❖ **Constitutional Rights Foundation:** statewide coordination of mock trial programs, focusing on county programs, with statewide and national competition (see [http://www.crf-usa.org/law\\_government/mock\\_trial.html](http://www.crf-usa.org/law_government/mock_trial.html))

- ❖ **Marshall Brennan Constitutional Literacy Program:** law school based mock trial program focusing on law students teaching and coaching high schools in disadvantaged communities

(see [http://www.slw.neu.edu/marshallbrennan/MB\\_Info\\_Sheet.doc](http://www.slw.neu.edu/marshallbrennan/MB_Info_Sheet.doc))

- **Deer Valley High School Law Academy:** Members of CCCBA's Diversity Committee are participating on a taskforce to establish a Law Academy at Deer Valley High School in Antioch, the launch of which is scheduled for Fall 2009. A vision and mission statement for the Academy are under development. The focus will be to:
  - ❖ Create a source of engagement for students who are "falling between the cracks";
  - ❖ Provide a rigorous course of study;
  - ❖ Create pathways for students based on unique experiences and opportunities that they may not be exposed to in other programs;
  - ❖ Provide a positive understanding of the legal system and its ramifications;
  - ❖ Encourage students to think about career pathways that they may not have thought of before;
  - ❖ Develop a heightened level and deeper understanding of civic engagement and responsibility.

(Contact the Contra Costa County Bar Association for more info)

8. **QUICK WRAP-UP:** Continue to share ideas and make promoting diversity a part of your bar culture

# Diversity on the Bench

## 2008 California State Courts

**Total 1660 seats**

| <b>Under-Represented Group</b>        | <b>No. of Minority Judges</b> | <b>% of Bench</b> | <b>% of Lawyers (2006)</b> | <b>% of General Population</b> |
|---------------------------------------|-------------------------------|-------------------|----------------------------|--------------------------------|
| <b>African-American</b>               | <b>94</b>                     | <b>5.6%</b>       | <b>1.7%</b>                | <b>7%</b>                      |
| <b>Asian/Pacific Islander</b>         | <b>82</b>                     | <b>4.9%</b>       | <b>5.3%</b>                | <b>11%</b>                     |
| <b>Latino/Hispanic</b>                | <b>120</b>                    | <b>7.2%</b>       | <b>3.8%</b>                | <b>32%</b>                     |
| <b>Total Under-Represented Groups</b> | <b>296</b>                    | <b>17.7%</b>      | <b>10.8%</b>               | <b>50%</b>                     |

# Contra Costa County's Bench

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In 2000, Contra Costa County had the *highest discrepancy* between the general population and number of Judges of color.

- **38.5%** of Contra Costa citizens are from Under-Represented Groups
- Compare: **Only 12.1%** (4 of 33 Judges ) of Contra Costa Judges/Commissioners are from Under-Represented Groups

In 2008, the Contra Costa County Bench has only:

- **< 11%** (5 of 45 Judges/Commissioners) from under-represented groups.
- However, **38%** (17 of 45 Judges/Commissioners) are women.



# Demographics in California

## General Population Compared with Lawyers

| <b>Group</b>                                      | <b>2000 Census</b><br>(Most current statistics available) | <b>2001 State Bar Membership</b> | <b>2006 State Bar Membership</b> |
|---------------------------------------------------|-----------------------------------------------------------|----------------------------------|----------------------------------|
| <b>People of color</b>                            | 53.3%                                                     | 17%                              | 15.6%                            |
| <b>Women</b>                                      | 50.2%                                                     | 32%                              | 34%                              |
| <b>LGBT</b> (lesbian, gay, bisexual, transgender) | 2.1%                                                      | 2.4%                             | 5.2%                             |
| <b>People with Disabilities</b>                   | 17.4%                                                     | 4%                               | No Data                          |
| <b>People over 55</b>                             | 21.3%                                                     | 24%                              | 35%                              |

