The State Bar of California

Title of Report: Diversity, Equity, & Inclusion Plan: 2021–2022, Biennial Report to the Legislature
Statutory Citation: Business and Professions Code section 6001.3(c)
Date of Report: March 15, 2021

The State Bar of California submits this report to the Legislature in accordance with Business and Professions Code section 6001.3, which directs that the State Bar develop and implement a plan demonstrating its ongoing "commitment to and support of effective policies and activities to enhance access, fairness, and diversity in the legal profession and the elimination of bias in the practice of law."

This is the second report to be submitted pursuant to this statutory requirement. The report summarizes the activities undertaken over the last two years to promote diversity, equity, and inclusion (DEI) in the legal profession, as prioritized by the State Bar's 2017–2022 Strategic Plan and described in the State Bar's initial biennial report submitted in 2019. The report specifically addresses the State Bar's efforts in the core pillars of its DEI work: statewide leadership, building a culture of diversity, pipeline to the profession, retention and advancement in the profession, and promoting judicial diversity. Particularly unique is the State Bar's commitment to being data-driven in its pursuit of a more diverse, equitable, and inclusive legal profession. The 2019 Attorney Census, which provides an unprecedented level of demographic data about the state's attorney population, identified key disparities in the overall composition of the attorney population, and rates of retention and advancement in the profession. This data, along with best practices research in the DEI field, has been used to develop the State Bar's 2021–2022 DEI planned work. These activities leverage the State Bar's unique position to have the greatest impact by collecting data, making systematic changes as a regulator, and incubating innovative programs that can be scaled to increase diversity, equity, and inclusion throughout California's legal profession.

This summary and the report are submitted in compliance with Government Code section 9795.

The full report and attachments are available for download on the State Bar website at: http://www.calbar.ca.gov/About-Us/Our-Mission/Protecting-the-Public/Reports.

A printed copy may be obtained by calling 415-538-2252.

The State Bar *of California*

Diversity, Equity, & Inclusion Plan: 2021–2022

Biennial Report to the Legislature
Pursuant to Business and Professions Code Section 6001.3

March 15, 2021

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EXECUTIVE SUMMARY

The State Bar of California is proud to submit this second biennial report on the Diversity of the Legal Profession, which documents the significant and meaningful progress the State Bar has made in carrying out its commitment to increasing the diversity of California's legal profession. Our present times, a period in which we find ourselves radically altered by a global pandemic and a national reckoning on the brutal reality of systemic racism in America, have not been overlooked by the State Bar. As the largest legal regulatory agency in the country, and one uniquely charged with addressing diversity, equity, and inclusion as part of that regulatory purpose, the State Bar takes seriously its role and opportunity to impact the national conversation on inclusion and justice for all. For our small part in that movement, this means a diverse, equitable, and inclusive attorney population well positioned to support meaningful access to justice for all Californians. As this report reflects, over the last two years the State Bar has undertaken a wide array of diversity, equity, and inclusion (DEI) initiatives impacting its internal culture, prospective and current licensees, and its many partners and stakeholders. The State Bar has engaged in meaningful, substantive, and impactful DEI work with an eye towards making real change.

In March 2019 the State Bar submitted its first biennial report, the Diversity & Inclusion Plan: 2019 – 2020. The initial report included an overview of the history of the State Bar's efforts to advance diversity and inclusion in the profession. In addition, the initial report outlined a prospective plan for the State Bar's DEI work. This second biennial report provides an update on the State Bar's progress in implementing that plan[1]; just as in the last report, future planned activities are also highlighted.

The State Bar has made significant progress on all aspects of the 2019 plan outlined in the initial report. Key accomplishments include:

- Publication of the first Annual Report Card on the Diversity of California's Legal Profession, which included both key data points and calls to action for legal employers and attorneys;

- Convening sector-specific Diversity Summits to respond to report card results and identify action steps in response to the State Bar's calls to action;

[1]While this report provides a comprehensive update on the State Bar's progress on 2019 plan implementation, note that the sequencing and structure of the plan has been modified. As the State Bar worked to advance the 2019 plan, it became clear that a reorganization was needed. The present report reflects a more logical structure which will be utilized in future iterations of biennial reports.

- Completing a groundbreaking study on racial disparities in the attorney discipline system and implementing robust measures to address findings; and

- Launching the California Bar Exam Strategies and Stories Program, a positive mindset intervention that has since proven to increase California Bar Exam scores for test takers of color.

Additional accomplishments include:

- Analyzing the results of the State Bar's first Attorney Census, a comprehensive survey sent to all licensed California attorneys, with responses received from approximately 95,000 licensees;

- Implementing mandatory implicit bias training for all State Bar volunteers;

- Doubling the elimination of bias (EOB) Minimum Continuing Legal Education (MCLE) requirement and adding a mandatory implicit bias subtopic;

- Implementing enhanced demographic reporting requirements for California accredited and unaccredited law schools to support more meaningful evaluation of matriculation rates for law students of color;

- Disseminating a survey to all California law schools covering a wide array of issues including recruitment and retention efforts, academic support programs, and career development services;

- Implementing several efforts to ensure the fairness of the California Bar Exam including a Differential Item Function analysis, and intentional processes to better train, diversify, and expand the bar exam grader pool; and

- Reexamining and improving the moral character determination process with a particular focus on the treatment of criminal convictions in that process.

Looking ahead to planned activities for the 2021–2022 period, the launch of a DEI Leadership Seal initiative will be a seminal focus of the State Bar's efforts. The goal of the DEI Leadership Seal program will be to encourage legal employers to set and publicly commit to measurable diversity, equity, and inclusion goals. These goals, which will be tied to the calls to action outlined in the report card, will be aspirational initially; in the medium term, the State Bar intends to incorporate accountability measures to ensure that employers who are certified as DEI leaders demonstrate results, not just intentions.

In addition to outlining past accomplishments and future plans, this report identifies critical State Bar DEI funding needs. Currently, funding to support this important work is limited to opt-out fees included as part of the broader attorney licensing fee approved annually by the Legislature. This opt-out fee generates approximately $300,000 per year. While the State Bar has been able to accomplish a significant breadth and depth of DEI work with this limited funding source, the need is far greater: this report outlines an additional $100,000 in one-time needs, and $425,000 in ongoing, needs associated with planned 2021–2022 activities. Additional funding would be used to evaluate law school retention programs, develop a pilot court-appointed counsel program for income-qualifying attorneys facing State Bar discipline, institutionalize the California Bar Exam Strategies and Stories program, and increase proactive communication and outreach regarding the report card and DEI Leadership Seal initiatives.

These investments would have real impact. Increasing diversity in the legal system promotes the rule of law and confidence in our judicial system. People will better trust a justice system comprised of people who look like them and understand their culture. As confidence in our system of justice increases, particularly within historically disenfranchised communities, we can expect to see a net positive impact as citizens become more likely to turn to government to resolve civil disputes as opposed to becoming disengaged, or worse, taking matters into their own hands.

INTRODUCTION

Increasing diversity and inclusion in the legal profession is central to the State Bar's organizational mission:

> The State Bar of California's mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support for greater access to, and inclusion in, the legal system.

Effective January 1, 2019, the State Bar's statutory mission statement was amended to also reflect the same concept, providing that protection of the public includes support for greater access to, and inclusion in, the legal system. To implement these mission statements, in January 2019, the State Bar adopted nine concrete DEI objectives in its Five-Year Strategic Plan, designed to make demonstrable progress towards building a diverse and inclusive legal profession that will produce a fair and equitable justice system for all Californians. The strategic plan is available as Attachment 1.

In March 2019 the State Bar submitted its first biennial Report on the Diversity of the Legal Profession. The initial report included an overview of the history of the State Bar's efforts to advance DEI in the profession, including a discussion of the Council on Access and Fairness (COAF), the primary engine for the State Bar's diversity initiatives for many years. In addition,

the initial report outlined a prospective plan for the State Bar's DEI work. This second biennial report provides an update on the State Bar's progress in implementing that plan. Just as in the last report, future planned activities are also highlighted.

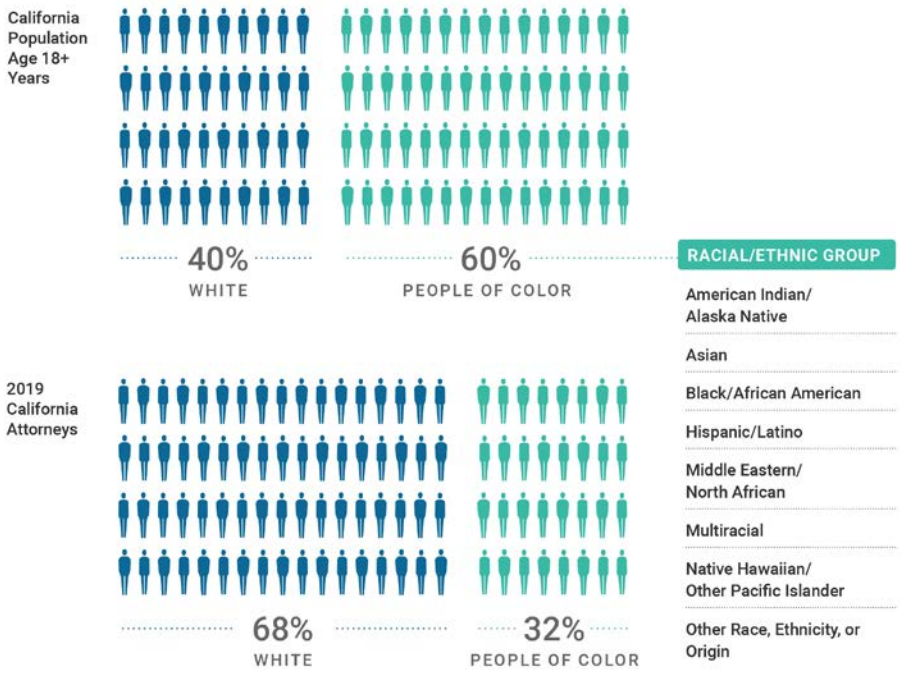
The State Bar is proud to submit this report, which documents significant and meaningful progress in making real its commitment to increasing diversity, equity, and inclusion in California's legal profession. Our present times, a period in which we find ourselves radically altered by a global pandemic and a national reckoning on the brutal reality of systemic racism in America, have not been overlooked by the State Bar. As the largest legal regulatory agency in the country, and one uniquely charged with addressing diversity and inclusion as part of that regulatory purpose, the State Bar takes seriously its role and opportunity to impact the national conversation on inclusion and justice for all. For our small part in that movement, this means a diverse, equitable, and inclusive attorney population well positioned to support meaningful access to justice for all Californians. As the following demographic overview highlights, while progress has been made over time, we still have much work to do.

