

Council on Access & Fairness FY 2007 Year End Assessment

BACKGROUND

The Council on Access & Fairness was appointed in March 2007 to continue the diversity pipeline work initiated by the former Diversity Pipeline Task Force and engaged in by the former Access & Fairness Committees. It was envisioned that the diversity pipeline approach would be institutionalized within the State Bar through the creation of the Council. The Council would continue to focus on diversity issues on behalf of the diverse constituencies, as well as, focus on the full spectrum of issues along the diversity pipeline and address diversity goals in a strategic and visionary manner

The Council convened in April 2007 for an orientation session, then held its first meeting in June 2007. As a result, this year-end assessment covers only the second half of 2007, during which the Council was initiated and began operation. Also, this assessment is different from those of other State Bar volunteer entities, in that there is no work plan against which to chart the year's accomplishments. The Council was created after the 2008 work plan deadline, so Council members devoted time in 2007 to creating work plans for 2008 and 2009 for submission by the January 31, 2008 deadline. In the future the Council will operate within regular State Bar timelines.

COMPLETED PROJECTS

Evaluations Guidelines

The Board of Governors approved a final project for the Diversity Pipeline Task Force, focusing on creating evaluation guidelines and self-assessment tools for use by diversity programs. In developing the Model Diversity Program listing for the website, the Diversity Pipeline Taskforce recognized that many pipeline programs were not engaged in self-assessment and evaluation. It was the consensus of the Task Force that program evaluation was a critical aspect in determining program performance and impact on our overall diversity pipeline goals. A committee comprised of former members of the Diversity Task Force and Center for Access & Fairness staff worked with a consultant to research and compile a document that could be distributed in hard copy and on the State Bar website. The Council reviewed the document and recommended that it be submitted to the Board for approval. In November 2007, the Board of Governors received the report and approved its distribution.

- **Furtherance of Committee Charge:**
The guidelines further the charge by “producing on an ongoing basis programs and materials designed to maximize opportunities for individuals from diverse backgrounds in the legal profession”.
- **Accomplishments:**
 - The Evaluations Working Group completed the draft Evaluations Guidelines.
 - The Council on Access & Fairness reviewed and approved the contents of the guidelines and submitted to the Board of Governors for approval. The guidelines will be published in hard copy and on the website in 2008.
- **Performance Measures:**
Editorial review and publication plans were completed in 2007.
- **Changes to Project:**
There are no planned changes.
- **Other information needed**
The evaluation guidelines will be available to programs in hard copy and online. The guidelines are designed so that individual programs can tailor the guidelines to meet their specific needs.

Demographic Information and Data Collection and Distribution

Several Council members have presented a Diversity Pipeline “Road Show” which includes data from along the pipeline, from early schooling through promotion in the profession

- **Furtherance of Committee Charge:**
Presentation of the data fulfills the following sections of the Council charge:
 - Identify and encourage individuals from diverse backgrounds to enter the legal profession.
 - Study and report on the status of attorneys from diverse backgrounds in the legal profession and in State Bar activities.
 - Educate all attorneys of State Bar policy within the authority of this charge.”
- **Accomplishments:**
The data has been updated and the Council has presented the information to California organizations and attorneys in a variety of forums including the State Bar Annual Meeting and Section Education Institute, and at various local bar presentations.

- **Performance Measures:**
Data should be kept current.
- **Changes to Project:**
Content will be expanded, so that Council presenters can tailor the presentation to individual counties and so that the work of the Council can be promoted and Council projects and initiatives can be highlighted
- **Other information needed**
Retention and promotion data is needed but will be difficult and time-consuming to collect. The Council will need to collaborate with key stakeholders to determine the best approach for collecting, compiling and distributing this data.

Judicial Diversity Projects:

Maintaining and updating demographic information re the California Judiciary
Committee members and staff have continued to update information initially gathered by the Courts Working Group of the Diversity Pipeline Task Force.

- **Furtherance of Committee Charge:**
Fulfills the charge to “study and report on the status of attorneys from diverse backgrounds in the legal profession”.
- **Accomplishments:**
As a result of the data produced and the prior work of the Courts Working Group, legislation was enacted (SB 56 and AB 159) requiring public reporting of judicial appointments data by the Governor’s Office, the Judicial Nominees Evaluation Commission (JNE) and the Judicial Council. Appointments information has been updated on an ongoing basis through the end of 2007 (and will continue to be collected).
- **Performance Measures:**
Data should be current and comprehensive
- **Changes to Project:**
As provided in AB 159, additional information regarding applicant pool demographics and data will be provided by the Governor’s office in 2008.
- **Other information needed**
The Council would like to collect information about the entire applicant pool, including those applicants not referred to JNE. The Council would also like all data reported per statute to be consistent (e.g. using state census criteria or federal criteria, but not both)

The committee created these materials to assist applicants seeking judicial appointment. The materials help to facilitate the online application process and include tips on the level of information needed in the various sections of the application.

