

Council on Access & Fairness 2008 Year-End Assessment

Background: The Council on Access & Fairness (COAF) was appointed in March 2007 to continue the diversity pipeline work initiated by the former Diversity Pipeline Task Force and covered 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, as the most appropriate vehicle for addressing diversity goals in a strategic and visionary manner. The work of the Council encompasses the issues impacting the diverse constituencies (e.g. women, minority, LGBT and older attorneys, as well as attorneys with disabilities) and also focuses on the full spectrum of issues along the diversity pipeline ranging from the early education pipeline (preschool to high school), to college and law school, to recruitment, hiring, retention and promotion in the profession, and diversity in the judiciary.

Council Mission: The Council is appointed by the Board of Governors to advise the Board on strategies to enhance diversity *opportunities* and *advancement* in the legal profession within the legal standards and limitations imposed on the State Bar. “*Opportunities*” encompass leadership development and appointments to State Bar entities, as well as initiatives to educate students about the law and career opportunities in the law, referred to as “education pipeline” initiatives. “*Advancement*” covers recruitment, employment, retention and advancement in the legal profession. The Council also screens candidates for the Annual Diversity Awards.

Council Composition: The Council is composed of 25 attorney and public members consisting of individuals representing a wide range of stakeholders and diverse constituencies, including but not limited to: race, ethnic and national origin constituencies; gender constituencies; age constituencies; sexual orientation and transgender constituencies; disability constituencies; large, small and solo firms; government and public sector practice; domestic corporate and private firm practice; law schools; educational system constituencies (P-12, colleges and universities); and the judiciary; consistent with State Bar appointments policies and diversity criteria. The Council reports to the Board of Governors Committee on Stakeholder Relations.

Council Resources: The Council is funded by voluntary contributions. No mandatory State Bar attorney dues are used to fund these activities.

Alignment with State Bar Strategic Plan: The Council activities address the following strategies in the State Bar Strategic Plan:

Goal 4. The State Bar fulfills its mission through effective and supportive relationships with all stakeholders.

Strategy 4.1: Develop Relationships with Members, Member Groups and other Stakeholders: Clearly identify roles and responsibilities of all member groups that form the State Bar of California, including committees, commissions, and other stakeholders that interact with the State Bar . . . to develop supportive collaborative relationships to assist all parts of the organization in successfully fulfilling their roles.

Strategy 4.2: Court/Bar Collaboration

Actively encourage and support member participation in bench-bar efforts to improve the administration of justice and access to the legal system for low and moderate income Californians.

Goal 5. The State Bar is recognized and respected as a contributing and accountable leader in improving the administration of justice and ensuring the rule of law in our civil society.

Strategy 5.1: Diversity of Bar Membership

Encourage individuals of diverse populations to seek and qualify for admission to the practice of law in California, and, once admitted, to remain in active practice

Strategy 5.5: Participation and Leadership Development

Encourage increased participation in State Bar activities and identify opportunities to inspire diversity in leadership in all members of the bar.

Addressing Council on Access & Fairness Charge: The Council initiatives and activities further all aspects of the Council charge, which state that the Council shall:

- A. Advise the Board on strategies to develop collaborative activities and efforts along the diversity pipeline to raise interest in the legal profession
- B. Serve as liaison between the State Bar and the diverse stakeholders and constituencies in the legal profession
- C. Identify and encourage individuals from diverse backgrounds to enter the legal profession.
- D. Encourage full and equal opportunity for individuals from diverse backgrounds to remain and advance in the legal profession.
- E. Identify and encourage attorneys from diverse backgrounds to become active participants in the administration and governance of the State Bar and make specific recommendations to the Board of Governors for increasing that participation.
- F. Promote and ensure collaborative efforts to generate and provide support and to increase the numbers of attorneys from diverse backgrounds entering and advancing in the legal profession.

