

AGENDA ITEM

November 54-165

Diversity Pipeline Programs
Self-Evaluation Guidelines

DATE: October 15, 2008

TO: Members, Board of Governors
Members, Board Committee on Stakeholder Involvement

FROM: Hon. Brenda Harbin-Forte, Chair, Council on Access & Fairness

Patricia Lee, Director
Office of Legal Services, Access & Fairness Programs

RE: Diversity Pipeline Programs – Self-Evaluation Guidelines

EXECUTIVE SUMAMRY

The Board of Governors created the Diversity Pipeline Task Force in 2005 to identify issues/challenges along the diversity pipeline and present solutions for increasing diversity in the legal profession. The Task Force created a web-based resource guide that included models of diversity programs that are representative of a broad range of programs and that can be replicated by bar associations, law firms, corporate offices, government entities, law schools and the courts. In compiling the model program listing, the Task Force recognized that many model programs did not engage in self-assessment to determine program impact and effectiveness. When the Task Force completed its primary work at the end of the year in 2006, the Board of Governors approved the completion of one final project by the Task Force -- the development of information to encourage effective program self-evaluation. Attached are the report and recommendations created by the Evaluations Working Group for the Board to review and officially receive the report for distribution.

Background

The State Bar's initial Diversity Pipeline Committee was created in 2005 and was charged with identifying issues/challenges and presenting solutions for increasing diversity in the legal profession. A special *Diversity Pipeline Task Force* was created and convened by the Diversity Pipeline Committee to create a web-based resource guide that would include models of diversity programs that are representative of a broad range of programs and that can be replicated easily by bar associations, law firms, corporate offices, governmental entities, law schools, and the courts. The *Diversity Pipeline Task Force* created four working groups including Bar Associations/Law Firms, Corporate Counsel/Government and Public Sector, Courts, and Education Pipeline (Preschool to post secondary – "P to 20"). The charge to each working group was to identify model programs that met the criteria described below for inclusion on the State Bar web site.

The working groups conducted outreach and research to identify "Model Programs" using initially defined "CSIR" program criteria:

Continuity: Is the program of a continuing nature as opposed to a one-time project or event?

Sustainability: Does the entity have sufficient resources (funds, staff support and other resources) to sustain the ongoing operations of the program?

Impact: Is the program providing identifiable benefits for the intended group(s)?

Replicability: Can all or parts of the program be easily replicated by other entities?

Based on those criteria, initial model programs were identified, submitted to the Task Force, and approved by the Board of Governors for posting on the State Bar's web site. (See the Diversity Pipeline Task Force Report regarding Model Programs currently posted on the home page of the State Bar's web site www.calbar.ca.gov.)

One final charge to the *Task Force* remained to be completed at the time the work of the Diversity Pipeline Committee and *Task Force* came to an end and the Board of Governors created the 25-member Council on Access & Fairness in 2006 – namely, the development of information for inclusion on the web site related to encouraging effective program self-evaluation. At that time, a new Diversity Pipeline Evaluation Subcommittee (including one member from each of the prior working groups) was charged to complete the development of recommended program self-evaluation guidelines and to submit its recommendations to the new Council on Access and Fairness for its approval of the textual content for the web site and authorization to submit the materials to the Board of Governors for final approval.

The Subcommittee submitted its report for the consideration and approval by the Council on Access and Fairness at the Council's September 29, 2007, meeting. The Council is submitting the report to the Board of Governors for the Board to officially receive and authorize distribution of the report. (See the Report at Attachment A)

Discussion

The Role of the State Bar as an Information Clearinghouse:

The role of the State Bar related to the diversity pipeline and model programs is to serve as a clearinghouse of information by gathering and disseminating information about diversity programs focused on enhancing the diversity of the legal profession. A primary focus of the clearinghouse is to provide general resource material about and encourage “self-evaluation” practices in diversity programs of all kind. **Note: The State Bar does NOT assume the role of monitor or evaluator of individual diversity programs, nor does it develop and run its own programs.**

In fulfilling its role as an “information clearinghouse,” the State Bar:

1. Identifies model diversity programs along the full educational and professional “pipeline;”
2. Encourages diversity program self-evaluation and information sharing across programs;
3. Provides guidelines and tools to encourage development of program analysis, monitoring tools, and evaluation skills and practices internal to programs and in collaboration with others;
4. Encourages tracking of data -- not only tracking of information/results available for participants in individual programs, but also tracking, to the extent possible, information/results throughout the full range of educational and career development activities engaged in by individuals; and
5. Encourages collaboration among diversity pipeline programs to support ongoing, scholarly research regarding diversity issues in the education pipeline and the legal profession.