DEMOGRAPHIC OVERVIEW

White attorneys account for nearly 70 percent of California's active licensed attorney population, while people of color constitute 60 percent of the state's population. Latinos, in particular, are underrepresented among California attorneys in comparison to their representation statewide: this group comprises 36 percent of the California's adult population, yet accounts for a mere 7 percent of all of California's licensed active attorneys. A detailed demographic breakdown of California's attorney population compared to the California adult population is provided in Attachment 2. [2]

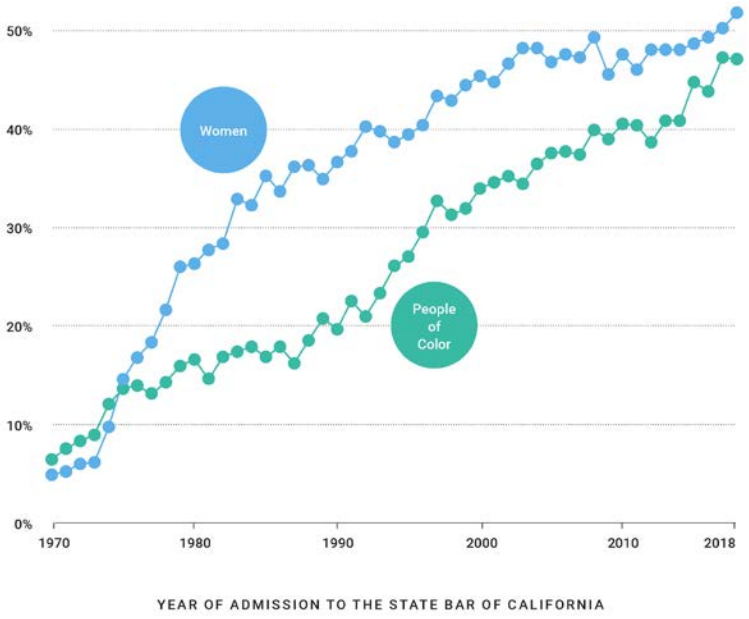
[2] The 2019 Attorney Census provided the State Bar with the most comprehensive data set on licensee demographics in its history. The data outlined in the following section of this report is derived from that survey. 2020 data will be available in the second quarter of 2021.

Figure 1. California's Adult Population Compared with California's Licensed Active Attorneys



On a positive front, the newest cohorts in the profession, represented by the dots in Figure 2 below, are far more diverse than those who have been in the profession for decades, with more than half identifying as women and nearly half identifying as people of color.

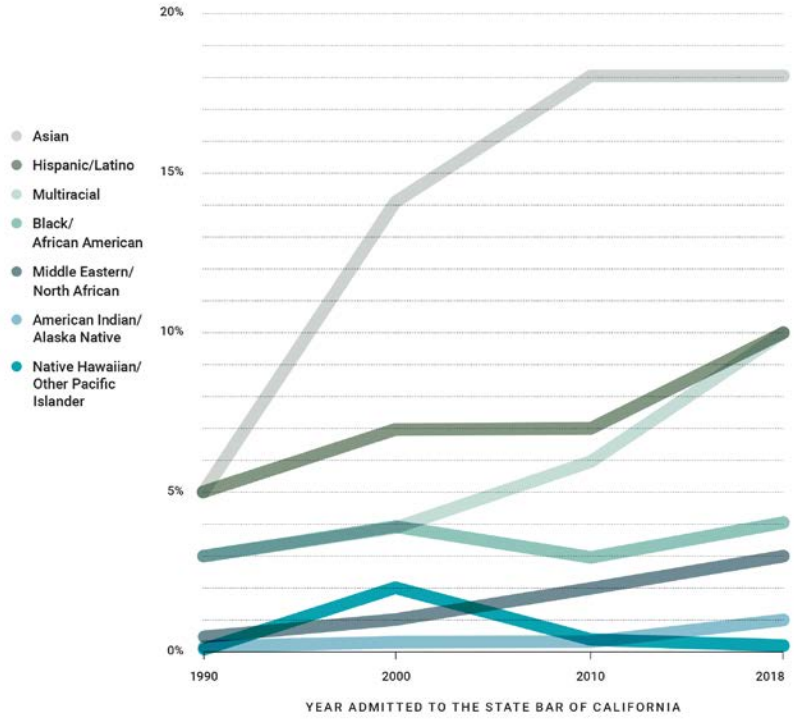
Figure 2. Percent of California Attorneys Who Identify as a Woman or a Person of Color by Year Licensed by the State Bar of California



However, this rate of greater diversification is not occurring proportionately: the proportion of Latino attorneys has doubled from 5 to 10 percent over the last three decades. Likewise, the

proportion of new licensees who are Asian or multiracial more than tripled. Over the same period the proportion of newly licensed Black attorneys has remained stagnant.

Figure 3. Race/Ethnicity of State Bar New Licensees Who are People of Color



SECTION I: STATEWIDE LEADERSHIP

The 2019 plan outlined key statewide leadership activities as follows:

- Collect and analyze demographic data to identify particular obstacles to diverse attorneys' entry into specific areas of practice/employment, retention, and advancement in the legal profession;
- Produce an annual report on diversity in California's legal profession; and
- Disseminate information and tools, including calls to action, to support direct action resulting from the analytical work.

ATTORNEY CENSUS AND DIVERSITY REPORT CARD

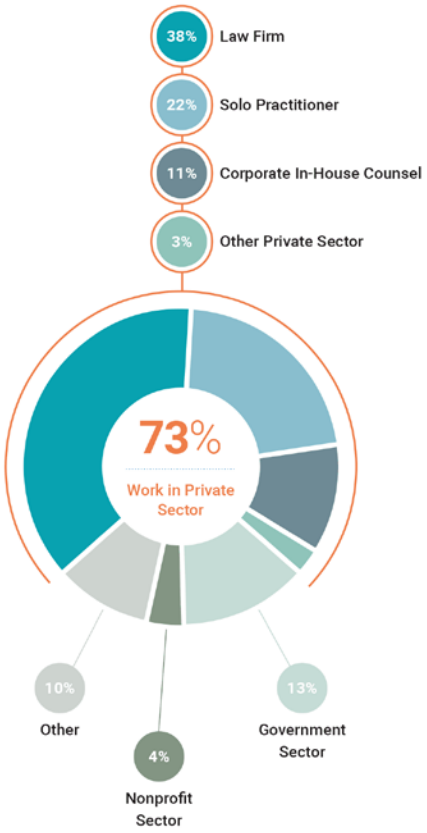
The State Bar is uniquely situated to be a data repository, to help identify trends in attorney demographics and cross-sector employment data, and to conduct meta-analyses of DEI studies as related to law schools and the legal profession. To that end, in 2019 the State Bar conducted its first Attorney Census, an ongoing voluntary annual survey that captures demographic data as well as information on employment, workplace environment, and issues key to recruitment, advancement, and retention. The State Bar initially published a series of Bar Briefs highlighting key Census findings. In 2020 the State Bar published the first Annual Report Card on the Diversity of California's Legal Profession, based on data generated from the census; the report card's analyses were based on the census responses of approximately 95,000 active attorneys.

The report card, published in July 2020, provides baseline data on the diversity and workplace satisfaction of California's attorney population across multiple demographic groups and employment sectors. The report card brings into stark reality the fact that despite significant growth in the proportion of attorneys who are women and people of color over the past 30 years, California's attorney population remains far from reflective of the state's diversity. Census questions, Bar Briefs, and the Diversity Report Card are provided as Attachment 3.

Key report card findings are outlined immediately below. Data is important; understanding the reasons behind the data is perhaps even more critical. Both the work the State Bar has done to implement the 2019 plan and planned DEI action steps are designed to target the root causes behind the data:

- Nearly 75 percent of California attorneys work in the private sector.

Figure 4. Primary Employment Sector for California Attorneys



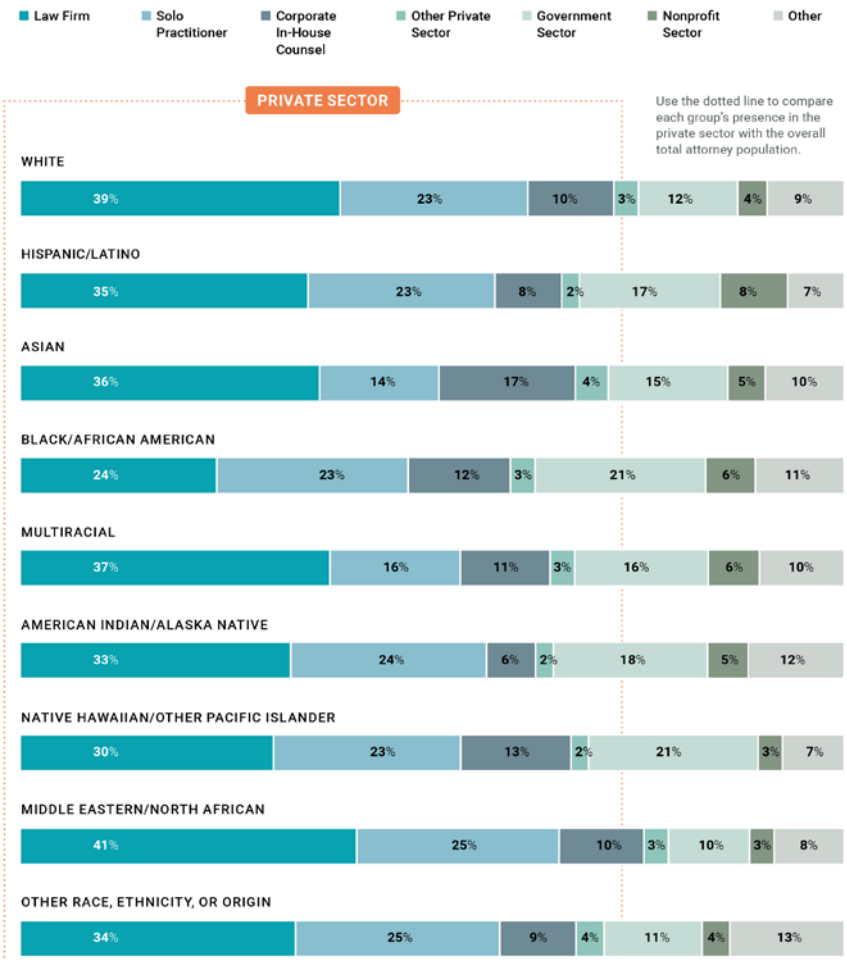
- Although the majority of attorneys work in the private sector, white, Asian, Middle Eastern/North African, and attorneys categorized as "Other" are more likely to do so than Black and Latino attorneys. Black attorneys are less likely to work in law firms than all other racial/ethnic groups.