- G. Study and report on the status of attorneys from diverse backgrounds in the legal profession and in State Bar activities.
- H. 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.
- I. Comment, when requested by the Board of Governors or the Executive Director, on barriers directly related to access opportunities within the profession for attorneys from diverse backgrounds
- J. Screen applicants and make recommendations to the Board of Governors for recipients of the Annual Diversity Awards.
- K. Educate all attorneys of State Bar policy within the authority of this charge.

Council on Access & Fairness Key Strategies: The Council identified the following strategies to define further its ongoing work:

- Establish partnerships, collaborations and coordination.
- Develop incentives for institutional change.
- Engage in marketing, communications, and framing issues.
- Achieve a "Paradigm Shift" along the pipeline
- Create mechanisms to measure change.

The Council convened in April 2007 for an orientation session and held its first meeting in June 2007. The Council was created after the work plan deadlines, so the Council devoted time in 2007 to creating work plans for 2008 and 2009 for submission by the January 31, 2008 deadlines. This 2008 year-end report covers the first full year of operation for the Council.

Project: Data Collection and Distribution

The Council considers the collection and dissemination of demographic information and other diversity data among its constituents, diversity stakeholders and the public as one of its primary functions. The data helps to convey the current status of diversity in the profession, judiciary and along the education pipeline, and is used by stakeholders in their ongoing development of programs and initiatives.

1. Accomplishments

Judicial Statistics: Maintaining current data and demographic information related to judicial appointments and sitting judges on the California Bench. Review and analysis of annual judicial statistics reported by the Governor's Office, JNE and Judicial Council per reporting requirements in SB 56 and AB 159.

Demographics: Maintaining diversity pipeline data and demographic information related to State Bar membership, as well as statewide and countywide demographics in other settings, including law firms, law schools, and general population data.

Diversity Pipeline "Road Show": Panel presentation of diversity pipeline data and power point slide show at various meetings and events and packaging of slide show for presentation throughout the state. Programs presented at Annual Meeting, Section Educational Institute, Bar Leaders' Conference, Diversity Stakeholder Forum and before various local and minority bars.

Model Diversity Pipeline Programs: Updating and promoting online listing of diversity pipeline model programs which have been vetted using the "CSIRE" criteria (Continuity, Stability, Impact, Replicability and Evaluation).

2. Performance Measures:

- Judicial data updated to reflect all judicial appointments and departures throughout the year
- SB 56 and AB 159 data analyzed and incorporated into judicial diversity pipeline materials and presentations.
- Created of judicial diversity materials and analysis for BBC participants in preparation for "day in Sacramento"
- Updated diversity pipeline data and demographic information reflecting current status of diversity in CA.
- Presented Diversity Pipeline "Road Show" at various venues including Annual Meeting, Section Educational Institute, Bar Leaders Conference, Diversity Stakeholder Forum, and various local and minority bar associations.
- Use of Diversity Pipeline Slide Show and presentation by various representatives and associations, with specific county data provided depending on venue for presentation.
- Updated and added to Diversity Pipeline Model Programs and tracking access on State Bar website.

3. Changes to Project: In 2009, the Council will expand its "Road Show" slides to add notes and analyses of all data to facilitate use by diversity stakeholders. Also, in addition to the current online listing of model programs, the Council will add a listing of new, innovative programs that do not meet the more stringent CSIRE criteria, but which can serve as additional examples of programs that stakeholders might want to research and replicate.

Project: Diversity in the Judiciary

With the work done by the Courts Working Group of the prior Diversity Pipeline Task Force in developing a Judicial Diversity Report and Recommendations and in presenting the first statewide Judicial Summit focusing on diversity on the bench, the Council continues its focus on judicial diversity through the work of its Judiciary Committee.

1. Accomplishments:

Mentoring of Judicial Applicants: Providing information about judicial mentoring programs through local and minority bars and encouraging participation by minority and other judges from diverse backgrounds

Online Judicial Application Process: Maintaining extensive “Tips and Overview” on State Bar website for the completion of the Governor’s online judicial application, updating “Tips” each time the Governor’s Office modifies the application. Monitoring and gathering feedback on the online application process and communicating with Governor’s Office re challenges to the online process.

