



## THE STATE BAR OF CALIFORNIA

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DATE: April 16, 2010

TO: Members, Committee on Legal Services, Pro Bono & Equal Access

FROM: Rodney Fong, Chair, Council on Access & Fairness  
Patricia Lee, Special Assistant for Diversity and Bar Relations

SUBJECT: Council on Access & Fairness 2009 Year End Report

### **BACKGROUND:**

The Council on Access & Fairness was initially appointed by the Board of Governors in May 2007. The Council Mission and Charge were adopted by the Board as follows:

#### **Council Mission:**

The mission of the Council on Access and Fairness is to advise the State Bar Board of Governors on appropriate strategies, consistent with State Bar policies and procedures, that enhance opportunities and advancement in the legal profession for diverse populations, particularly those who have been historically underrepresented. "Opportunities" encompasses 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" encompasses recruitment, employment, retention and advancement in the legal profession. The Council will also screen candidates for the Annual Diversity Awards.

#### **Council Charge:**

The charge of the Council on Access & Fairness is to:

- 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 2009 YEAR END REPORT:**

When the Council was appointed, the Board requested an annual report summarizing the programs and initiatives implemented by the Council and the progress made toward the State Bar's diversity goals (Goal 2. Administration of Justice, Strategy 4: "Undertake activities to enhance the diversity of the legal profession to eliminate bias in the practice of law, taking care that mandatory dues are expended appropriately."), consistent with the Council's Mission and Charge.

The following is the Council on Access & Fairness 2009 Year End Report.

**Early Education Committee 2009 Accomplishments:**

<i>Project Name</i>	<i>Activities Completed</i>
<p><b>Mock Trial Programs:</b> Constitution Rights Foundation</p>	<p>Compiled research and commentary on various CRF Mock Trial Programs statewide and developed analysis re: best practices for diverse programs that are competitive in the mock trial competition.</p> <p>Initiated review of CRF Mock Trial fact patterns to evaluate re: inclusion of diversity issues that can serve as a vehicle for teaching students about diversity issues arising in the judicial system.</p>
<p><b>Mock Trial Programs:</b> Marshall Brennan Constitutional Literacy Program</p>	<p>With assistance from a grant from the California Bar Foundation, convened two workshops for California law school deans and faculty to introduce Prof. Jamin Raskin, founder of the Marshall Brennan Program and encourage program implementation in California law schools. Approximately 20-25 attendees at each workshop (SF and LA State Bar Offices).</p> <p>As a result of the workshops, the program at Hastings expanded into high schools in the East Bay and four other law schools will begin program implementation this year (Chapman, Concord, Santa Clara, and USC). UC Irvine will implement the program over the next two years.</p>
<p><b>Diversity Pipeline Road Show:</b></p>	<p>Continued updating of early education data and demographics for inclusion in Road Show PowerPoint presentation and power point slides.</p> <p>Presentations at events and meetings as requested, including State Bar Annual Meeting and Section Education Institute, as well as before local and minority bar associations.</p> <p>Packaging of “road show” slides for use by local bars and other entities, as requested.</p>

**College and Law School Committee 2009 Accomplishments:**

<i>Project Name</i>	<i>Activities Completed</i>
<p><b>Pre Law Advisor Resources:</b></p>	<p>Convened a focus group of Northern California Pre Law Advisors and law admissions directors to identify challenges and need for additional support and resources. Compiled preliminary recommendations and resources for review by COAF committee. (COAF committee to develop draft recommendations for circulation to Pre Law Advisors early 2010).</p>
<p><b>My Law Student Profile:</b></p>	<p>Outreach twice a year to law school deans to circulate online flyer re website and benefits of subscribing to State bar "My Law Student Profile".</p> <p>Outreach to Law School Deans re Profile resulted in ongoing increase in numbers of students subscribed to site (currently 7077 subscribed). Monitored database and subscriptions to measure increased law student participation</p> <p>Information forwarded to State Bar Communications staff throughout the year for inclusion in monthly law student e-journal</p> <p>Law student subscription data provided on a quarterly basis to State Bar entities and offices re law student areas of interest for each entity to follow up directly with law students subscribe to the Profile.</p>
<p><b>Judicial Extern Program:</b></p>	<p>Initially collaborated with California Bar Foundation and ABA Judicial Intern Opportunity Program (JIOP) to provide supplemental stipends to interns placed in California. The Foundation determined that screening and award of stipends was too labor intensive and did not continue program. Bar Foundation funding no longer available for supplemental stipends. COAF continues outreach to law students to encourage participation in the ABA JIOP program.</p>

<p><b>Bar Exam Preparation:</b> “Demystifying” the Bar Exam</p>	<p>Convened focus group with bar exam providers and academic support representatives in Northern California. Developed DRAFT resource/ guidelines for bar exam prep for COAF Committee review.</p> <p>Participated in bar exam preparation workshops co-sponsored with For People of Color, Inc. (FPOC) and the Bar Association of San Francisco (BASF). Program videotaped and posted on State Bar and FPOC websites.</p> <p>Continue to work with Office of Admissions to encourage students with disabilities to petition for accommodations as early as possible.</p>
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**Other 2009 Projects Related to College and Law School Pipeline**