The attached materials have been developed consistent with the State Bar’s clearinghouse function for inclusion on the State Bar’s web site as guidelines and tools to encourage diversity program self-analysis, monitoring, and evaluation practices.

Guiding Factors in Development of the Program Self-Evaluation Web Site Materials:

The field of program evaluation is a broad and complex one, especially in areas related to social change where long-range sociological research is needed to demonstrate program outcomes over long periods of time. When undertaking its task to develop diversity pipeline program self-evaluation materials for the State Bar’s web site, the Council through its Subcommittee researched efforts that have been undertaken in other professions such as medicine and engineering, identified existing resources about program evaluation that could be shared with others, and focused on ensuring clarity, simplicity, an encouraging tone, and useful tools as part of the web site resources.

As a result of this focus, the Council developed the proposed web site materials attached to this Report as Appendix A. Those materials are presented in five main sections:

1. ***Welcome and Introduction*** – a general welcome and introduction to the web site materials that includes an emphasis on measuring what’s meaningful, and benefits of, challenges posed by, and incentives for completing program self-evaluation.
2. ***Diversity Pipeline Overview*** – a general description of the State Bar’s goals related to diversity and its access and fairness programs
3. ***Diversity Pipeline Model Program Clearinghouse*** – a description of the role of the State Bar in diversity pipeline model program evaluation, criteria for selection as a model program, guidelines for self-reporting and State Bar use of program self-evaluation information, and sample self-evaluation tools.
4. ***Program Self-Evaluation Overview-Tutorial*** – a simple, clear, overview of the elements and steps involved in effective program self-evaluation including defining program self-evaluation, a program evaluation cycle, definitions of types of evaluation information, program evaluation phases and steps, building collaborative relationships for program evaluation, and celebrating program self-evaluation successes.
5. ***Model Diversity Programs Listing*** which contains program self-evaluation guidelines by program type, as well as direct links to specific model program profiles and self-evaluation information.

Model Program Criteria and Practices:

Included in the proposed text for the web site guidelines are criteria and practices that have been proposed by the Task Force in the compilation of Model Programs. The Council on Access & Fairness considered and recommends the following criteria be incorporated in the Self-Evaluation Guidelines:

1. Criteria for Selection as State Bar Diversity Pipeline Model Program

The Council considered the existing model program selection criteria (“CSIR”) described above and determined that to encourage program self-evaluation practices, the selection criteria should be amended to add an “evaluation” category as set forth in the “CSIRE” criteria listed below.

- Continuity:** Is the program of a continuing nature as opposed to a one-time project or event?
- Sustainability:** Does the entity have sufficient resources (funds, staff support and other resources) to sustain the ongoing operations of the program?
- Impact:** Is the program providing identifiable benefits for the intended group(s)?
- Replicability:** Can all or parts of the program be easily replicated by other entities?
- Evaluation:**¹ Does the program lend itself to evaluation and self-evaluation practices described in the Diversity Pipeline Model Program Guidelines?

2. Guidelines for Self-Reporting and State Bar Use of Program Self-Evaluation Information. The Council also identified the need to specify the timing and process for model program identification and approval for listing on the web site. The Council recommends the following guidelines and practices:

- a. **Timeline and Process for Model Program Identification.** New Model programs are identified twice a year in a combination of ways including: (1) staff research to identify possible new programs, (2) applications submitted by new programs to be considered a “Diversity Pipeline Model Program”; and (3) referrals.
- b. **Process for Model Program Criteria Review and Assessment.** State Bar staff completes the assessment of potential model programs using the CSIRE criteria and develops recommendations to the Council on Access and Fairness for approval of selected model programs.
- c. **Posting of Model Programs on State Bar Web Site.** Selected Model Programs are listed on the State Bar’s web site. The State Bar creates and distributes outreach materials to promote the site to encourage the sharing of information among programs.