Judicial Articles on “Why Diversity?”: Identifying judges and other authors for articles on the value of diversity in the bench and bar for distribution to State Bar publications, legal dailies and local media

Transparency in Appointments Process: Maintaining demographics for current sitting judges, analysis of judicial application data and Governor referrals to JNE, and reviewing JNE rankings data to promote transparency at all stages of the appointments process.

2. Performance Measures:

- Identified resources re existing judicial mentoring programs and distribution of information to minority bar and other diversity bars re creation and expansion of similar programs
- Supported judicial mentoring programs and encouraged involvement of minority judges and other judges from diverse backgrounds in the programs.
- Posted and promoted “Tips and Overview” re completion of online Judicial Application and website access
- Conducted analysis of judicial demographics and appointments information and included in Council presentations and materials for the bench, bar and other stakeholders

3. No anticipated changes to the project

Project: Support for Entry and Completion of Law School and Bar Exam Passage

The Council places an emphasis on educating students about the legal system and encouraging students to consider the law as a profession. To achieve these goals, the Council is engaged in projects extending along the education pipeline.

1. Accomplishments

Mock Trial Programs: Conducted research re mock trial programs throughout state to identify and distribute information re model programs consistent with diversity pipeline goals. Coordinated with Marshall Brennan Constitutional Literacy Program to present program information and encourage California Law School participation, with meetings set for early 2009.

Pre-Law Advisor Focus Groups and Resources: Convened focus group of college pre law advisors to identify resources and information needed to ensure adequate information reaching students in preparation for law school application and attendance. Discussion from meeting will be used to develop resource materials for use by pre law advisors and students.

My Law Student Profile: Conducting outreach to law students and law schools re subscribing to State Bar “My Law Student Profile”. Continued providing information and resources for posting on the “My Law Student Profile” site as a means of communicating with law students and other subscribers re: Council projects and diversity pipeline issues.

Judicial Extern Programming: Encouraged California Bar Foundation to fund and administer additional stipends for California Judicial externs selected through the ABA Judicial Intern Opportunity Program (JIOP).

Bar Exam Preparation: Convened a meeting of bar exam providers and academic support instructors to identify successful teaching techniques and to create exam preparation resource materials for students from diverse backgrounds

2. Performance Measures:

- Mock trial research completed and model program resource materials compiled.
- Obtained Bar Foundation funding to convene meeting of representatives from the Marshall Brennan Constitutional Literacy Program and California law schools to expand the program in California.
- Convened College Pre Law Advisors to focus on resources and information needed by college students wishing to attend law school.
- Initiated outreach to law schools to increase law student subscriptions to “My Law Student Profile” site and submitted information to editorial staff for posting to monthly e-journal.
- Established collaboration between California Bar Foundation and ABA Judicial Intern Opportunity Program to provide stipends to students selected for California internship placements.

- Convened bar exam providers and academic support instructors to identify successful bar exam preparation techniques for future creation and distribution of bar exam preparation resources

3. Changes to Project: Marshall Brennan meetings will take place in 2009. Meetings will be initiated with the California Constitutional Rights Foundation (CRF) to encourage the addition of diversity related fact situations/problems. A second meeting of Pre Law Advisors will place in 2009. Bar exam preparation resources will focus on demystifying the bar exam.

Project: State Bar Appointments and Leadership Pipeline

The Council has been charged with increasing diversity in State Bar appointments, supporting leadership development of attorneys from diverse backgrounds and promoting diversity-related programming among State Bar entities and with entities outside of the State Bar. To focus on these tasks, the Council appointed its Diversity Coalition Task Force.

1. Accomplishments

State Bar Diversity Coalition: Coordination with State Bar entities to focus on elimination of bias programming, programs and diversity in State Bar appointments.

State Bar Appointments: Developed Appointments Workshops, partnering with the Los Angeles County Bar Association and the Southern California Multicultural Bar Alliance and the Bar Association of San Francisco and Minority Bar Coalition for presentation of workshops in early 2009.