# Minority Lawyers in California Compared with General Population

| <b>Under-Represented Group</b> | <b>2000 Census</b> | <b>2001 State Bar Membership</b> | <b>2006 State Bar Membership</b> |
|--------------------------------|--------------------|----------------------------------|----------------------------------|
| <b>African American</b>        | <b>6.7%</b>        | <b>2.4%</b>                      | <b>1.7%</b>                      |
| <b>Asian-Pacific Islander</b>  | <b>11.2%</b>       | <b>6%</b>                        | <b>5.3%</b>                      |
| <b>Latino/Hispanic</b>         | <b>32.4%</b>       | <b>3.7%</b>                      | <b>3.8%</b>                      |
| <b>Other URG</b>               | <b>3%</b>          | <b>4.9%</b>                      | <b>4.8%</b>                      |
| <b>Total URG</b>               | <b>53.3%</b>       | <b>17%</b>                       | <b>15.6%</b>                     |
| <b>White/Caucasian</b>         | <b>46.7%</b>       | <b>83%</b>                       | <b>84.4%</b>                     |

## **Diversity and Gender Bias**

### **I. What are the numbers?**

Law schools have been graduating women at the same amounts (about equal to men) for the last two decades.

Women continue to be hired to practice law, but they fall far short of making it up the partnership ladder at most firms. The same is true for ethnic lawyers.

Let's look at some illustrative numbers.

#### **A. Orange County Law Firms:**

In Orange County, there are many firms who consider themselves ahead of the curve on the issue of diversity. They implement diversity and bias hiring programs geared at hiring in young associates.

But the numbers reveal that these initiatives don't work.

For instance, a cite called [betterlegalprofession.org](http://betterlegalprofession.org) reveals that of top southern California firms with 100 attorneys in Southern California offices, some had hiring ratios of 60% female to male (i.e. 24 females hired to 16 males).

But at the partnership level, at the same firm, and we won't mention any names, the ratio of males to females increased dramatically. At the partnership level, the same firm had 41 males and only 7 female partners.

So there is a disconnect in the numbers at even the most progressive firm.

#### **B. Orange County Judiciary (Superior Courts)**

The numbers in the judiciary are no better.

In Orange County, our population is 47.90% Caucasian and the remainder ethnic minorities.

Yet, when you compare those numbers to our judiciary, the difference is staggering. In Orange County, our Superior Court Judges are 84.40% Caucasian, with only 15.6% ethnic. Of this, the numbers break down as follows:

African American on the Bench - 2.8% compared to 1.3% of the pop.

Asian and Pac. Islanders on the Bench - 5.5% compared to 15.6% pop.

Latinos on the Bench - 7.3% compared to 33% of the pop.

When one factors in the commissioners, the numbers get worse as far as diversity and gender bias, not better.

And the judiciary is still male dominated - we have 82 male judges and only 27 female in Orange County. As far as commissioners, we have 30 male commissioners and only 3 female ones.

Looking at the profession as a whole, based on the 2001 Census, Caucasians make up 46.70% of our pop. in Cal, but make up 83% of the State Bar. Minorities make up 53.30% of our pop. but make up only 17% of attorneys in the State Bar.

### **C. California State Courts**

Ethnic and Gender Diversity in our State Courts is no better. As of May 5, 2006, the ethnic diversity of our state courts overall was only 17.1%.

At the Supreme Court level, of 7 seats, there is only 1 Asian Pacific Islander female, 1 Asian Pacific Islander male and only 1 Latina.

At the Court of Appeal, with 105 seats, there were 2 African American Women, 1 African American Man, 3 Asian Pacific Islanders (2 women and 1 man) and 2 Latinas and Latinos, for a total of 10 seats out of 105 seats.

### **D. California Superior Courts**

In Superior Courts statewide, only 263 seats of 1,498 belong to ethnic men or women.

When one totals the numbers overall, only 276 seats out of state total of 1,610 seats are held by ethnic judges.

### **E. JNE Commission Evaluations**

The lack of parity is also reflected in recently released JNE Commission numbers. In commissions for Judicial Evaluation (JNE commission) for the calendar year 2006, 60% of the applications came from white applicants, only 3% of the applicants identified as Asian, 5% identified as African American, 14% were Hispanic, with 17% unknown. Of the total applicant pool, 70% were men and only 30% were women.

## **II. Law Schools**

The lack of diversity is reflected in our law schools.

In law schools, the number of diverse students entering law schools is dwindling.