Figure 5. Primary Employment Sector by Gender, LGBTQIA+, People with Disabilities, and Race/Ethnicity

So we have the data, now what? The State Bar has initiated a number of activities in direct response to Census data:

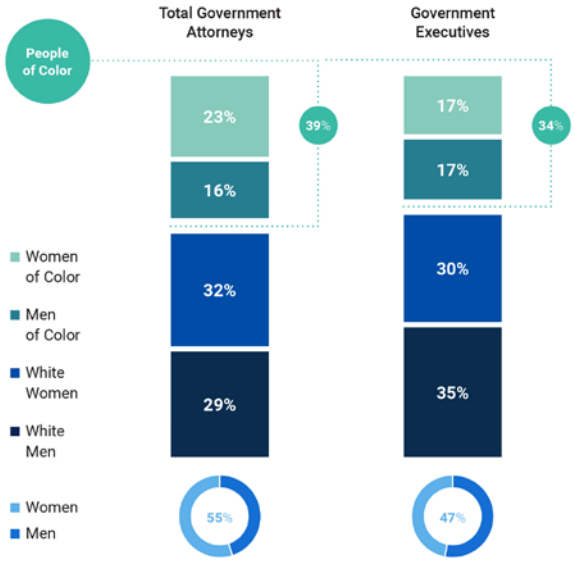
- Sector-specific summits, described on page 27 of this report, feature deep dives into data about workforce demographics and workplace satisfaction in each sector and robust discussions about how to address data findings.
- Report card calls to action provide employers with concrete steps they can take to increase new hire diversity and improve retention rates for attorneys of color and women.
- The new DEI Leadership Seal will make employers' progress towards implementing calls to action visible for the first time
- Enhanced law school reporting requirements, analysis of law school retention programs, and California Bar Exam. construction and passage initiatives are designed to increase the diversity of the attorney pipeline.
- Efforts to reduce racial disparities in the attorney discipline system are an important component of the State Bar's focus on retention of attorneys of color.

Figure 5. Primary Employment Sector by Gender, LGBTQIA+, People with Disabilities, and Race/Ethnicity (continued)



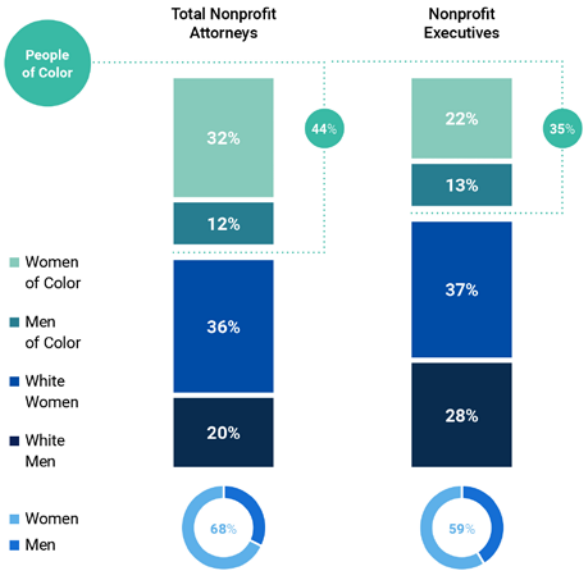
- The government and nonprofit sectors, which together make up only 17 percent of the profession, are the most diverse, but women and people of color remain underrepresented at leadership levels in these sectors (See Figures 4, 5, 6, 7)
- In the government sector, the underrepresentation of women of color among government executives is largely driven by the underrepresentation of Asian women, who are 8 percent of attorneys employed in this setting, but only 4 percent of executives.

Figure 6. Racial/Ethnic and Gender Representation among Government Attorneys and Executives



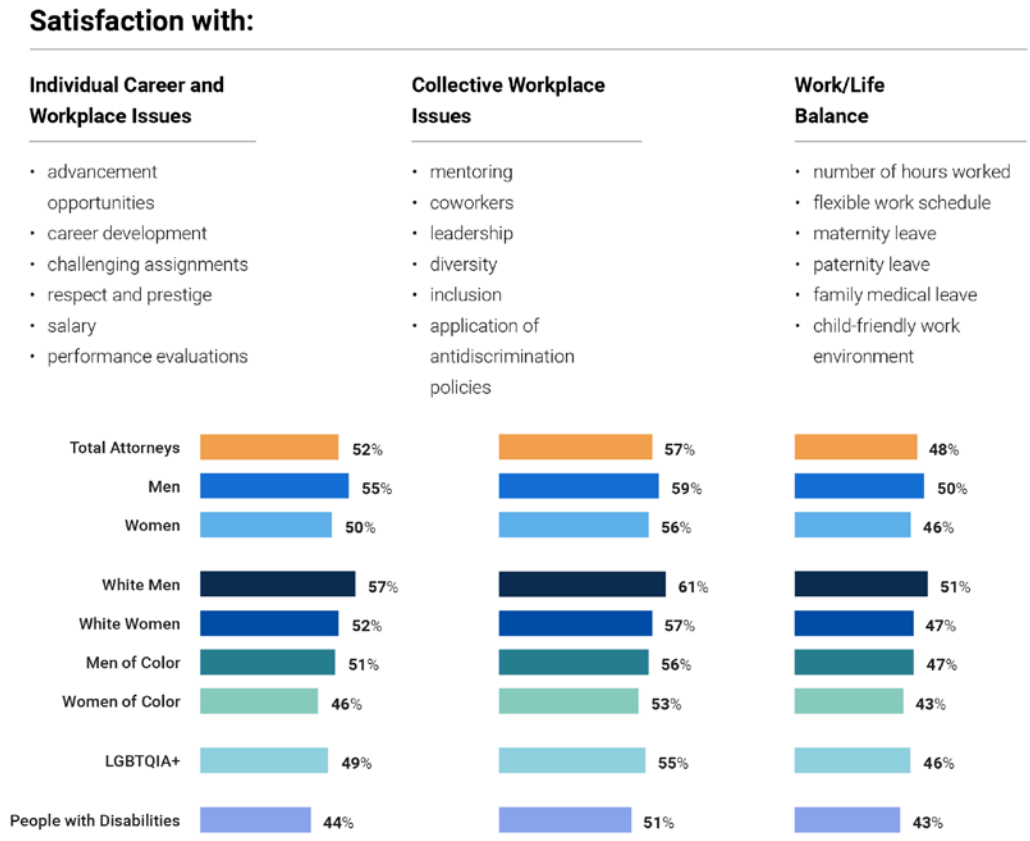
- In the nonprofit sector, the underrepresentation of women of color among nonprofit executives is largely driven by the underrepresentation of Latina, Asian, and multiracial women in the sector.

Figure 7. Racial/Ethnic and Gender Representation among Nonprofit Attorneys and Executives



- Women, people of color, LGBTQIA+, and people with disabilities consistently report lower levels of satisfaction with workplace experiences, such as salary and opportunities for advancement and career development, than their white male counterparts.

Figure 8. Satisfaction with Workplace Experiences by All Attorneys, Gender, Attorneys of Color, LGBTQIA+ Attorneys and Attorneys Identifying with a Disability



The report card includes calls to action for employers and attorneys, with prompts and recommendations derived from a review of best practices in DEI that the State Bar engaged in over the course of the development of the Attorney Census and the report card. The State Bar also received feedback from the Council on Access and Fairness (COAF) throughout the report card development process.[3]

[3] One of the State Bar's most critical volunteer subentities with respect to its DEI mission is the Council on Access and Fairness (COAF). Over the last two years COAF has developed and participated in key initiatives including the First Annual Attorney Report Card and Diversity Summits, providing feedback on issues including disparate outcomes on the California Bar Exam and in the attorney discipline system. Additionally, when the Committee of State Bar Accredited and Registered Schools revised its accreditation rule(s), input from COAF was sought to ensure that diversity, equity, and inclusion principles were incorporated effectively into proposed rules.

The calls to action encourage legal employers to make concrete their stated commitments to diversity, equity, and inclusion by taking practical steps to address workplace leadership and satisfaction including:

- Collecting demographic data on recruitment, hiring, promotion, and attrition, including data concerning both current employees and prospective candidates, and providing the staff reviewing demographic data the authority to recommend policy changes;
- Being mindful of the increasing diversity of new State Bar licensees and striving to ensure that new entry-level hires reflect this diversity;
- Setting measurable and visible diversity and inclusion goals and regularly reporting and discussing progress;
- Demonstrating a commitment to increasing opportunities and improving the workplace culture for women, people of color, LGBTQIA+, and people with disabilities and establishing and clearly communicating criteria for advancement;
- Developing work allocation guidelines that reflect the priorities of the organization's retention and advancement goals, including regular reviews of: (1) how work is assigned; (2) the effectiveness of mentoring and staff evaluations; and (3) whether the organization is giving junior- and mid-level staff the opportunities they require to succeed and advance into leadership positions;
- Reviewing salary and compensation tables regularly to ensure that the organization is keeping pace with the labor market; and
- Thinking comprehensively about compensation, considering automatic bonuses, discretionary bonuses, equity share opportunities, and health care benefits.

Attorneys are similarly encouraged to take action to advance diversity and inclusion in the workplace by:

- Taking an active role in advancing inclusion and diversity by participating in goal-setting efforts and holding employers accountable for results;
- Affirmatively and proactively learning what it takes to advance in the workplace; and
- Thinking comprehensively about compensation.

The second annual report card, which will be available in the second quarter of 2021, will be published in an interactive format on the State Bar website. This will enable the State Bar to incorporate several elements that can deepen stakeholder engagement and impact. For example, all figures will be developed using a data visualization tool that will enable users to

filter results and “drill down” using a variety of key disaggregating factors. The narrative will include sector-specific calls to action.

FUTURE PLANS

The State Bar has received positive feedback on its role in gathering and analyzing attorney data and will continue to prioritize this work. The State Bar will specifically:

- Administer the Attorney Census annually. To encourage the greatest level of participation and allow for better analysis of the rate of change, the State Bar has developed a plan to focus on certain questions or question types each year instead of asking the full set annually. All questions will be asked at least once every three years to allow continued trend analysis.

- Publish the Attorney Report Card annually with sector-specific resources and calls to action.

- Issue a survey in March 2021 focusing on the impacts of both COVID-19 and the increased national emphasis on racial justice on the attorney population, with particular efforts made to identify disparate impacts on attorneys of color.