- ***Furtherance of Committee Charge:***
This furthers the committee charge by “producing on an ongoing basis programs and materials designed to maximize opportunities for individuals from diverse backgrounds in the legal profession”
- ***Accomplishments:***
The Tips and Checklist were posted on the website. They are in the process of being updated to conform to the new online application and will be re-posted.
- ***Performance Measures:***
The materials should be reviewed and accessed on a regular basis.
- ***Changes to Project:***
No changes
- ***Other information needed***
The committee would like to evaluate use of the checklist by applicants.

Testimony during California Senate Judiciary Hearing on Judicial Diversity

- ***Furtherance of Committee Charge:***
The committee charge to study and report on the status of attorneys from diverse backgrounds in the legal profession was furthered by the testimony to the Senate Judiciary Committee.
- ***Accomplishments:***
Members of the Senate Judiciary Committee were made aware of the demographics of the state judiciary as compared to the state population and of the recommendations included in the Diversity Pipeline Task Force Courts Working Group Report
- ***Performance Measures:***
The testimony was well received and should impact the official record.
- ***Changes to Project:***
None
- ***Other information needed***
None at this time.

Early Education Projects:

Research re existing Mock Trial programs

- **Furtherance of Committee Charge:**
This research will enable the Council to fulfill the charge by advising the Board on strategies to develop collaborative activities and efforts along the diversity pipeline to raise interest in the legal profession
- **Accomplishments:**
Research completed on programs statewide regarding the administration of, support for, participation in and challenges to mock trial programs in California schools.
- **Performance Measures:**
Performance was measured by whether the committee and staff could do the following: 1) Create a complete list of California schools that participate in the Constitutional Rights Foundation's mock trial programs; 2) gather demographic information regarding the ethnicities of the children attending those schools; and 3) complete a phone survey of selected school district coordinators regarding the programs that they oversee.
- **Changes to Project:** In 2008 the committee plans to develop a list of mock trial program recommendations based on the experiences of school districts that sponsor diverse and successful teams. The information will be circulated to the districts statewide to help foster and enhance programs that involve students from diverse and disadvantaged backgrounds.
- **Other information needed** The committee would like to gather more information on the history of funding, volunteerism and sponsorship differences between the districts.

College/Law School Projects:

Law School Admissions Program

This was a live workshop, filmed for a webcast that provided information on the law school admissions process for students from communities that have been underrepresented in law schools.

- **Furtherance of Committee Charge:**
The program was part of furthering the charge to "identify and encourage individuals from diverse backgrounds to enter the legal profession."

- **Accomplishments:**
The workshop was attended by 70 prospective law school students and is being viewed by many more as a webcast available on the State Bar website
- **Performance Measures:**
The project was measured by workshop attendance and by the completed posted of the webcast.
- **Changes to Project:**
In 2008 the workshop will also be conducted in Southern California.
- **Other information needed**
The Council would like to know how many people have viewed the webcast, whether they found it easily on the State Bar website, and how useful the program was for their future law school plans.

Diversity Roundtable

The Diversity Roundtable was a live panel presentation that was filmed for a webcast. The roundtable participants shared information regarding the path to law for prospective law students from non-traditional backgrounds. Panelists were practitioners from diverse backgrounds and practice settings and emphasized the value of diversity in the profession and the importance for the diverse students to continue with their plans to enter the profession.

- **Furtherance of Committee Charge:**
The panel met the committee charge to “encourage individuals from diverse backgrounds to enter the legal profession”.
- **Accomplishments:**
The panel was well attended, interactive and quickly posted as a webcast. .
- **Performance Measures:**
The committee measured performance by whether or not 1) Many points of view were represented on the panel and 2) prospective law students could view it. The roundtable was deemed a success because many nontraditional backgrounds were represented, it was well attended, and it is now available as a webcast.
- **Changes to Project:**
No changes are planned
- **Other information needed**
The committee would like to have feedback on the number of webcast viewers and on their assessment of the roundtable.

Legal Profession Projects:

Mentoring Resources to enhance legal employment and address retention issues.

The Council reviewed issues related to the recruitment, hiring, retention and promotion of attorneys from diverse backgrounds and identified mentoring as a resource that addressed issues at all levels of the legal profession. As the Council continued to focus on specific strategies to address recruitment, hiring, retention and advancement, it began developing mentoring resources for use by employers and employees. An initial draft of mentoring resources for legal employers and attorneys was prepared. The draft will be finalized for distribution in 2008 and will be used as the basis for designing mentoring workshops.

- ***Furtherance of Committee Charge:***
This activity furthers the Council charge by “encouraging full and equal opportunity for individuals from diverse backgrounds to remain and advance in the legal profession.”
- ***Accomplishments:***
Initial research and creation of draft mentoring resources.
- ***Performance Measures:***
Initial mentoring information completed with incorporation of employer and employee tools to enhance the mentoring experience. Draft to be completed with input and final development in early 2008.
- ***Changes to Project:***
None at this time.
- ***Other information needed***
None at this time

EOB/MCLE Programming:

The Council and Center for Access & Fairness sponsored an Annual Meeting program on “Achieving Diversity through the Elimination of Bias”, with a panel including Michael Lawson, Nanci Clarence, Jane Kow, and council members, Sarah Redfield and Luis Rodriguez.