ABA Accredited Law Schools in 2004, showed:

59.19% were Caucasian,  
with only 3.45% Hispanic,  
0.27% Puerto Rican,  
5.35% Mexican,  
17.18% Asian,  
0.83% American Indian and  
4.5% African American.

Females make up about 50% of our law school population, but only 5% of managing partners at big firms are women. Overall, just 17% of partners at big firms are women.

So overall the numbers don't look good and do not support the idea that as a profession we are becoming more diverse and less bias.

## **III. The Problems Still Exist**

### **A. Specific Examples of Bias In the Judiciary (2004)**

Okay. Enough of the numbers. Let's look at some real situations.

Certainly, our judiciary has been trained not to reflect unprofessional stereotypical bias behavior in this day and age, you say.

Not so.

In a California Bar Journal Article in 2004, then State Bar President Anthony Capozzi references a situation that occurred in Orange County Superior Court in April 2004.

The transcript reveals that judge (who shall remain nameless) asked Pamela M. Roberson, a young civil lawyer, for her business card and asked if she was a lawyer.

The next question from the Court was "Are you ready to have your baby? Is it momentary?"

The Court's next statement was "well, your appearance, Ms. Roberson, leaves a lot to be desired, as far as your clothing is concerned."

Ms. Roberson advised the court professionally that her wardrobe was limited since she was 8 and ½ months pregnant. She said she did not appreciate the Court's comments regarding her appearance.

This real life situation happening in Orange County in 2004 illustrates the fact that gender bias and ethnic bias is still alive and well.

#### **IV. Transparency in Vetting of Judicial Candidates and Becoming a Judge**

##### **Issues of Transparency and Power of Local JSACs.**

A recent article in California Women Lawyers Winter 2008 Magazine, CWL News, reflects the problems of transparency in the judicial process.

On November 8, 2007, CWL's Karen Goodman testified at an informal hearing by the Senate Judiciary Committee, on the need for transparency in the judicial selection process in California.

As some of you may know, CWL conducts a rigorous judicial evaluation process for judicial nominees, which includes lawyer interviews, which in many ways mirrors that of the JNE Commission.

As a result of this process, Ms. Goodman advises the Senate that CWL has first hand knowledge of many highly qualified judicial applicants who have never been sent to the JNE Commission for review.

She says the mysterious process that lies with the question of who is sent to JNE for review and who is not is part of the problem.

Much like a fraternity invitation to pledge, the perception is now that a single "Black marble" from a member of the Governor's Advisors can destroy an otherwise qualified candidates chance to be evaluated by JNE.

Ms. Goodman was also critical of the secret role of local Judicial Selection Advisory Committees (JSACs) in the process. While some of these groups do a great job of vetting candidates and have a better understanding of how a candidate has performed over the course of their career (as opposed to during an interview), some JSACs are more concerned with political agendas which have nothing to do with qualifications.

Participants in JSACs are secret - this creates a risk of a good old boys club. The JSACs operate in an environment of rumor and innuendo. There is also a belief that the secrecy of the process creates a situation where the "good old boys" in JSACs end up grooming and vetting their own for JNE - so that a continued number of white men are sent to JNE and ultimately become judges.

Further, the deliberations and recommendations of the Governor's office are also kept secret and candidates are never advised of concerns nor given the opportunity to respond.

Another problem is that the numbers we referenced earlier from the JNE Commission reflect only the diversity and ethnicity of judicial candidates who are sent to the JNE Commission for evaluation. There are no numbers kept by the Governor's office on the ethnicity and gender of all candidates, including those not sent to JNE.

All of these items contribute to a system in which JNE considers candidates who happen to be 70% white male

## **V. Problems within the Firm**

### **A. Initial Hiring of New Associates**

There is a myth of equality in hiring new associates just out of school translates to effective diversity initiatives.

We have already touched on the fact that there is a great disparity between the number of female and ethnic groups being hired in at firms and those making it to partnership level.

### **B. Mid Level Hires and Lateral Hires**

In mid level and lateral hires, there is a failure to retain associates.

There is a 78% attrition rate for associates by 5 years at big firms, with females being twice as likely as men to leave.

Reference Cal. Lawyer Magazine article "We Quit." Feb. 2007.