- Develop and implement a DEI Leadership Seal program to encourage legal employers to set and publicly commit to measurable diversity, equity, and inclusion goals. These goals, which will be tied to the calls to action in the Diversity Report Card, will be aspirational initially; in the medium term, the State Bar intends to incorporate accountability measures to ensure that employers who are certified as DEI leaders demonstrate results, not just intentions.

- Explore additional opportunities to promote DEI with individual attorneys, including studying the American Bar Association’s proposed model rule related to diversity, equity, and inclusion.

SECTION II: CREATING A CULTURE OF INCLUSIVITY

The 2019 plan outlined key efforts related to building a culture of inclusivity as follows:

- Invest in implicit bias training annually for all State Bar staff and volunteers to increase awareness of implicit bias, particularly as those biases come into play in decision-making.

- Modify the elimination of bias curriculum contained in Minimum Continuing Legal Education requirements to consider the creation of subtopics, and expand the number of required hours.

BUILDING AWARENESS THROUGH IMPLICIT BIAS TRAININGS

In recognition of the important work of increasing of diversity, equity, and inclusion in the legal profession, the State Bar has integrated DEI principles and values throughout the organization. The State Bar's own internal diversity initiative, "Built In, Not Bolted On," incorporates these values as an undercurrent for all State Bar activities. Staff training is an important component of this effort. Following up on implicit bias training for all staff which occurred in 2018, the State Bar's Office of Access & Inclusion held trainings tailored towards the work of that office in 2019 and 2020, including one entitled "Eliminating Implicit Bias in Grantmaking Practice." Targeted trainings directly applicable to the work of other State Bar offices will be conducted in the future.

State Bar staff have recently been required to complete the following online courses:

- **Understanding Unconscious Bias:** staff learn about the characteristics of unconscious bias and discover how they can inadvertently affect our thinking and decision-making
- **Overcoming Your Own Unconscious Bias:** staff learn to recognize their own unconscious and implicit biases and how to avoid social stereotypes
- **Overcoming Unconscious Bias in the Workplace:** staff learn to recognize how superficial differences can contribute to bias and lead to prejudice and social stereotypes
- **Expert Insights on Unconscious Bias:** staff learn from Howard Ross, a seminal thought leader on identifying and addressing unconscious bias; topics addressed include micro-aggressions

Following these online courses, staff will be invited to attend discussion groups and other multi-modal activities to further delve into the issues presented. In addition to these mandatory courses, the State Bar is providing staff with a host of voluntary resources to increase their awareness and sensitivity. Resources include reference websites, books, videos, and podcasts, and began with a simple level-setting tool to ensure a common understanding of key DEI words and phrases. Lastly, the State Bar will be surveying staff to gather the same kinds of demographic and career trend data for employees as is captured for licensees in the Attorney Census. Survey data, along with staff feedback, will be used to develop additional initiatives to foster a diverse, equitable, and inclusive work environment.

The State Bar's obligation to advance diversity and inclusion applies not just to staff but also to the organization's hundreds of volunteers. All State Bar volunteers, who collectively serve on 16 committees, commissions, and boards, were required to attend an intensive implicit bias training in the fall of 2019. The State Bar Board of Trustees has recently undergone another cycle of this training, as will other volunteers over the course of 2021 and 2022.

ENHANCED CONTINUING LEGAL EDUCATION

With the exception of those who are statutorily exempt, active attorneys in California must take 25 hours of MCLE every three years, including one credit related to "the recognition and elimination of bias in the legal profession and society." The State Bar's 2017–2022 Strategic Plan includes an objective indicating that, by December 31, 2020, the State Bar would adopt rules to modify the elimination of bias (EOB) MCLE requirements to reflect the creation of subtopics and to expand the number of required hours consistent with Business and Professions Code section 6070.5.

As of September 24, 2020, the EOB MCLE requirement was *doubled* to two hours of required EOB curriculum credit every three years. The EOB MCLE requirement now includes an implicit bias subtopic as well; at least one of the two EOB curriculum hours must address implicit bias. These changes not only meet the Strategic Plan goal but also align with the requirements of Business and Professions Code section 6070.5, which requires the State Bar to enact rules incorporating the topic of implicit bias and bias-reducing strategies into its MCLE curriculum for all licensees. Additionally, beginning no later than January 1, 2022, the statute calls for the State Bar to require MCLE providers who offer implicit bias courses to meet minimum requirements related to training and content, as well as the recruitment of trainers who are representative of the diversity of California's population. Licensees will have to meet the additional implicit bias MCLE requirement in the compliance period ending January 31, 2023.

The State Bar is creating a free online course to support attorneys in satisfying this new requirement. This course will educate attorneys about implicit bias: what it is, how it happens, and what steps they can take to mitigate the impact of bias in themselves, their workplaces, and the legal system. Development of the course is slated for completion in mid-2021. The State Bar plans to revisit the course content every three years to ensure it remains current and relevant.

FUTURE PLANS

The State Bar will:

- Require regular implicit bias trainings and learning opportunities for all staff and develop a regular cycle for subentity training.
- Monitor engagement with the online implicit bias MCLE module, and review and refresh the content every three years. COAF plans to specifically explore additional EOB subtopics, including an antiracism component, in the coming year.

SECTION III: PIPELINE TO THE PROFESSION

The 2019 plan outlined specific strategies to advance the goal of a diverse pipeline into the legal profession:

- Enhance demographic reporting for law schools accredited by the State Bar to better understand the California law school population, including attrition rates of diverse and underrepresented students;
- Identify means of supporting existing law school programs to improve student retention;
- Review and revise Bar Exam question development and grading processes to eliminate unintended negative outcomes for those from diverse backgrounds;
- Expand implementation of the California Bar Exam Strategies and Stories Program; and
- Revise criteria for determining if an individual possesses the requisite moral character to be admitted to the State Bar.

While the State Bar is focusing on areas where it can be most impactful, it recognizes the important work of early pipeline initiatives that many stakeholders, including the California Lawyers Association (CLA), California Leadership-Access-Workforce (California LAW), and local and affinity bar associations, are engaged in. To that end, the State Bar coordinates closely with these organizations to share information and to support that work where appropriate. In 2020, under COAF leadership, the State Bar updated the a brochure encouraging under-represented high school, community college, and college students to consider careers in law. The new brochure, "Be a Lawyer-Make a Difference", is a digital-first effort geared to today's students. COAF also filmed an interview with David Kelly from the Golden State Warriors to spotlight nontraditional legal paths/careers; both are available on the State Bar website and have been shared with stakeholders. Moving forward, the State Bar will continue to explore partnership opportunities with CLA in the early pipeline space including sharing information and resources, as appropriate.

The "Be a Lawyer-Make a Difference" brochure can be found as Attachment 4.

ENHANCED DEMOGRAPHIC REPORTING REQUIREMENTS FOR CALIFORNIA ACCREDITED AND REGISTERED SCHOOLS

Pursuant to the plan outlined in the initial report, in 2020, the State Bar modified the demographic reporting requirements for California accredited and registered law schools (collectively, CALS) so greater information could be obtained and analyzed about the matriculation rates of students of color from these schools. Unlike efforts focused earlier in the

pipeline, this effort stemmed from the realization that there is a population of students of color who, despite other obstacles, found their way to law school; however, many leave due to a myriad of factors, some of which the State Bar may be able to help law schools address. Doing so requires, as a foundational step, data.

The State Bar consulted with multiple stakeholders including COAF and representatives from California accredited and registered law schools to finalize enhanced CALS reporting requirements and to develop a corresponding implementation plan. These new reporting requirements will result in the CALS submitting student data similar to that provided by American Bar Association (ABA) accredited law schools, which will enable the State Bar to analyze and compare data for all law students in California for the first time.

The reporting requirements will be implemented in three phases. As an initial step, California accredited and registered law schools were required to report one year's worth of expanded race and ethnicity data, covering the period September 15, 2019, to September 15, 2020, in their respective annual reports, due November 15, 2020. This first phase aligns reporting for California accredited and registered schools with the reporting required of ABA law schools. Delays related to the COVID-19 pandemic resulted in incomplete submission of these annual reports. The State Bar is working closely with schools that have not yet submitted to support data collection and completion and expects to begin its analysis of a comprehensive dataset in the near future.

The second and third phases of this effort, which will be implemented in 2021 and 2022 respectively, will incorporate categories beyond the ABA-required data, including expanded gender identity, and fields for veteran and disability status.

LAW SCHOOL RETENTION

The State Bar's efforts to identify means of supporting existing law school programs to improve retention have involved a multiyear process to gather appropriate demographic data from all California law schools and to engage law school leadership in sharing information about their retention programs.

In May 2019, COAF leadership facilitated a guided discussion at the annual Law School Assembly, a State Bar convening of deans of ABA, California accredited, and registered law schools, to better understand the landscape of law school retention programs. After the assembly, the State Bar administered a law school survey to identify formal and informal diverse student retention programs, the existence of Loan Repayment Assistance Programs (LRAP), and current efforts to encourage public interest careers. The survey revealed that the goals of law school retention programs varied greatly from school to school and that outcomes were not uniformly tracked or reported.

Recognizing the need for additional information, the State Bar issued a follow-up survey in October 2020. The survey asked about student recruitment efforts, academic support programs, nonacademic student support, mentorship opportunities, career development services, faculty and staff, financial support, and key retention program performance indicators. These survey responses, which were due in February 2021, will be cross-referenced against law student data provided in both the State Bar enhanced demographic annual reports received from the CALS as described in the previous section, and the ABA's Standard 509 reports. This comparative analysis will provide a better understanding of the law school population and enable us to identify programs that positively impact the retention of diverse and underrepresented students. With support from COAF members, the State Bar will highlight promising programs and develop statewide resources for best practices in 2021.

ENSURING BAR EXAM QUESTION DEVELOPMENT AND GRADING ANALYSES ARE FREE FROM BIAS

Essay questions for the California Bar Examination and the First-Year Law Students' Examination are solicited from law professors and other qualified drafters and edited by the Examination Development and Grading (EDG) Team under the supervision of the State Bar's Office of Admissions. To diversify the grader application pool, the State Bar, with feedback from COAF, has developed an outreach strategy to share information about the grader program with a wide array of California affinity bar associations. In addition, beginning with the July 2019 bar exam, the Office of Admissions added demographic questions to the grader application. A hiring matrix was also created to mitigate bias in the hiring of graders. In addition, in alignment with the State Bar's Built In, Not Bolted On approach to diversity, equity, and inclusion, and beginning with the February 2020 exam, all members of the EDG Team, which is involved in the development of exam questions and supervises exam graders, all exam question pre-testers, and all graders (including seasoned and apprentice graders), are required to participate in annual unconscious bias/implicit bias training. Further, beginning with the October 2020 Bar Exam, all exam proctors are required to participate in unconscious bias/implicit bias training prior to each exam.

