



THE STATE BAR  
OF CALIFORNIA

Council on Access & Fairness

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**TO: Members, Board Committee on Stakeholder Relations**

**FROM: Craig Holden, Chair, Council on Access & Fairness  
Patricia Lee, Special Assistant for Diversity and Bar Relations**

**DATE: February 15, 2011**

**RE: 2010 Year End Report for Council on Access & Fairness**

**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 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.")

The following is the Council on Access & Fairness 2010 Year End Report.

### **EARLY EDUCATION COMMITTEE:**

#### **Project: Special Needs Training and Advocacy**

#### **Activities Completed:**

- Identified entities engaged in parent training re leadership and self help re advocacy for support and resources for students In the educational system
- Made initial contact with key entities to determine nature and scope of assistance needed by legal profession

#### **Outcomes Achieved:**

- Establish partnership with programs and agencies that work with parents and youth to secure adequate resources and support to continue early education pipeline
- Assessment of contribution and impact by legal profession

### **Project: Mock Trial Fact Patterns**

#### **Activities Completed:**

Initial review and commentary re Mock Trial Fact patterns to determine references to diversity issues and to ensure scenarios are consistent with experience of all students regardless of socio economic background

#### **Outcomes Achieved:**

Identified key factors to for ongoing review of fact patterns to ensure students from economically disadvantaged communities are able to compete on a level playing field

### **COLLEGE/LAW SCHOOL COMMITTEE:**

#### **Project: Law School Focus Groups**

#### **Activities Completed:**

- Completed Draft Report and Recommendations
- Draft Report and Recommendations to be vetted internally among State Bar entities (e.g. Law School Council, Committee of Bar Examiners)
- Final Report to be presented to the Board of Governors in 2011

#### **Outcomes Achieved:**

- Increased awareness by deans, faculty, alumni of the impact of admission policies on minority applicants
- Increased awareness of deans, faculty, alumni of need and benefit of academic support services and resources for students from underrepresented groups
- Increased opportunities for admission of and support for students from diverse backgrounds

#### **Project: Law School Admissions: Supplements and Alternatives to the LSAT**

#### **Activities Completed:**

Held meetings/calls with Prof. Marjorie Shultz to gather background information on initial “good Lawyering” research and to determine various approaches for implementation of this initiative in 2011

#### **Outcomes Achieved:**

Identify and evaluate options for application of “Good Lawyering” Factors in admissions process and in employment area

### **LEGAL PROFESSION COMMITTEE**

#### **Project: Legal Employer Focus Groups**

#### **Activities Completed:**

- Reviewed and finalize focus group questions
- Completed consultant training of committee members serving as focus group facilitators

- Focus groups convened in Los Angeles County covering law firms (2 groups including corporate and government representatives); public interest organizations and in-house diversity directors
- Summary of recorder notes for all focus groups completed
- By year end, compilation of notes into draft report and recommendations for distribution in 2011

**Outcomes Achieved:**

- Identify key attributes for success in the practice of law
- Engage legal employers from various practice settings in discussion re ongoing diversity programs in economic downturn
- Develop key demographic information and economic data to drive discussion (through Road Show)
- Identify Model Programs for ongoing and expanded employer diversity pipeline programs
- Dispel myths re: how diversity impacts the “bottom line

**JUDICIARY COMMITTEE:**

**Project: Ongoing Update of Judicial Statistics and Road Show Slides**

**Activities Completed:**

- Updated judicial appointments data and demographic analysis through year end 2009
- Updated Road Show slides through year end 2009
- Updated Judicial Diversity Commentary through Year End 2009

**Outcomes Achieved:**

- Annual compilation and analysis of judicial appointment data/demographics
- Update of judicial diversity Road Show slides to reflect status of judicial diversity and strategies to increase judicial diversity
- Update of Judicial Diversity Commentary to debunk incorrect assumptions and to reflect accurate status of judicial diversity

**Project: Judicial Tool Kit (through Judicial Council Task Force)**

**Activities Completed:**

Participated on Judicial Council Task Force to create a resource for local judicial officers to engage in diversity outreach and programming to increase application of diverse attorneys for judicial appointment

**Outcomes Achieved:**

Completion of resource for involvement of the bench in increasing judicial diversity

## **Project: Judicial Mentoring and Application for Judicial Appointment**

### **Activities Completed:**

- Promoted Judicial Mentoring Programs and bar association resources
- Updated to Checklist for completion of Online Judicial Appointment Application

### **Outcomes Achieved:**

- Increase awareness and involvement of local and minority/diversity bars in Judicial Mentoring Programs
- Facilitate application process for potential judicial applicants

## **ONGOING INITIATIVES and AD HOC PROJECTS:**

**Project: COAF “Road Show”** (*EOB Power Point Slide Show including diversity pipeline data, demographics and commentary for presentation of program on Strategies for Eliminating Bias in the Legal Profession*)