2. Performance Measures:

- Conducted outreach and solicitation to diverse attorneys to apply for appointment to the Council and other State Bar entities
- Planned and coordinated with local and minority bars for Appointments Workshops
- Prepared updates to Tips and Checklists for completion of State Bar Appointments Application and posted information on State Bar website
- Reviewed demographic information for appointments to State Bar entities

3. Changes to Project: Annual outreach will be resumed to State Bar entities re diversity pipeline strategies and initiatives and renewing support for the Statement of Diversity Principles. For 2009, the Appointments outreach will be initiated early in the year (Spring and Summer) with workshops to be held in the Fall. To further promote diverse attorneys, the Council will create a speaker's bureau of attorneys able to participate on Elimination of Bias programs.

Project: Paradigm Shift Along the Diversity Pipeline: The Council is aware that the application of traditional criteria (e.g. grades, SAT and LSAT scores, college or law school attended) at various stages of the diversity pipeline (e.g. law school admissions and law firm recruitment, hiring and promotion) serves as a barrier for the inclusion of students and attorneys from diverse backgrounds. Much of the Council work focuses on shifting the paradigm by identifying criteria that better reflect the potential success in law school and in the practice of law and to encourage the use of the expanded criteria by law schools and legal employers.

1. Accomplishments

Law School Rankings: Conducted research and analysis of law school ranking systems and options for effecting changes to reflect diversity pipeline goals. Held conversation with US News & World Report to assess willingness to incorporate diversity criteria into the overall rankings. Presentation to State Bar Law School Assembly to solicit feedback on law school ranking proposals.

Legal Employer Focus Groups: Initiated “paradigm shift” pilot project, planning focus groups in Los Angeles County to include legal employers from all practice settings (law firm/corporate counsel; government/public sector; public interest) to focus on challenges to recruitment, employment, retention and promotion of attorneys from diverse backgrounds and participation by employers in changing criteria and approaches used to expand diversity pipeline. Compiled list of potential invitees. Developed draft focus group questions. Identified volunteer consultant to provide project oversight and to train volunteer focus group facilitators.

Law School Training: Review of Carnegie Foundation recommendations on educating lawyers for the practice of law. Identifying law schools applying the Carnegie recommendations to explore issues and develop strategies for expanding current curriculum to other law schools. Determining how to incorporate practical skill training into lawyer mentoring programs and resources (below).

Mentoring Resources: Developing attorney mentoring resources and workshops for legal employers to assist with attorney retention

2. Performance Measures:

- Developed analysis of reports and proposals re law school rankings.
- Held phone conversation with US News & World Report re: options for including a diversity index as part of the overall law school rankings
- Planning for legal employer focus groups (invitations lists, focus group questions, soliciting volunteer facilitators).
- Analysis of Law Student Training recommendations and identification of law schools applying the Carnegie Foundation recommendations re practical training of law students.
- Creation of mentoring resources.

3. Changes to Project: The Law School Rankings Project has been expanded to incorporate dialogue with the Law School Assembly and with the ABA Commission responsible for law school accreditation. With the expanded dialogue, the development of recommendations for submission to US News and to the ABA will be completed in 2009. Legal Employer Focus Groups to be initiated in 2009. Mentoring resources will incorporate reference to skill set identified in Carnegie Foundation recommendations and additional skill sets identified in research by Professor Marge Shultz at Boalt Hall School of Law.

Project: Programs and Events

1. Accomplishments

Law School Admissions Workshops: Collaborated with providers to present workshops to undergraduates taking the LSAT and seeking law school admissions. Videotaping and posting program for free access on State Bar website.

Diversity Roundtables: Developed and presented panel presentation by diverse attorneys from a variety of practice settings on the importance of diversity in the profession. Videotaped program posted for free access on State Bar website.

Annual Meeting Diversity Summit: Developed and presented diversity pipeline programming at State Bar Annual Meeting on the judicial application process and insights from various minority and LGBT bar association representatives re challenges to the process.