Additionally, beginning with the October 2020 Bar Exam, efforts were made to increase grader geographic diversity; until that time, graders had predominately been from the San Francisco Bay Area. Graders from Ventura, Los Angeles, Orange, San Bernardino, Riverside, and San Diego counties participated as apprentice graders for the October 2020 Bar Exam. Staff will continue to build the grader pool by soliciting graders from throughout California.

The State Bar has also made efforts to increase monitoring of grader performance. Beginning with the October 2020 Bar Exam, in-depth, real-time monitoring and tracking of grader performance throughout the exam cycle has been conducted. Statistical analysis of grader decisions ensures fairness and equity in the scoring process.

These initiatives will be institutionalized as part of standard examination grading processes going forward.

ENSURING BAR EXAM QUESTIONS ARE UNBIASED

The State Bar hired a consultant from Scantron in fall 2019 to conduct a Differential Item Functioning (DIF) analysis for essay and performance test items on the bar exam. A test item or question is flagged as showing signs of DIF when the analysis indicates significantly different performance patterns for test takers across different groups with comparable underlying abilities.

The analysis encompassed all essay and performance test (PT) questions used on the exam from July 2009 to February 2019. These 20 exams, reflecting test results from over 72,000 first-time test takers, included 152 written questions, comprised of 116 essays and 36 PT questions. The analysis considered three primary variables: gender, race/ethnicity, and law school type. Secondary variables, such as item type, subject matter, and administration window were used to investigate trends within the gender, race/ethnicity, and law school type DIF results.

With regard to race/ethnicity effects, DIF flags were identified in 16 percent of the questions for African American takers, with white takers as the reference group. The proportions of questions identified with DIF for Asian and Latino takers were lower, at 7 and 5 percent, respectively. All of the DIF results by race/ethnicity are in favor of white test takers. The analysis results for African Americans, however, were less reliable than the others identified because of the large differences in sample size between African American and white exam takers. When all nonwhite takers are grouped together in comparison with white takers, DIF results were flagged for only 5 percent of questions reviewed.

With respect to variances between male and female exam takers, the analysis identified moderate to large DIF in 20 percent of the questions evaluated, with female takers performing consistently better than their male counterparts. Gender-based DIF effects tended to be concentrated in less frequently selected topics, including trusts, wills, and community property.

Considering the proportion of question items flagged with DIF, as well as the size of the DIF indicator, the overall results of the DIF study reported no major areas of concern for the bar exam by gender and racial/ethnic groups. Nonetheless, to better understand the results of the DIF analysis and to proactively monitor for DIF in the future, the report recommended that the State Bar:

- Conduct a retrospective bias and sensitivity review of the items flagged by the DIF study to inform future item development.

- Incorporate proactive bias and sensitivity reviews of exam questions into the examination development process.
- Use the results of the DIF study to inform the future design of the bar exam with respect to item type selection.
- Review the bar exam scoring process and any rubrics or methods for choosing, training, or assigning raters.

In 2020, the Board of Trustees established the DIF Working Group to review the DIF analysis and develop guidelines for minimizing the risk of DIF in future bar exam questions. The working group is comprised of two members of COAF and four members from the Committee of Bar Examiners; it is anticipated that the working group will complete its review and make recommendations in fall 2021.

IMPROVING PERFORMANCE ON THE BAR EXAM

Productive mindset interventions mitigate the harms associated with concerns about potential, belonging, and stress, and they spur motivation and performance (Walton & Wilson, 2018). The California Bar Exam Strategies and Stories Program, one such mindset intervention, was developed to help test takers find productive ways to interpret the challenges, obstacles, and negative psychological experiences associated with preparing for the bar exam. Its goal was to improve bar applicants' test-taking experiences and exam performance. The program includes an introductory film, audio and written stories from prior test takers, and an activity in which participants write letters to future test takers about how to use the insights and strategies they gained from the program.

Initial Phase: Summer 2018 and Summer 2019

The program was first offered to all applicants for the July 2018 and July 2019 exams for evaluation purposes. In this initial phase, the program was designed as a randomized control trial, which is the gold standard for examining efficacy of interventions. The initial program had two conditions: (1) the active control condition, which provided bar exam study strategies; and (2) the treatment condition, which provided both the productive mindset intervention and bar exam study strategies.

Random assignment of test takers ensures the random dispersal of student traits—for example, law school grade point average (GPA) and demographics—between conditions. Stratified random assignment was employed to ensure that equal proportions of men, women, racial and ethnic groups, U.S. law students, first-time test takers, and repeat test takers were randomly assigned to the treatment and control conditions. In addition, a statistical package was used to ensure that average prior performance scores (i.e., LSAT and GPA) were equal within the

treatment and control conditions. This left the intervention treatment as the only systematic difference between the conditions.

Enrollment and Participation in the Program

In March 2018 and 2019, a combined 630 program enrollees completed all components: all lessons, modules, reflective writing exercises, and a draft letter to a future test taker. Bar exam performance data for the July 2018 and 2019 tests became available in November 2018 and November 2019 respectively.

Bar passage was the primary outcome of interest; an increase in bar passage rates in the treatment condition would provide evidence of the effectiveness of the program.

Impact of the California Bar Exam Strategies and Stories Program

When comparing enrollees who timely registered for the bar exam and who completed the Strategies and Stories Program to those who did not enroll in the program, the probability of passing the exam was 9.6 percentage points higher for those who completed it, even after controlling for LSAT and LGPA.

The evaluators also examined the effect of the program on historically disadvantaged groups, specifically underrepresented minorities and first-generation applicants.

- **Underrepresented Minority Applicants:** The initial analysis revealed that the program improved pass rates among underrepresented minority applicants by an estimated difference of 16 percentage points (control = 39.1 percent versus treatment = 55.1 percent).

- **First-Generation Applicants**: The estimated probability of passing the exam among first-generation applicants was significantly higher in the treatment condition: (70.3 percent) than in the control condition (31.8 percent).

The impact of the program on members of disadvantaged groups was promising and suggests that the California Bar Exam Stories and Strategies Program helped first-generation college students and underrepresented minorities.

Additional findings from the program evaluation can be found in Attachment 5.

In a second phase, the program was offered to all applicants for the October 2020 and February 2021 Bar Exams without separating some participants into a control group. Results from this phase are still being evaluated.

ENSURING GREATER TRANSPARENCY, IMPARTIALITY, AND CONSISTENCY IN THE MORAL CHARACTER DETERMINATION PROCESS

The Committee of Bar Examiners (CBE) created a Moral Character Ad Hoc Working Group , comprised of seven members: three members of the Committee of Bar Examiners, three law school deans or their designees, and the executive director of the Stanford Criminal Justice Center, in early 2019. The working group was tasked with reviewing and evaluating the existing standards used to determine whether an applicant for admission to the State Bar possesses the requisite moral character for the purpose of developing clear and appropriate guidelines for the moral character determination process.

The working group met seven times from June 2019 to February 2020. Over the course of these meetings, the group discussed the factors considered during the moral character determination process, relevant California Supreme Court decisions, State Bar processes, and the manner in which State Bar staff and CBE have applied general principles in specific cases.

The working group finalized three separate, interrelated work products: (1) the Moral Character Statement; (2) Moral Character Determination Guidelines; (3) and Best Practices and Talking Points for Law Schools. The documents were approved by the Committee of Bar Examiners in April 2020 and adopted by the Board of Trustees in May 2020.

The Moral Character Statement provides an overview of the moral character determination process, including applicable laws, and describes factors and conduct relevant to a moral character determination.

The Moral Character Determination Guidelines outline factors relevant to the determination of whether an applicant possesses the requisite moral character for licensure to practice law: (1) respect for and obedience to the law; (2) honesty, candor, trustworthiness, and fairness; (3) observance of fiduciary and financial responsibility; and (4) and respect for the rights of others and the judicial process.

The Moral Character Statement and the Moral Character Determination Guidelines were widely disseminated in July 2020. This level of detail about the process and standards used in moral character determination decision-making was made publicly available for the first time to provide greater transparency and guidance for applicants, law schools, and the State Bar.

The Best Practices and Talking Points for Law Schools were developed with the input of law school deans on the working group and are intended to assist law schools in advising students or prospective students about the moral character determination process.

The Moral Character Statement, Moral Character Determination Guidelines, and Best Practices and Talking Points for Law Schools are available as Attachment 6.

FUTURE PLANS

The State Bar will continue to expand on the foundation laid over the last two years to increase the diversity of the pipeline from law school into the profession. The State Bar will:

- Work with California accredited law schools to continue the phased approach to reporting enhanced demographic data.
- Publish a report or resource on law school retention that will highlight promising programs.
- Complete the review of the DIF report and develop guidelines for minimizing DIF for future administrations of the bar exam.
- Continue to implement the California Strategies and Stories Program and develop a plan to institutionalize the intervention if possible.

SECTION IV: RETENTION AND ADVANCEMENT IN THE PROFESSION

The 2019 plan outlined retention and advancement activities as follows:

- Develop and deploy initiatives to address findings from the Attorney Census and share with regional and affinity bars to advance these strategies statewide;
- Collect information from attorneys when they change their status to inactive to determine the reasons attorneys of different genders, gender identity, race, ethnicity, etc. leave the profession, and whether those from diverse backgrounds leave at higher rates; and
- Evaluate the attorney discipline system to determine if there is disproportionality in the imposition of discipline on attorneys by race or gender.

DIVERSITY SUMMITS

The State Bar hosted its 2nd Annual Diversity Summit on September 24, 2019, to present initial Attorney Census data. The summit also featured a presentation on diversity, equity, and inclusion best practices for the legal profession from leading researcher and author Dr. Arin Reeves. The event provided the State Bar with the opportunity to engage with approximately 50 leaders in the profession from various sectors and affinity bar associations and to obtain feedback on metrics and best practices to consider for inclusion in the State Bar's Report Card.

After publication of the Report Card, the State Bar planned three sector-specific summits in 2020 and 2021. This approach enabled us to present data by sector and allowed for more targeted and effective discussions/feedback opportunities.

A Private Sector Diversity Summit was held on September 11, 2020, with approximately 50 attendees. An overview of sector-specific census data was provided; a panel discussion with law firm and in-house counsel provided context for the data and served as a springboard for a discussion of common challenges and successful initiatives.