- ***Furtherance of Committee Charge:***
The MCLE program met the committee charges to “study and report on the status of attorneys from diverse backgrounds in the legal profession and in State Bar activities.” and to “produce on an ongoing basis programs and materials designed to maximize opportunities for individuals from diverse backgrounds in

the legal profession and in the administration and governance of the State Bar's programs and activities."

- **Accomplishments:**
The panel represented the diverse constituencies included in the Council charge. The program included effective strategies for hiring, retention and promotion, and specific cases of attorney-to-attorney bias in office interactions, as well as information on programs with specific strategies for overcoming that bias. Eighty attorneys attended the class.
- **Performance Measures:**
The program success was measured by 1) attendance, which was high; and by 2) attendees evaluations, which were very good.
- **Changes to Project:**
In 2008 the program will be based on the above-mentioned demographic presentation ("Diversity Road Show") and strategies employed by the Council to address the issues along the diversity pipeline.
- **Other information needed**
The Council will be working with State Bar Sections to collaborate on programming to fill any gaps in future annual meeting EOB offerings.

Recognition:

Diversity Awards Recommendations for Recipients

The Council reviews nominations for the annual Diversity Awards and makes recommendations to the Board as to which attorney and which bar association, among the nominees, has done the most to advance diversity in the profession.

- **Furtherance of Committee Charge:**
These recommendations are in line with a specific Council charge to "screen applicants and make recommendations to the Board of Governors for recipients of the Annual Diversity Awards".
- **Accomplishments:**
The Council reviewed and ranked the 2007 nominations.
- **Performance Measures:**
The project was measured by timely completion.
- **Changes to Project:**
In 2008 there will be an additional law firm category to review. The Council would also like to increase the number of nominations.

- **Other information needed**
None at this time.

Diversity Awards Additional Category

The Council sought to add a category for law firms to the Diversity Awards that are given out at Annual Meeting. The recommendation was approved by the Board of Governors, for inclusion in the 2008 Awards process.

- **Furtherance of Committee Charge:**
Adding the new category further the charge to “encourage full and equal opportunity for individuals from diverse backgrounds to remain and advance in the legal profession.” by honoring law firms that successfully retain and advance attorneys from diverse backgrounds.
- **Accomplishments:**
The Board adopted the resolution, adding the Law Firms category to the 2008 awards.
- **Performance Measures:**
The project was deemed a success, with the Board adopting the new category.
- **Changes to Project:**
No change at this time.
- **Other information needed:**
None at this time.

Submitted proposals to Bar Foundation:

The Council submitted several proposals to fund projects for 2008. The California Bar Foundation awarded funding to the Council for the following four projects.

- **Marshall Brennan Constitutional Literacy Program**
- **Pre Law Advisory Focus Groups and Resources**
- **Bar Exam Prep Focus Groups and Resources**
- **Judicial Extern Program**

Note: The Council was awarded a \$10,000 grant to provide supplemental stipends of up to \$1,000 to California law students who participate in the ABA Judicial Internship Opportunity Program (JIOP). Because the ABA program focuses on “minority and/or financially disadvantaged” students, the State Bar was not be able to participate in the program. The Foundation was advised and the grant check was returned. The Foundation is very supportive of the project and will likely administer and apply the funds to a similar program.

Strategic Planning:

In January 2008, the Council held a very productive retreat to focus on strategies and to prioritize and plan for 2008 and 2009. The following strategies were identified and confirmed, each of which will be reflected in the work plans for this 2008 and 2009:

- ***Partnerships, Collaboration, Coordination:*** Reaching out, convening, and partnering with or pressuring stakeholders at each step of the pipeline (legal and non legal entities) to provide incentive and reward diversity. Making it easier to increase diversity.
- ***Developing incentives for institutional change:*** Identify pressure points of key institutions and provide motivation for change. Help entities transform support for diversity into a priority for change
- ***Marketing, Communications, Framing:*** Campaign to make action seem possible and empower people to make change. Changing perception of the legal profession to one of leadership. Accelerate and influence action (serve as a “catalyst for change”). Answer “why diversity”? Improve communication and visibility about the work of Council.
- ***Paradigm Shift:*** Change the criteria for entrance to, advancement and retention in the educational, legal and judicial system. Change paradigm from preschool to the profession to eliminate barriers and incentivize diversity. Make “case” for diversity for all stakeholders.
- ***Create mechanisms to measure change:*** Collect data to demonstrate success. Incentivize change and other solutions. Publicize/make transparent performance data. Distribute data among key stakeholders inside/outside the profession