### **C. Partner Level Issues**

A second "glass ceiling".

For many women who do in fact make partner, men are relegated to the role of managing partner as opposed to litigation or section partner.

Many women partners report that even at the partner level, they feel they are scrutinized differently than men, given less “high visibility” assignments, provided less mentoring (because at this level there is usually not one left who can mentor them) etc.

Why the disparity? Institutional bias and discrimination.

## **VI. How does institutional bias manifest itself?**

- A. Lack of mentoring/lack of identifiable role models for young associates;
- B. Female legal superstars are not identified early in their careers;
- C. Female and ethnic lawyers find there is no female or ethnic partner for them to emulate - this leads to a sense of isolation.

One young lawyer described her firm as “lonely, degrading and akin to a journey through a hall of mirrors.”

- D. Fear of being perceived as a “flirt”- if one takes advantage of informal mentoring with a male mentor, while a male doing the same is perceived as a “go getter” and “ambitious.”
- E. Male and female personality differences - “The Bitch Factor.” Fear of being perceived as “a bitch” for being too demanding,

As one lawyer put it “If you don’t jump up and down like a man would during a meeting, you are not perceived as partnership material.”

- F. Firm failure to allow women/minorities to develop business and networking opportunities

For the most part, firms want you to work with their existing clients, usually white males.

- G. Low grade case assignments/case assignment bias.

This effects billable hours, visibility- key criteria for making partner or moving up in the ranks against male counterparts.

- H. Arbitrary male control of key management committees.

To some extent, women and minorities have to change their perceptions and actions as well -



- There is a greater free agent mind set among women and minorities now. If we can't have it all at one firm, we move.

This is far different than the trail-blazing mentality of the first generation of lawyers who broke barriers.

- Women and ethnic lawyers need to say "I want." We need to be clear and assertive in what we want.

We need to change our style of self promotion.

- If you don't like being part of the "billable hour machine," then get out. (Spin offs) (more on this later).

*Reference "Why Do So Few Women Reach The Top of Big Firms?" NY Times March 19, 2006 and "Up The Down Staircase" March 19, 2006.*

## **VII. Eliminating Bias: Changes Are Coming from the Outside**

### **A. Clients Are Demanding Change -**

Big name clients such as Walmart, Sara Lee and others are demanding change.

For these companies, diversity is as important as costs and product performance, and firms are taking the brunt of it.

As reported in a July 21, 2006 NY Times Article entitled "Pushed by Clients, Law Firms Step Up Diversity Efforts," this corporate effort to hire more women and minority lawyers, is the brain child of Roderick A. Palmore, general counsel for Sara Lee.

He believed that the only way that firms would focus on diversity is if it affected their bottom line.

Since he started the initiative, over 100 companies, including American Airlines, Boeing and General Motors have signed on to the pledge.

However, other than Walmart, there is little evidence of companies making good on their threat to fire firms who do not show progress on diversity.

The statistics are daunting for lawyers of color. They make up just 4.63 percent of partners at the nation's major law firms in 2005. In 2006, the number of minority associates who made partner was just 7.4%.

## **B. Lawyers are also demanding change.**

Many big firms are experimenting with a “team work” approach to advancement and ultimately partnership review.

This type of approach gets rid of or reduces a number of the male based biases we discussed above.

Firms are also more likely to embrace job-sharing, work at home opportunities and non-billable hour criteria for advancement.

The bottom line is that young lawyers are demanding more flexibility.

They want work life balance.

For many, including myself, they feel balance makes us better lawyers and better people.

When we find balance, we are more capable of being creative with a problem and more capable of removing our own egos from the solution.

The solution should be what is best for the client- not what makes the firm the most money.

## **VIII. But problems still exist.**

### **A. The “Good Old Boy” Mentality.**

We still have the “old boy mentality” - the golf networking set and the “after work, let’s go grab a drink” set which are still primarily male based.

Some women are countering with the “let’s hit the spa” set for women!  
Women and minorities should cultivate networking set in their own groups!

### **B. Client Demands and Firm Demands.**

Clients also inherently want to deal with people like themselves. Because most CEO’s are white men, this continues to be a problem.