The Nonprofit Sector Diversity Summit was held on December 11, 2020. The event was cohosted by the State Bar and the Legal Aid Association of California (LAAC). Approximately 50 people attended this Summit. The summit included a presentation on the report card, a presentation on LAAC's *Justice at Risk: Recruitment & Retention Report*[4] and an introduction to LAAC's Inclusion, Diversity, Equity, Accountability in Legal Aid (IDEAL) Toolkit. A panel discussion with nonprofit leaders focused on themes of transparency, culture, leadership, and accountability, and a presentation by Worksafe covered topics including how to build a race equity culture in the workplace.

A Public Sector Diversity Summit will be held in 2021.

The State Bar has also provided specific data analysis to local and affinity bar associations by request and presented census findings to the Los Angeles County Bar Association, Berkeley Law's California Constitution Center, and the Bar Association of San Francisco; presentations were also made at the inaugural Black Women and the Law Summit at Pepperdine Caruso School of Law, and California ChangeLawyers' 2020 Diversity Summit.

INACTIVE ATTORNEY SURVEY

National data suggest that women of color, particularly Black women, are highly likely to leave the profession within the first 10 years of admission. Considering this data, in 2019, the State Bar surveyed attorneys who transitioned to inactive status at least once within the previous five years. The purpose of the survey was to understand the personal and workplace factors that influenced the transition. The survey was discontinued within one month due to feedback from survey participants who had moved in and out of active status multiple times over the identified time period. The State Bar is currently revising the survey, with plans to administer it in a new format in fall 2021. This survey will be part of a larger study of inactive attorneys that will examine the demographic and professional characteristics of attorneys who move to inactive status.

[4] In 2019, LAAC published *Justice at Risk: Recruitment and Retention Report*, which is an in-depth empirical study of recruitment and retention issues that legal aid organizations across California face. The report draws on surveys of executive directors and current and former attorneys and addresses issues including salary, educational debt, and diversity and inclusion.

ADDRESSING DISPARITIES IN THE DISCIPLINE SYSTEM

Farkas Report

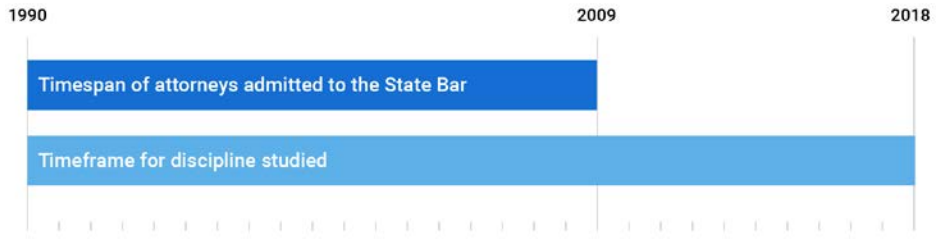
For years, the State Bar heard anecdotes regarding the over-representation of people of color in the attorney discipline system. In light of these assertions, and pursuant to the State Bar's statutory mission and Strategic Plan, the State Bar initiated a rigorous, quantitative analysis to determine whether there is disproportionate representation of nonwhite attorneys in the attorney discipline system and, if so, to understand its origins and take corrective action.

The study, conducted by Dr. George Farkas, Distinguished Professor in the School of Education at the University of California, Irvine, showed that male attorneys have higher probation and disbarment/resignation rates than female attorneys, and that racial disparities are higher among males than females. The largest racial differences were between Black and white male attorneys.

The data set that forms the basis of the analysis included 116,363 attorneys admitted to the State Bar between 1990 and 2009, for whom race/ethnicity and gender information was available, representing 95 percent of all attorneys admitted during the period. The study evaluated the two most serious types of discipline imposed on this cohort of attorneys: probation and disbarment (including resignation with charges pending). The quantitative analysis evaluated the likelihood of attorneys of different racial/ethnic groups and genders being placed on probation or being disbarred.

To track the entire history of each attorney's contact with the discipline system, all complaints received, as well as their outcomes through the end of 2018, were examined. Case outcomes were used to create two measures: (1) Was the attorney ever placed on probation at least once but never disbarred during this period?; and (2) Was the attorney disbarred or did the attorney resign with charges pending during this period?

Figure 9. The Study Covered Data on Attorneys from 1990 through 2018



The analyses revealed that, without controlling for any factors potentially associated with case outcomes, there are statistically significant disparities with respect to both probation and disbarment. The largest gender/race disparities were seen when comparing Black and white male attorneys. The probation rate for Black male attorneys over this time period was 3.2 percent, compared to 0.9 percent for white male attorneys. The disbarment/resignation rate for Black male attorneys was 3.9 percent compared to 1.0 percent for white males. Race differences were smaller for Latinos, and for Black females and Latinas compared to white females. There were no meaningful differences for Asians compared to whites.[5]

As with any study of this kind, it was essential to attempt to control for other factors that may account for the different discipline rates between race/ethnicity and gender subgroups. Introducing control variables allowed for the analysis to distinguish between factors that may explain the outcomes.

The selection of control variables was informed by hypotheses about what might explain attorney discipline, and by the availability of data for use in the statistical analysis. For the analysis conducted by Dr. Farkas, the following additional factors were examined:

- Complaint history as measured by:
    - The number of complaints received
    - The number of investigations opened

Counsel representation, measured by the percent of investigations without counsel

- Number of times discipline was imposed previously
- Number and type of various allegations
- Number of years since first admitted to the State Bar
- Firm type/size

Of these, the number of prior complaints, prior discipline history, and counsel representation were most predictive of different discipline rates for Black versus white male attorneys.

[5] Although the statistical models shown in the full report look at different racial/ethnic groups and at gender differences, the discussion in the report focuses on the largest of these differences, comparing Black, male attorneys to white, male attorneys.

The Number of Complaints against Attorneys Explains Much of the Variance in Discipline across Groups

The total number of complaints against attorneys varied widely by group. The range varies from 46 percent of Black male attorneys having had at least one complaint filed against them during the study period, to only 17 percent of Asian female attorneys having had a complaint filed against them during the same period.

Another measure of the difference in the number of complaints is the percentage of attorneys against whom 10 or more complaints had been filed. Only one percent of Asian, female attorneys had received 10 or more complaints. In contrast, 12 percent of Black male attorneys had received 10 or more complaints.

A simulated scenario in which the same number of complaints was applied to attorneys across all racial/ethnic groups reduced the probation rate for Black male attorneys from 3.2 to 1.4 percent and reduced the disbarment rate for Black male attorneys from 3.9 to 1.6 percent. In other words, whereas almost four out of every hundred Black male attorneys (3.9 percent) in the sample was disbarred during the study period, if the number of complaints received against Black male attorneys had been the same as the number of complaints against white, male attorneys, we would expect to have seen only 1.6 out of every 100 Black male attorneys disbarred.

While this simulation substantially reduced the differences between Black and white male attorneys, it did not eliminate the difference altogether. After controlling for the number of complaints, the difference between white and Black male attorneys disciplined remained: 1.4 percent of Black male attorneys were placed on probation compared to 0.9 percent of white male attorneys, and 1.6 percent of Black male attorneys were disbarred, compared to one percent of white male attorneys. Both of these differences were statistically significant.

Representation by Counsel and Prior Discipline History Provide Additional Explanatory Power

Further analyses showed the impact of other variables on discipline rates. Among all variables included in the final analysis, prior discipline history was found to have the strongest effects on discipline outcomes, followed by the proportion of investigations in which the attorney under investigation was represented by counsel, and the number of investigations.

Thus, the disproportionate rate at which Black attorneys are put on probation and disbarred was found to be associated with their having more complaints filed against them. To compound the disproportionate impact, Black attorneys in particular are less likely to be represented by counsel when they are under investigation by the State Bar.

Looking at the total number of investigations by the State Bar, white attorneys were unrepresented in 7.9 percent of investigations of their cases; Black attorneys were unrepresented in 15.2 percent of the investigations of their cases.

Robertson Report

In late 2019, State Bar staff invited Professor Christopher Robertson, N. Neal Pike Scholar and Professor at the School of Law of Boston University, and Visiting Scholar and Special Advisor at the James E. Rogers College of Law of the University of Arizona, to review Dr. Farkas's report and identify possible remedies to address the identified causal factors.

As a part of the review process, Professor Robertson shared preliminary recommendations with a COAF working group, led by current COAF Vice-Chair Ryan M. Harrison, Sr., established to provide feedback regarding the Farkas study and input into steps that should be taken to ensure an effective and fair attorney discipline system. The working group reviewed Professor Farkas's report and provided significant feedback to Professor Robertson, particularly regarding the impact of prior complaints on attorneys facing discipline. Integrating this input, Professor Robertson identified, and the Board of Trustees voted to advance, three specific areas for study and action in response to the Farkas analysis:

1. Reportable Action Bank cases (reports that come to the State Bar from banks when a client trust account is overdrawn)
2. Prior complaints that are closed with no discipline imposed on an attorney
3. Options for encouraging the representation of attorneys in the discipline system

Reportable Action Bank (RA-Bank) Matters

Among attorneys with large numbers of complaints against them, Black male attorneys were more likely to have a large number of RA-Bank cases.

Under Business and Professions Code section 6091.1, banks are required to report insufficient funds activity in an attorney's client trust account. In most cases, Office of Chief Trial Counsel[6] (OCTC) staff will prepare a letter to the attorney requesting an explanation for the insufficient funds activity. In many cases, RA-Bank cases are closed at the intake stage after reviewing the attorney's response, and one of the following letters is issued:

De Minimis Letter: A case may close with a de minimis letter if the amount of the insufficient funds activity is $50 or less and there are no other pending RA-Bank matters. The letter encourages the attorney to pay greater attention to the management of the client trust

[6] The State Bar's Office of the Chief Trial Counsel is responsible for investigating claims of, and prosecuting, attorney misconduct.

account and take appropriate corrective action to avoid future reports of insufficient funds activity.

Closing Letter: Staff will usually issue a closing letter when the attorney's response shows that a client trust account check was mistakenly issued, an automatic payment was mistakenly linked to the client trust account, the attorney relied on the bank's indication that deposited funds were available, or the attorney is a victim of fraud.

Resource Letter: A case may close with a resource letter when, for example, the attorney disbursed funds prior to depositing entrusted funds into the client trust account, provided a client with a postdated check and asked for the client to wait for the deposit to clear, or the attorney made an accounting error that would have been realized with a monthly reconciliation. This letter contains information about the State Bar Client Trust Account School, the Handbook on Client Trust Accounting, the phone number to the State Bar Ethics Hotline, and other resources to help attorneys with client trust account issues.