<b><i>Project Name</i></b>	<b><i>Activities Completed</i></b>
<p><b>Law School Admissions Workshops:</b></p>	<p>Partnered with FPOC to co-sponsor programs for college student and to tape and post online. Various workshops presented to over 2000 students with positive evaluations.</p>
<p><b>Diversity Roundtables:</b></p>	<p>Partnered with FPOC to co-sponsor program re law school admissions and presented diversity roundtable as part of admissions program. Recruited diverse group of panelists to provide insight and inspiration to students regarding the importance of diversity in the profession and personal experiences going through law school and in the practice of law. Program presented during October program at UCLA Law School with 450-500 students in attendance. Panel was videotaped and posted on FPOC website.</p>

<b>Project Name</b>	<b>Activities Completed</b>
<p><b>Law School Reforms:</b> Continue to focus on practical training of law students.</p>	<p>Researched Carnegie Foundation report and recommendations regarding “Educating Lawyers.” Researched law schools involved in some level of implementation.</p> <p>Conducted initial outreach to specific law school representatives that are more actively seeking ways to reform legal education.</p> <p>COAF decided to merge this committee with the ABA Standards Committee (noted below).</p>
<p><b>Law School Rankings:</b> U. S. News &amp; World Report (USNWR)</p>	<p>Coordinated with in-house State Bar entities including Office of Admissions, Law School Council, and Law School Assembly regarding law school rankings issues.</p> <p>Reviewed summary of conversation with Editor of U. S. News &amp; World Report (USNWR) regarding rankings process to determine best approach for incorporating diversity factors into the overall rankings.</p> <p>Collaboration with ABA Accreditation Committee re commentary on accreditation monitoring standards.</p> <p>Collaboration with ABA Standards Committee regarding inclusion of diversity criteria in Standards Review process now being undertaken by this Committee.</p> <p>Initiated collaboration with State Bar Law School Assembly.</p>

**Legal Profession Committee 2009 Accomplishments:**

<b><i>Project Name</i></b>	<b><i>Activities Completed</i></b>
<b>Diversity Pipeline Road Show</b>	<p>Ongoing update of diversity statistics and demographic information in slide show related to legal profession</p> <p>Continued panel presentations of diversity pipeline data and powerpoint slide show related to legal profession at various meetings and events and packaging of slide show for presentation throughout the state.</p>
<b>Legal Employer Focus Groups:</b>	<p>Continued preparation for conducting of focus groups with legal employers in various practice settings (law firms, government sector, corporate counsel, and public interest programs) to determine impact of economic downturn on in house diversity programs and initiatives. <i>(Continuing to focus on Los Angeles County as the “pilot” project.)</i></p> <p>Conversations with volunteer consultant to provide guidance regarding focus group process: designing questions, training COAF members to conduct interviews, testing questions through individual interviews, confirming questions, identifying invitees for focus groups, confirming focus group facilitators, training facilitators, and convening focus groups.</p> <p>Conducted legal employer interviews to test the focus group questions. Feedback used to finalize questions for 2010 Focus Groups.</p>
<b>Annual Stakeholder Forum:</b>	<p>Presentation at Stakeholder Forum in June 2009 regarding gaps in the legal profession segment of the diversity pipeline.</p>

## **Judicial Committee 2009 Accomplishments:**

<b><i>Project Name</i></b>	<b><i>Activities Completed</i></b>
<b>Data Collection and Distribution:</b> Judicial Statistics:	<p>Continued tracking of Governor’s judicial appointments and updating statistics and demographics for sitting judges on the California bench in chronological format and by court.</p> <p>Continued review and analysis of annual judicial statistics reported by the Governor’s Office, JNE and Judicial Council per SB 56 and AB 159.</p>
<b>Data Collection and Distribution:</b> Diversity Pipeline “Road Show”	<p>Updated judicial diversity statistics and slides in PowerPoint slide show for presentation at various meetings and events and packaging of slide show for presentation statewide – updates included data and strategies for increasing diversity in the profession and judiciary.</p>
<b>Mentoring of Judicial Applicants and Legacy Planning</b>	<p>Collaborated with local, minority and diversity bars to promote and share resources regarding model judicial diversity programs; Presentations to NBA, CABL, JABA, MBC. Collaboration with Judicial Council on Judicial Diversity Tool Kit. Promoted use of judicial mentoring programs through local and diversity bars to support current applicants and to groom and prepare future applicants.</p>
<b>Online Judicial Application Process</b>	<p>Revised “Tips and Overview” for completing online judicial application. Monitored online process and advised Governor’s Office regarding any reported difficulties in completing application online. Comments influenced changes in the substance and online format of the application.</p>
<b>Transparency in Appointments Process</b>	<p>Monitored process and provided feedback as appropriate to increase transparency throughout the process</p>