Firm’s senior partners also have a natural affinity to hire people who look like them or remind them of their earlier days - of course, these are men.

An older partner who is seen favoring a young associate may fear retribution in the form of suggestions of sexual harassment or liaisons.

### **C. Law Firm Rigidity**

Law Firms continue to be rigid in their structures and advancement criteria. The mentality is “this is how we have always done it, so why change now?”

What is interesting is that other old world professions, such as accounting, medicine, forensics, etc. have adapted. So must law firms.

If Law Firms act like dinosaurs, they will go the way of the dinosaur - extinction.

### **D. The Billable Hour Monster**

The Billable hour requirement also needs to be addressed.

Indeed, this requirement tugs more at women than at men because women overwhelmingly face more child rearing responsibilities, deal with more household roles, etc.

As the President of the LA Bar Assn. put it, “The pressures on women from spouses, family, peers, schools and others is huge.”

And for women who choose to leave the profession to rear children and then try to re-enter later on, they have a difficult if not impossible time finding ways to re-enter the profession. This knowledge places added stress on women trying to juggle family and career.

### **E. Creative Solutions - Involvement of Local Bar and Affiliate Bar Associations**

The involvement of local bar associations and affiliate minority related bar associations is also key.

Illustrative of this is the fact that in San Francisco, CWL launched an local diversity initiative along with the San Francisco Bar Assn. to have major firms sign on the a diversity initiative.

As a result, the number of female and ethnic partners at law firms in the last 5 years in the San Francisco area have steadily increased.

### **F. De-mystifying the judicial process**

CWL is also a leader in de-mystifying the process of becoming a judge. Program “So you want to be a judge” which CWL sponsors statewide. This program is doing a lot to open young lawyers eyes to the process of what is needed for an effective judicial nomination or evaluation.

## **MEDIA EVENT ADVISORY**

**DATE:** Wednesday, June 13, 2007  
**TIME:** 9:30 a.m.  
**PLACE:** Santiago Creek Alternative Education School  
2323 N. Grand Avenue, Santa Ana



**Media is invited to bring cameras.**

**Contact: JoAnn Weigand 949/440-6700, ext. 123**

### **Orange County Bar Association President Teaches Teens Legal Survival Skills**

**Santa Ana:** On Wednesday, June 13, 2007 at 9:30 a.m., OCBA President Joseph L. Chairez will visit Santiago Creek Alternative Education School Ave. to present high school juniors and seniors with information on their legal rights and responsibilities upon turning 18. This OCBA community service program called “Teenage Legal Survival Skills” teaches teenagers about becoming an adult in the eyes of the law.

Working together with the Department of Education, OCBA volunteer attorneys visit High School classrooms throughout Orange County to speak with teens about such subjects as; alcohol and the law, driving and the law, sex and the law, moving out and a host of other topics that will affect them in the very near future. Each presentation takes approximately 45 minutes after which students are given a handout called “When You Become 18: A Survival Guide For Teenagers,” published by the State Bar of California.

Since the program was unveiled earlier this year, over 50 presentations have been made reaching nearly 2,600 students in Orange County. The “Teenage Legal Survival Skills” program offers a wealth of information to teens that might not otherwise be reached. It is one of many programs that have allowed the OCBA and its President to reach out and provide a useful service to the community.

The mission of the Orange County Bar Association is to enhance the system of justice, to support the lawyers who serve it and to assist the community served by it.

# Lawyers Helping Our Students

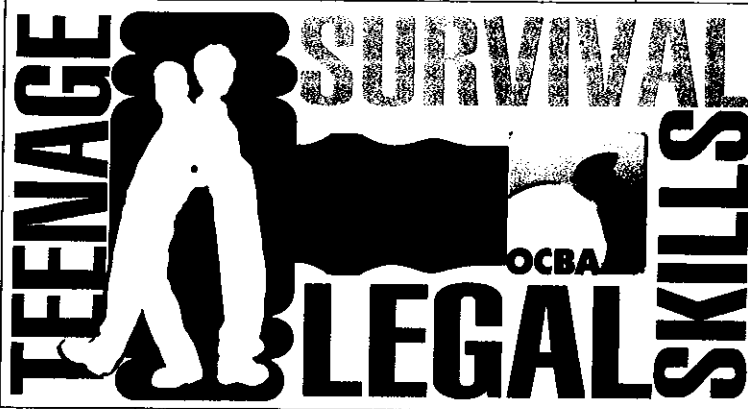
by Joseph L. Chairez

Association has partnered with the Orange County Constitutional Rights Foundation to participate in its Business Issue Conference and will be working with other community groups and organizations to put on additional programs and

ing books to third graders throughout Orange County. I had the opportunity to participate in the program and speak with a number of the lawyers who volunteered. Each and every one said it was a rewarding experience. Robert's