Warning Letter: A case may close with a warning letter when, for example, there is a clear violation but that violation is unlikely to result in discipline, such as failing to promptly withdraw attorney's fees from the client trust account, or failure to conduct monthly reconciliations of the client trust account. A warning letter may also be issued when the attorney previously received a resource letter.

Professor Robertson recommended several potential reforms with respect to these processes, including revising the letters that OCTC sends to the attorney when it receives an RA-Bank notice. The following changes have been implemented pursuant to those recommendations: All information previously reserved for resource letters is now included in all RA-Bank correspondence including:

- Expanded definitions of available resources as well as direct source links
- A warning stating that, "when a bank reports insufficient funds activity on a client trust account, it is a red flag that the public may be at risk due to an attorney's negligent oversight or misappropriation of entrusted funds" and that "failure to adhere to basic principles of client trust fund accounting can lead to serious consequences, including suspension or disbarment."
- A concluding paragraph about the importance of treating substance use and mental health disorders as well as information about the State Bar's Lawyer Assistance Program.

The State Bar is tracking respondent engagement with the new letter format which will allow for future evaluation of the relationship between the level and nature of information provided

by the State Bar and the incidence of RA-Bank matters, complaints, or disciplinary action related to client trust accounting.

Treatment of Prior Closed Complaints

Investigations are opened by OCTC attorneys when a complaint alleges misconduct that if proven to be true would be grounds for discipline. While OCTC has no control over the complaints that are filed by clients, it does have control over how it assesses the complaints. One issue of particular interest with regard to this assessment was the status of prior complaints that are closed without the imposition of discipline. Preliminary analyses of complaints closed without discipline indicated that over 75 percent of them were closed with no action taken.

Professor Robertson talked with intake attorneys in OCTC about the handling of prior complaints, reviewed OCTC policy for the handling of prior complaints, and discussed the issue with OCTC leadership. Professor Robertson ultimately recommended that OCTC archive complaints closed without discipline to prevent them from being taken into consideration when assessing new complaints. In response to this recommendation, the Board of Trustees directed staff to archive closed complaints over five years old.

To date, closed complaints of all types and origins that were filed more than five years ago have been archived, with the following exceptions: (1) cases that resulted in either discipline, an agreement in lieu of discipline, or the issuance of a warning letter, directional letter, or resource letter; (2) complaints against a respondent who has a pending case in investigation, pre-filing, or in the State Bar Court; or (3) complaints against a respondent who was disbarred or resigned. It was also decided that for cases that were reopened after initially being closed, the five years would be calculated from the reopen date, not the initial opening date.

Over 500,000 closed complaints have been archived as a result of this effort.

Increasing Attorney Representation

The final issue evaluated by Professor Robertson was the fact that Black respondents are much less likely to be represented by counsel when facing a disciplinary investigation by the State Bar. As with the number of investigations opened against an attorney, the percentage of cases in which the respondent attorney is not represented by counsel was a statistically significant predictor of attorney discipline.

Professor Farkas's study found that Black respondents were roughly twice as likely not to be represented by counsel compared to white respondents. Professor Robertson recommended a set of potential reforms, including informing respondents facing discipline about the increased statistical likelihood of probation or disbarment if they fail to secure counsel, evaluating

different modes of communication with respondent attorneys to determine which messages are more likely to increase respondent representation, and tracking and reporting on the proportion of discipline cases lacking representation as a key performance indicator. In response to these recommendations, the State Bar has:

- Developed a metric and will begin reporting quarterly data on representation by respondent attorneys in May 2021. The "Percent of Respondents that Retained Representation" metric will be based on closed cases of all types that reached the investigation stage. For 2019, the metric's value was 14 percent.

- Implemented a new communication strategy to encourage attorneys to seek representation when notified that they are being investigated by OCTC. The implementation of the new strategy involves delivering the new message randomly during the first six months to evaluate its impact. The message addresses the danger of being disciplined by the State Bar and emphasizes the value of representation by counsel when facing a State Bar investigation. The correspondence also provides a link to the Association of Discipline Defense Counsel website.

- Began discussions with Association of Discipline Defense Counsel representatives to develop and distribute a roster of attorneys who could provide low-cost and pro bono case evaluations to respondent attorneys

AD HOC COMMISSION ON THE DISCIPLINE SYSTEM

Over the last several years, the State Bar has implemented initiatives, policies, and procedures to improve access to and efficiency and effectiveness of the attorney discipline system and to enhance protection of the public. As described above, the State Bar has taken a proactive approach to identifying and addressing disproportionate disciplinary outcomes particularly as related to Black male attorneys.

Given these myriad efforts, the State Bar established the Ad Hoc Commission on the Discipline System in January 2021. The commission is charged with undertaking a comprehensive examination of proposed and implemented discipline system reforms to assess their efficacy and to identify any needed additional measures. This review will examine and evaluate completed efforts as well as work currently in progress. A final report outlining the commission's findings and recommendations is due no later than June 30, 2022.

FUTURE PLANS

The State Bar will continue to study trends and engage with leaders in the legal profession to explore barriers and solutions to recruitment and advancement in the profession. The State Bar will:

- Hold a Public Sector Diversity Summit in 2021 and consider additional diversity convenings to share and discuss findings from the attorney survey on the impact of COVID-19 and increased focus on racial justice issues;
- Develop and deploy a survey of inactive attorneys in 2021;
- Continue implementation of recommendations made in response to the report on racial disparities in the State Bar discipline system including:
    - Evaluating efficacy of enhanced resources and supports being offered in response to RA-Bank matters,
    - Studying issues surrounding respondents' decisions to retain counsel, and
    - Encouraging respondents to secure counsel including working with Association of Discipline Defense Counsel representatives to develop and distribute a roster of attorneys who are willing to provide low-cost and pro bono case evaluations;
- Convene the Ad Hoc Commission on the Discipline System and implement any recommendations forthcoming from that body including those designed to reduce disparate discipline outcomes based on race/ethnicity; and
- Study the viability and impact of loan repayment assistance programs (LRAP) and loan forgiveness on recruitment and retention in the profession, particularly in the nonprofit and public sectors. COAF, in partnership with the State Bar's Legal Services Trust Fund Commission and the California Access to Justice Commission, will examine the current LRAP and loan forgiveness landscape and develop recommendations for potential interventions or initiatives to address law school debt issues and their impact on recruitment and retention in the profession.

SECTION V: PROMOTING JUDICIAL DIVERSITY

The 2019 plan outlined key judicial diversity activities as follows:

- Partner with the Judicial Council to update the Judicial Diversity Toolkit, which contains sample outreach and education programs to be deployed by local courts and bar associations, and is designed to encourage diverse attorneys to apply for judicial appointment; and

- Provide support to the Judicial Council and the courts in Toolkit implementation efforts.

The Strategic Plan includes Goal 4, objective o, which outlines a partnership with the Judicial Council to complete a Judicial Diversity Toolkit. The Judicial Council is the policymaking body of the California courts and is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Judicial Council has a leadership role in working to ensure a diverse bench. The State Bar continues to provide support on judicial diversity efforts as requested by the Judicial Council.

In 2020, the State Bar, through COAF, partnered with the Judicial Council's Advisory Committee on Providing Access and Fairness to update the toolkit. The advisory committee planned several in-person presentations of the updated website and toolkit for 2020 and successfully pivoted to remote presentations in March 2020. The committee presented the revised Pathways to Judicial Diversity website and toolkit in person to the State Bar's Judicial Nominees Evaluation Committee in January 2020, and by videoconference, in August 2020 and January 2021. Presentations on the toolkit were also given to the California Judges Association, the Santa Clara Superior Court, and bar leaders via the California Lawyers Association's Monthly Bar Leaders call. The advisory committee will continue to conduct Toolkit presentations in 2021.

To bolster communication and partnership, in 2020, the State Bar asked the Judicial Council to appoint a liaison from its access and fairness advisory committee to COAF to ensure regular information-sharing and collaboration.

FUTURE PLANS

The State Bar recognizes the Judicial Council's leadership role in advancing judicial diversity and remains committed to supporting the Judicial Council in its efforts in this regard.

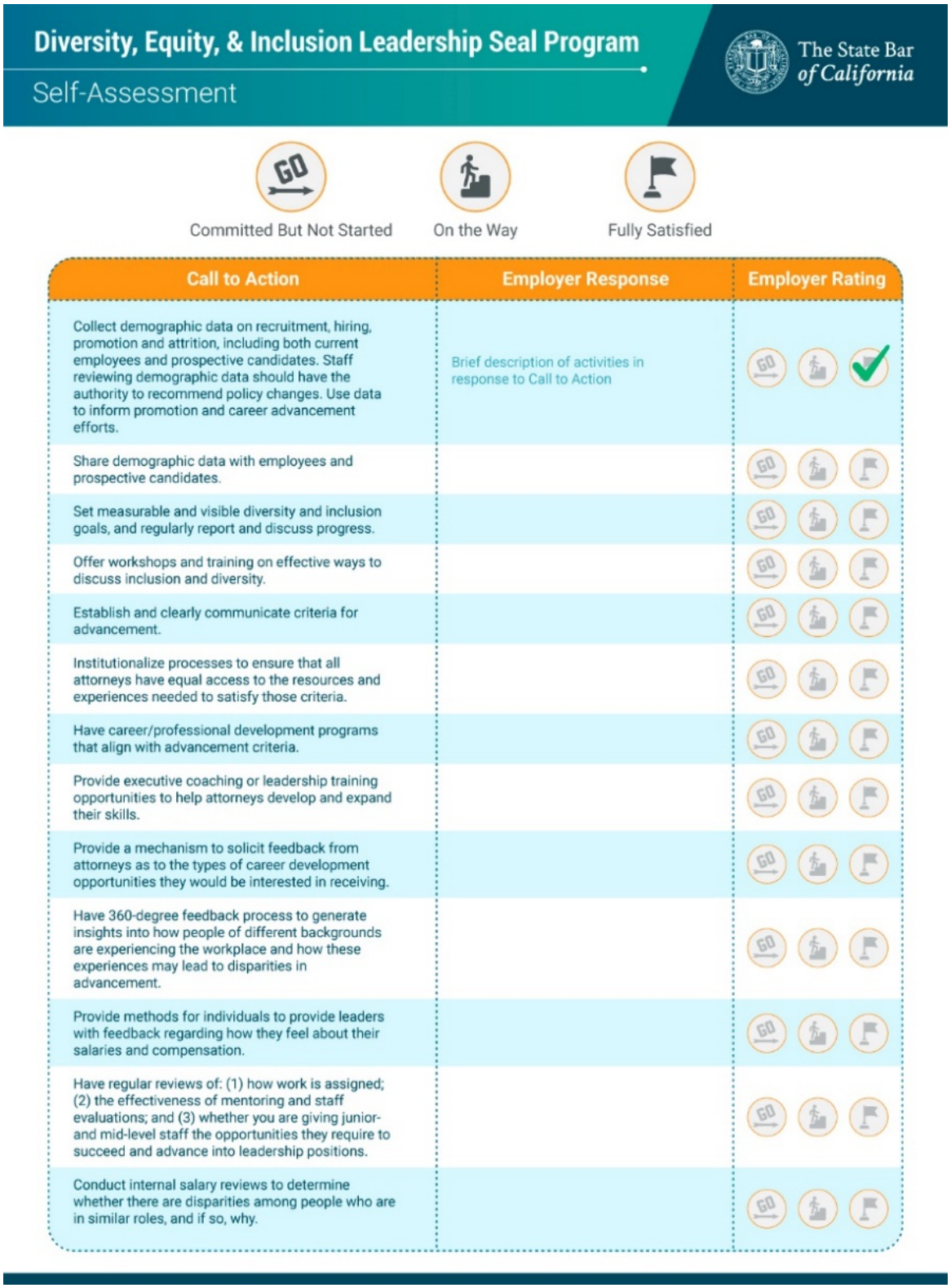
CONCLUSION: THE FUTURE OF STATE BAR DIVERSITY, EQUITY, AND INCLUSION INITIATIVES