¹ These Guidelines strongly encourage the existence and use of program analysis, monitoring and self-evaluation practices and the availability and reporting of related data to support selection of a program as a “Model Program.”

- d. **Updating of Information About Existing Model Programs.** Once per year State Bar staff updates the web site with new information regarding existing model programs including available program self-evaluation data/information.
- e. **Use of Model Program Self-Evaluation Information.** Self-evaluation information provided by programs is posted to the State Bar web site so that it is available to other programs interested in improving their own program effectiveness.

3. **Diversity Pipeline Model Program Categories.** Model Programs are identified in six General Program Categories based on the source and/or location of the primary initiator/sponsor of the program:

- a. **Educational Pipeline – P-20** – Education-system based activities from Pre-School to advanced degree education that encourage education and advancement of diverse populations;
 - b. **Law Firms** – programs offered/supported by law firms to enhance diversity in their associate and partner ranks;
 - c. **Bar Associations** – programs offered by national, state, local and specialty bar associations to encourage greater diversity in the profession;
 - d. **Corporate Counsel** – programs offered by corporations and other employers to enhance diversity in the ranks of corporate and outside counsel;
 - e. **Courts** – programs that encourage greater diversity in the pool of judicial applicants and in appointment of diverse judicial officers to the bench; and
 - f. **Government/Public Sector** – programs that encourage greater diversity among attorneys who practice in government and public sector agencies/organizations.
4. **Diversity Pipeline Model Program Types.** For purposes of enabling program developers, administrators, participants and others to find programs of interest and of similar design and purposes, the State Bar has organized selected Diversity Pipeline Model Programs according to a list of “Model Program Types.” These program types are not hard and fast categories because many programs may encompass more than one type of activity in their program structures and designs. Each Model Program Type - with profiles of existing programs and recommended approaches to program self-evaluation are in detail on the web site. A link directly to each Model Program Type is provided below:

The Model Program Types recognized by the State Bar for purposes of encouraging program self-evaluation and information sharing are listed below in alphabetical order.

- Attorney Volunteers
- Awards/Recognition
- Bar Examination Preparation
- Career Advancement
- Clerkships
- College Preparation
- College to Law Preparation
- Cross-Firm Diversity Workshop
- How to Become a Judge
- Internships
- Job Placement Assistance
- Job Shadow
- Judicial Diversity Summit
- Law Day
- Law Firm/School Partnerships
- Law School Preparation
- Law-Themed High Schools
- Leadership Positions
- Legal Career Seminar
- Local and National Minority Bar Association Participation
- Mediation Training
- Mentoring
- Moot Court/Mock Trial
- Outside Counsel Diversity Initiatives
- Practice Section/Specialization Education/Mentoring
- Professional Development for Teachers
- Public Outreach/Education
- Recruitment & Retention Plan
- Recruitment Pledge
- Retention/Advancement Training
- Scholarships
- Sponsorships
- Street Law
- Summer Job
- Summer Law Camp/Academy/Program
- Tutoring

Fiscal/Personnel Impact: None

Board Book/Administrative Manual Impact: None

Strategic Plan Impact: Supports Goal 5, Strategy 5.1, Diversity of Bar Membership.

RECOMMENDATION

Proposed Board Committee Resolution:

Should the Board Committee concur with the recommendation of the Council on Access & Fairness, the following resolution would be appropriate:

RESOLVED, upon the recommendation of the Council on Access and Fairness that the Board of Governors Committee on Stakeholder Relations hereby recommends that the Board of Governors officially receives and approves the public distribution of the Diversity Pipeline Model Program Self-Evaluation Guidelines in the form attached as Appendix A.

Proposed Board Resolution:

Should the Board of Governors concur with the recommendation of the Board Committee on Stakeholder Relations, the following resolution would be appropriate:

RESOLVED, that the Board of Governors officially receives and approves the public distribution of the *Diversity Pipeline Model Program Self-Evaluation Guidelines* in the form attached as Appendix A.