**L**ooking for an opportunity to serve your community? Check out the Orange County Bar Association's new community service program: Teenage Legal Survival Skills.

This month the Orange County Bar Association launches a program aimed at teaching our 17 – 18 year old high school students how the law will affect them when they turn 18. While young people are quick to understand the benefits of being an adult, most are unaware



of the many new responsibilities and legal consequences of reaching adulthood. This program, through its presenters and materials, will cover various aspects of a young person's life that will change with adulthood, such as entering into contracts, entering the work place, crimes and consequences, marriage, voting, financial responsibility and other issues. As lawyers,

As with all community service programs, all volunteers are to be commended for the giving of their time and effort. For the Lawyer for Literacy program, however, there was one volunteer who truly stood out, and that was Pearl Mann. Pearl, as many of you know, is a

workshops.

Being a volunteer presenter could not be easier. The Orange County Bar Association has volunteer trainers who will teach volunteer presenters the material and how best to put on this short program. Our volunteer trainers include lawyers from many fields of practice including family law, business law, personal injury and public law. They also come from a variety of firms including solo-practices, small firms, mid-size firms, and large national law firms. Each of these volunteer trainers share a common goal: To train our volunteer presenters to be effective presenters of the materials to the students. In addition to training, each volunteer presenter will be given the publication "When You Become 18: A Survival Guide For Teenagers" to handout to the students. This publication contains detailed explanations of the laws that will be discussed as well as answers to all the questions raised in the presentation.

Helping our students is not a new concept for the Orange County Bar Association or its members. In 2003, Orange County Bar Association Past President Robert Gerard pioneered the Orange County Bar Association's Lawyers for Literacy program. This program successfully had numerous volunteer lawyers read-

busy lawyer and leader in many bar related organizations, including having served as a Past President of Orange County Women Lawyers Association and California Women Lawyers. When the Orange County Bar Association began looking for volunteers for its Lawyers for Literacy program, Pearl was quick to sign up. Pearl, however, in her usual spirit of giving not only made the commitment to teach a class, but also went on to speak to five different classes. Needless to say, Pearl has signed up to serve as one of our volunteer trainers for the Teenage Legal Survival Skills program.

My hope for the program is that those of you who have been looking for a chance to participate will take up this opportunity and join us in helping prepare our high school students to become active and responsible citizens. For those interested in participating, please call the Orange County Bar Association at 949.440.6700 for more information.



*Joseph L. Chairez is the 2007 President of the Orange County Bar Association, and a partner at Baker & Hostetter LLP.*



Joseph L. Chairez  
OCBA PRESIDENT

our Orange County Bar Association members serve as role models and credible sources for instructing students on these laws that now affect their daily lives.

To reach as many students as possible, the Orange County Bar Association is coordinating the Teenage Legal Survival Skills program with the Orange County Department of Education and other organizations. Through this collaboration with the Department of Education, we have signed up numerous schools to conduct this 45 minute educational program in a classroom setting. In addition, the Orange County Bar



## **CREATING AND SUSTAINING A DIVERSE BAR ASSOCIATION**

**State Bar of California Bar Leaders Conference  
Thursday, September 25, 2008**

### **ALAMEDA COUNTY BAR ASSOCIATION Overview of the Judicial Mentoring Project**

Part of the ACBA's mission is to promote diversity in the legal community. To further that objective, in May 2007, the ACBA launched its Judicial Mentoring Pilot Project, with the following goals:

- to bridge the gap from the bar to the bench
- to demystify the process of becoming a judge
- to facilitate traditionally under-represented attorneys in seeking advancement to the bench
- to increase the diversity of the judicial applicant pool, and
- to promote diversity on the bench to reflect our community