### **Activities Completed:**

- Ongoing update of current slides containing data and demographics for all segments of the pipeline
- Presentation of Road Show program at various educational, bar association, professional forums
- Distribution of Road Show slides to various entities for reference and/or presentation as part of EOB programming

### **Outcomes Achieved:**

- Raising awareness and understanding of EOB issues, case for diversity, challenges and responses among legal profession, and key stakeholders
- Increased distribution of data/information for expanded education among legal profession and key stakeholders

## **Project: MCLE Programming for Annual Meeting and other Venues**

### **Activities Completed:**

- Presented MCLE Programming on Implicit Bias and a combined program on Elimination of Bias and related Ethics provisions to over 125 participants
- Presented program on “Strategies for Elimination of Bias” including overview of recent demographics and data along the early education pipeline, college and law school area, legal profession and judiciary to over 300 participants

### **Outcomes Achieved:**

- Outreach and Education re issues and strategies re elimination of bias in the profession
- Positive evaluations from participants

### **Project: EOB Video Production**

#### **Activities Completed:**

- Obtained funding from California Bar Foundation for Project
- Determined format and content to focus on four 15-minute vignettes re diversity constituents (women, minorities, LGBT, disabilities)
- Drafted vignettes for each segment

#### **Outcomes Achieved:**

Preliminary structure and content of EOB Video to increase awareness of attorneys re challenges faced by diverse attorneys and approaches for addressing challenges

### **Project: ABA Law School Accreditation Standards Review** (as they relate to diversity in law school admissions, programming and support for diverse students)

#### **Activities Completed:**

- Analysis and commentary on relevant ABA Law School Accreditation Standards
- Meetings with Chairs—ABA Accreditation and ABA Standards Committees

#### **Outcomes Achieved:**

- Initiate productive ongoing dialogue with ABA Standards and ABA Accreditation Committees
- Communicate initial findings and recommendations to ABA committees for consideration in ongoing standards revisions process

### **Project: Law School Rankings** (*currently folded into College Law School*)

#### **Activities Completed:**

- Conducted analysis of US News & World Report law school rankings methodology (based on prior conversation with USNWR Editor and additional research)
- Developed proposed commentary re USNWR rankings to focus on modification to existing “weighting” of current factors
- Developed proposed commentary re: addition of diversity criteria in overall law school rankings
- Preliminary dialogue with key stakeholders re implications of proposed commentary and edits as needed
- Finalized commentary for internal State Bar vetting and presentation to BOG’s

#### **Outcomes Achieved:**

- Obtained clear understanding of USNWR Law School Rankings Methodology
- Collaboration with Identified key stakeholders re related resources/ materials/initiatives impacting rankings
- Creation of proposed modification of USNWR law school rankings methodology to incorporate diversity criteria and weight existing factors to reflect law school preparation of students for successful practice of law

### **Project: Pre Law Resources (“Tool Kit”)**

#### **Activities Completed:**

- Created pre-law contact list for all public/private colleges in CA
- Conducted survey among pre-law contacts from public/private colleges to assess pre-law student needs
- Analyzed pre-law advisor focus group information to assess student and advisor needs
- Initiated identification and review of current resources available electronically for students interested in attending law school
- Drafted letter for distribution to pre-law clubs to enlist feedback re online “tool kit”

#### **Outcomes Achieved:**

- Create resource for students to facilitate preparation and application to law school
- Create pre-law advisor resource that encourages diverse students to attend law school
- Create positive affiliation with California undergraduate educational institutions
- bar website from diverse pre-law students
- Expose diverse students to experienced attorneys of color, LGBT attorneys and attorneys with

**Project: Diversity Coalition** (to conduct outreach and increase diversity among applicants for State Bar Appointments and provide support for outreach and recruitment efforts of State Bar entities)

#### **Activities Completed:**

- Analysis of State Bar entity demographics and identification of key entities for focused recruitment
- Outreach to diverse attorneys re State Bar application process and encouragement to apply for State Bar appointment
- Appointments Workshops to provide overview of appointments process and to encourage appointment by diverse attorneys

#### **Outcomes Achieved:**

- Increased awareness of State Bar Appointments opportunities and process among diverse attorneys
- Increased diversity in applicant pool and appointments for State Bar entities

### **Project: Promotion of State Bar Statement of Diversity Principles**

#### **Activities Completed:**

- Reviewed 2005 State Bar Statement of Diversity Principles and determine that statement did not need updating/ modifications
- Researched model programs and created Addendum to Statement of Diversity Principles to serve as resource for legal employers in implementing the Diversity Principles
- Presentation to State Bar Council of Section Chairs to adopt Statement on behalf of Sections and to promote statement among their members

- Developed proposed outreach plan to promote Diversity Principles statewide among legal employers for presentation to Board of Governors in 2011

**Outcomes Achieved:**

- Reaffirm focus and content of 2005 State Bar Statement of Diversity Principles
- Augment Diversity Principles with Addendum to facilitate implementation of diversity programming consistent with Statement
- Promote Diversity Principles among legal employers statewide and obtain signatories to implement principles