Diversity Pipeline Road Show: Presented “Road Show” at various State Bar meetings and events (Annual Meeting, Section Education Institute, Stakeholder Forum) and made slide show and statistics available for presentations through bar associations and other entities.

Annual Diversity Stakeholder Forum: Convened diversity pipeline stakeholders to dialogue with Council on issues, challenges and joint initiatives to achieve diversity pipeline goals.

2. Performance Measures:

- Presented Law School Admissions workshops in March and September, including numbers and feedback from participants.
- Presented Diversity Roundtable in September, including numbers and feedback from program participants. Videotaping and posting on State Bar website, monitoring access to programming on website.
- Presented Annual Meeting Programming. Reviewed feedback through participant evaluations.
- Presented “Road Show” program at various events. Reviewed feedback through participant evaluations.
- Distributed Road Show slides and data to diversity stakeholders and other entities requesting materials for local presentation.
- Presented Stakeholder Forum in June. Developed and distributed report based on stakeholder survey responses and forum presentations.

3. Changes to Project: The Council will be developing an Elimination of Bias Curriculum and will present the programming through California Bar Foundation funding. The programming will be presented live throughout the year, with sessions videotaped and posted for free access on the State Bar website. The “Road Show” slides and notes will be converted into a written report that provides further analysis and implications of data and attorney/judge demographics to facilitate development of initiatives by diversity stakeholders and other entities focusing on diversity pipeline issues. The Diversity Stakeholder Forum will be expanded from a half-day reporting session to a full day opportunity for open dialogue and problem solving between stakeholders and Council.

Project: Council Operations and Strategic Planning

1. Accomplishments

Council Meetings: Held three in-person business meetings plus Annual Retreat (see below). The June meeting also included the first annual Stakeholder forum (described above).

Annual Work Plans: Developed and submitted 2008 and 2009 Work Plans.

Year End Assessments: Submit 2007 Year End Assessment.

Annual Retreat: Initiated focused and ongoing planning through annual retreat, establishing goals and strategies and initiatives aligned with strategies. Engaged in dialogue re Council “think tank” role and implications for ongoing Council work. Confirmed work plan projects.

2. Performance Measures:

- Submitted 2008 and 2009 Work Plans.
- Submitted 2007 Year-end Assessment.
- Held Annual Council Retreat and produced summary re: Council role and ongoing goals and strategies.

3. Changes to Project: As part of ongoing discussions re cost-savings, the Council will be considering modifications to its meeting schedule, deleting the meeting during the State Bar Annual meeting. As a result of its latest Annual Retreat discussion, the Council has also approved internal protocols to ensure that all initiatives and projects are established and prioritized through full Council discussion, as opposed to the work of the Council being driven by Committee-based proposals.

Project: Recognition

1. Accomplishments

Diversity Awards: Conducted outreach and solicitation for Diversity Awards nominations. Screening and submitted recommendations to Board of Governors re: recipients. Submitted recommendation to Board of Governors for additional award category to recognize Education Pipeline Programs designed to raise student awareness of the judicial system and careers in the legal profession.

Diversity Reception: Provided input for planning of diversity reception programming. Helped to conduct outreach re reception and attendance during Annual Meeting.

2. Performance Measures:

- Screened diversity awards nominations and submitted recommendations to Board of Governors for awards recipients.
- Participated at Annual Meeting Diversity Awards reception and program.
- Submitted recommendation for Education Pipeline Award, which was approved by Board of Governors for 2009 awards cycle.

3. Changes to Project: The Council recognized that the existing diversity awards categories for attorney, law firm and bar association, did not provide the opportunity to recognize programs along the education pipeline. A new Education Pipeline Award category was approved by the Board of Governors, to be included in the 2009 awards cycle. Given budgetary constraints, proposals are being considered for moving the Diversity Awards Reception from the State Bar Annual Meeting to the State Bar Annual Diversity Stakeholder Forum.