The project is part of the work of our East Bay Diversity Bar Coalition which includes representatives from the identity bars in Alameda County, e.g., Asian American Bar Association, Bay Area Lawyers for Individual Freedom, California Association of Black Lawyers, Charles Houston Bar Association, East Bay La Raza Lawyers Association, South Asian Bar Association and Women Lawyers of Alameda County. A subcommittee of four members and two staff was appointed to develop guidelines, application forms, and related information. These materials are available online at [www.acbanet.org](http://www.acbanet.org) and hard copies are available at today's program.

During the summer, at one of the ACBA open house parties, the Judicial Mentoring Project was formally announced and promoted.

Seventeen judicial officers agreed to be mentors (one appellate judge, fourteen superior court judges and two commissioners) and nineteen lawyers applied to be mentees. Matches were made in October 2007 by a subcommittee of the EBDBC. Maintaining the confidentiality of the names of the mentees' was a key concern.

An informal check-in with mentees in December yielded favorable reports about the mentoring experience. A more formal evaluation will be conducted in the spring.

In conjunction with the Judicial Mentoring Project, the ACBA is also organizing an educational program on becoming a judge, including insights on completing the application and interview process, and navigating the election process. Ms. Sharon Majors-Lewis, the governor's judicial appointments secretary, has been invited to lead the presentations at that program. Participating identity bar associations in Alameda County will co-sponsor the program with the ACBA.

The real test of the project's success will be seen in future appointments to the Alameda County bench. Already, at least one mentee has been appointed to the bench and a few mentees have been nominated by the Governor's office for further consideration.

On August 8, 2008, the ACBA received an ABA Partnership Award for the Judicial Mentoring Project. The award recognizes outstanding contributions to promoting diversity the legal profession.



## **CREATING AND SUSTAINING A DIVERSE BAR ASSOCIATION**

**State Bar of California Bar Leaders Conference  
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### **ALAMEDA COUNTY BAR ASSOCIATION Some Steps to Consider in Creating a Diverse Bar Association**

- 1. Make promoting diversity and inclusion in the legal profession part of your mission statement.**
- 2. Make promoting diversity and inclusion in the legal profession part of your strategic planning process.**
- 3. Develop an appointments process so that your appointments to sections and committees are inclusive and allow widespread participation of your members.**
- 4. Appoint a Nominating Committee that is diverse and that will champion diversity issues when making recommendations to the Board (if that is your governance structure); if your bar holds bar-wide elections, encourage lawyers of color to run for board seats.**
- 5. Consider adopting a “Statement of Diversity Principles” to reinforce your bar’s commitment to diversity.**
- 6. Include women lawyers and lawyers of color as your panelists at your MCLE programs and other educational events.**
- 7. Nominate deserving lawyers of color and women lawyers for local, statewide and national awards.**
- 8. Participate, as bar leaders, in the activities of the identity bars in your area.**



- 9. Build and maintain healthy working relationships with the identity bars in your area; consider creating a forum or coalition for the identity bars (e.g., East Bay Diversity Bar Coalition in Alameda County); consider co-sponsoring programs and events focused on diversity, elimination of bias and related topics.**
- 10. Devote a president's column and/or issue of your bar publication to diversity.**
- 11. Include diversity statistics, projects, goals, etc. in your speeches as bar president.**
- 12. Consider special projects that promote diversity in particular arenas: e.g., a Law Day program that includes lawyers of color visiting middle schools/high schools and talking about legal careers; a judicial mentoring project that provides mentoring by judges to lawyers, particularly lawyers of color and/or women lawyers, interested in careers on the bench.**
- 13. Encourage lawyers of color and women lawyers who have been successful at the local bar level to participate in state and national bar associations.**
- 14. Encourage your Executive Director to consider diversity and inclusion in hiring practices at your bar association.**
- 15. Use bar staff who work with sections and committees as resources for identifying potential leaders who will enhance the diversity of your bar association.**

## Resources Materials

### **Statistics/Demographics:**

Contra Costa County Bar Association PowerPoint Presentation “Investing in the Future of Diversity: Building a Better Law Practice” –Contact Lisa G. Reep, Executive Director, Contra Costa County Bar Association, 925.288-2555, fax 925.686-9867, LGRReep@cccba.org

“Diversity and Gender Bias” prepared by Solange Ritchie, Orange County Bar

### **General Listings:**

State Bar Model Diversity Pipeline Programs --See [www.calbar.org/AFCouncil](http://www.calbar.org/AFCouncil)

### **Judicial Diversity:**

Alameda County Bar Association East Bay Diversity Bar Coalition Judicial Mentoring Project

State Bar “Tips for Completion of Online Judicial Application” at [www.calbar.org/AFCouncil](http://www.calbar.org/AFCouncil)

State Bar Diversity Pipeline Task Force Courts Working Group Report and Recommendations re Diversity in the Judiciary at [www.calbar.org/AFCouncil](http://www.calbar.org/AFCouncil)

### **Law Firm Diversity Projects:**

Bar Association of San Francisco “Goals and Timetables” for law firm hiring and promotion at [http://www.sfbar.org/forms/diversity/diversity\\_report\\_2005.pdf](http://www.sfbar.org/forms/diversity/diversity_report_2005.pdf))

Burnham and Brown Diversity Reception at <http://www.burnhambrown.com/index.cfm?fuseaction=content.contentDetail&id=8998>

Latham and Watkins Diversity Scholars Program at <http://www.lw.com/upload/aboutLatham/upload/docs/doc44.pdf>)

### **Local Bar Initiatives:**

ACBA “Steps to Consider in Creating a Diverse Bar Association)

Bay area Minority Summer Clerkship Program (BAMSCP) Sponsored by the Santa Clara County Bar Association see [http://www.sccba.com/docs/cs\\_proj6.pdf](http://www.sccba.com/docs/cs_proj6.pdf)

Los Angeles County Bar Association Diversity Pipeline Summit  
See <http://www.lacba.org/showpage.cfm?pageid=7709>)

Orange County Bar Association Board Diversity Initiatives- contact person:  
Trudy Levindofske, Executive Director, [trudy@ocba.net](mailto:trudy@ocba.net), 949-440-6700

BASF Bay Area Minority Law Student Scholarship Program  
See <http://www.sfbar.org/diversity/scholarships.aspx>)

BASF Bay Area Diversity Career Fair-  
See [http://www.sfbar.org/diversity/career\\_fair.aspx](http://www.sfbar.org/diversity/career_fair.aspx))

### **Law School Programs:**

Street Law Programs: See <http://www.streetlaw.org/en/Audience.2.aspx>)

Marshall Brennan Constitutional Literacy Program  
See [http://www.slaw.neu.edu/marshallbrennan/MB\\_Info\\_Sheet.doc](http://www.slaw.neu.edu/marshallbrennan/MB_Info_Sheet.doc))

UOP McGeorge School of Law -- Pacific Pathways Programs: Mentoring, Moot Court/Mock Trial and Law Day:-- see <http://www.mcgeorge.edu/x1603.xml?print>)

### **Colleges and Universities:**

Wingspread P20 Leadership Pipeline  
See <http://www.usm.maine.edu/pdc/edlaw/WingspreadVI.pdf>

UC Davis School of Law: King Hall Outreach Program (KHOP)  
See <http://www.law.ucdavis.edu/admissions/outreach.shtml>

### **High School, Middle School, and Elementary Schools:**

BASF School to College Program see  
<http://www.sfbar.org/diversity/schooltocollege.aspx>

SCCBA Junior Judges Program

OCBA Teenage Legal Survival Skills Program - see <http://www.ocbar.org/>

Street Law Corporate Legal Diversity Partners program  
See <http://www.streetlaw.org/en/Program.1.aspx>

Constitutional Rights Foundation Mock Trial Program  
See [http://www.crf-usa.org/law\\_government/mock\\_trial.html](http://www.crf-usa.org/law_government/mock_trial.html)

Marshall Brennan Constitutional Literacy Program  
See [http://www.slaw.neu.edu/marshallbrennan/MB\\_Info\\_Sheet.doc](http://www.slaw.neu.edu/marshallbrennan/MB_Info_Sheet.doc))