The State Bar will continue to carry out initiatives to advance each element of the 2019 plan over the course of the prospective biennial reporting period. Particularly innovative will be the creation of a DEI Leadership Seal program. This certification program is described briefly below, followed by a summary of all other planned activities for the 2021–2022 period.

DEI LEADERSHIP SEAL

The goal of the DEI Leadership Seal program is to encourage legal employers to set and publicly commit to measurable diversity, equity, and inclusion goals. These goals, which will be tied to the calls to action in the Diversity Report Card, will be aspirational initially; organizations will self-assess their progress with respect to each identified call to action and rate themselves accordingly. In the medium term, the State Bar intends to incorporate accountability measures to ensure that employers who are certified as DEI leaders demonstrate results, not just intentions.

Figure 10. Diversity, Equity, & Inclusion Leadership Seal Program Self-Assessment Sample



Diversity, Equity, & Inclusion Leadership Seal Program

Self-Assessment

The State Bar of California

GO — Committed But Not Started

On the Way

Fully Satisfied

Call to Action	Employer Response	Employer Rating
Collect demographic data on recruitment, hiring, promotion and attrition, including both current employees and prospective candidates. Staff reviewing demographic data should have the authority to recommend policy changes. Use data to inform promotion and career advancement efforts.	Brief description of activities in response to Call to Action	✓
Share demographic data with employees and prospective candidates.		
Set measurable and visible diversity and inclusion goals, and regularly report and discuss progress.		
Offer workshops and training on effective ways to discuss inclusion and diversity.		
Establish and clearly communicate criteria for advancement.		
Institutionalize processes to ensure that all attorneys have equal access to the resources and experiences needed to satisfy those criteria.		
Have career/professional development programs that align with advancement criteria.		
Provide executive coaching or leadership training opportunities to help attorneys develop and expand their skills.		
Provide a mechanism to solicit feedback from attorneys as to the types of career development opportunities they would be interested in receiving.		
Have 360-degree feedback process to generate insights into how people of different backgrounds are experiencing the workplace and how these experiences may lead to disparities in advancement.		
Provide methods for individuals to provide leaders with feedback regarding how they feel about their salaries and compensation.		
Have regular reviews of: (1) how work is assigned; (2) the effectiveness of mentoring and staff evaluations; and (3) whether you are giving junior- and mid-level staff the opportunities they require to succeed and advance into leadership positions.		
Conduct internal salary reviews to determine whether there are disparities among people who are in similar roles, and if so, why.		

The State Bar will highlight those organizations achieving certified DEI Leadership Seal status on its website.

ADDITIONAL PLAN ACTIVITIES, 2021–2022

STATEWIDE LEADERSHIP

- Administer the Attorney Census
- Publish a Report Card on Diversity of the Legal Profession
- Study the impact of both COVID-19 and the increased national emphasis on racial justice on the attorney population
- Explore additional opportunities to promote DEI with individual attorneys

CREATING A CULTURE OF INCLUSION

- Mandate implicit bias training for staff and volunteers
- Continue to work to diversify State Bar committees
- Review efficacy of the newly increased Elimination of Bias MCLE requirement and the new implicit bias module and identify needed modifications

PIPELINE TO THE PROFESSION

- Continue to work with California accredited law schools to implement enhanced demographic data reporting requirements
- Publish a report on law school retention programs, highlighting promising programs
- Complete the review of the DIF report and develop guidelines for minimizing DIF for future administrations of the bar exam
- Work to identify a permanent source of funding for the California Bar Exam Strategies and Stories Program so that it can be institutionalized in exam administration

RETENTION AND ADVANCEMENT IN THE PROFESSION

- Hold a Public Sector Diversity Summit in 2021
- Sponsor additional convenings in response to the findings from the COVID-19/Racial Justice Impact Survey
- Develop and deploy an Inactive Attorney Survey in 2021
- Continue implementation of recommendations made in response to the report on racial disparities in the State Bar discipline system including:
    - Evaluating efficacy of enhanced resources and supports being offered in response to RA-Bank matters
    - Studying issues surrounding respondents' decisions to retain counsel
    - Encouraging respondents to secure counsel including working with Association of Discipline Defense Counsel representatives to develop and distribute a roster of attorneys willing to provide low-cost and pro bono case evaluations

- Convene the Ad Hoc Commission on the Discipline System and implement any recommendations forthcoming from that body, including those designed to reduce disparate discipline outcomes
- Study the viability and impact of loan repayment assistance programs and loan forgiveness on recruitment and retention in the profession, particularly in the nonprofit and public sectors

PROMOTING JUDICIAL DIVERSITY

- Continue to support the Judicial Council's efforts to increase the diversity of the judiciary.

FUNDING HISTORY AND NEEDS

The primary funding source for the State Bar's DEI work has been the Elimination of Bias (EOB) opt-out fee that is part of the annual attorney licensing fee. This fee generates approximately $300,000 in annual revenue, which is used primarily to fund staff in the State Bar's Office of Access & Inclusion responsible for supporting COAF and carrying out much of the work outlined in this report. A history of the last five years of EOB opt-out funding is provided in Attachment 7.

As reflected in both the significant body of work completed as well as the depth and breadth of future planned efforts, the State Bar's DEI funding needs far outpace available resources.

Specific funding needs corresponding with 2021–2022 planned activities include:

- Resources to support robust evaluation of law school retention initiatives to identify those practices that are demonstrated to result in a more diverse, equitable, and inclusive attorney population: $100,000 (one-time)

- Outreach and communications support to better publicize Report Cards and the new DEI Leadership Seal initiative, increasing opportunities for the data and reporting to be used to support local and affinity bar efforts, and to hold the State Bar and legal employers accountable for results: $25,000 (annually)

- Support for local and affinity bar summits to replicate at the local level the statewide convenings hosted by the State Bar focused on specific calls to action: $50,000 (annually)

- Funding to support a pilot launch of a State Bar appointed counsel program for income-qualifying respondent attorneys. Income qualification standards and other

respondent eligibility criteria have yet to be determined. $200,000 estimated for a limited pilot rollout (annually)

- Permanent funding enabling two administrations of the California Strategies and Stories Program annually. Current funding supporting this effort, secured by the academic collaborative that developed the program, is not consistent or guaranteed: $150,000 (annually)

In total, a one-time investment of $100,000 and an ongoing annual budget augmentation of $425,000 are needed to fully support the State Bar's efforts to meaningfully impact diversity, equity, and inclusion in California's attorney population.

ATTACHMENT 1

The State Bar *of California*

2017–2022 Strategic Plan

Updated March 2020

MISSION STATEMENT

The State Bar of California's mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system.

GOAL 1

Successfully transition to the "new State Bar"—an agency focused on public protection, regulating the legal profession, and promoting access to justice.

OBJECTIVES

a. Determine whether additional State Bar functional areas will transition to the Sections entity, other organizations, or to new standalone entities and develop an action plan for those transitions.

b. Implement and pursue governance, composition, and operations reforms needed to ensure that the Board's structure and processes optimally align with the State Bar's public protection mission.

c. No later than September 30, 2018, determine the appropriate role of, and Board responsibility for, State Bar Standing Committees, Special Committees, Boards, and Commissions in the new State Bar.

GOAL 2

Ensure a timely, fair, and appropriately resourced admissions, discipline, and regulatory system for the more than 250,000 lawyers licensed in California.

ATTORNEY DISCIPLINE OBJECTIVES

a. For greater transparency, accountability, efficiency, and access, develop and deploy a new case management system for the Office of Chief Trial Counsel, State Bar Court, and the Office of Probation by October 31, 2018.

b. Develop and implement transparent and accurate reporting and tracking of the health and efficacy of the discipline system, and measures to improve the fairness and efficacy of the discipline system to include: (a) an updated workload study for OCTC; (b) identification of staffing and resource needs based on the results of that study; (c) evaluating the different points of contact between the State Bar and Complaining Witnesses/Respondents to identify areas where modifications to the form or content of communication could improve the sense of procedural fairness; and (d) pilot changes in the form or content of communication w/ Complaining Witnesses and Respondents to identify measures that will improve the sense of procedural fairness by complaining witnesses or Respondent Attorneys.

c. Begin auditing attorney compliance with MCLE requirements in the most cost effective and efficient manner no later than December 31, 2020.

d. Support adequate funding of the Client Security Fund.

e. No later than December 31, 2020, evaluate attorney self-assessment models and determine which model will be implemented in California.

f. No later than July 1, 2021, create a fully articulated preventative education approach to include a self-assessment component as well as client trust accounting modules which may be mandatory for some attorneys.

g. No later than January 1, 2019, require all attorneys to report firm size and practice type to the State Bar and to maintain and update that information.

p. The State Bar shall develop recommended statutory, rule, policy, or guideline changes to encourage the timely and complete payment of restitution.

UNAUTHORIZED PRACTICE OF LAW OBJECTIVES

h. Monitor improvements in the response to complaints regarding the unauthorized practice of law through tracking and reporting on complaints received, investigation timelines, civil filings, and law enforcement referrals.

i. Partner with law enforcement agencies to create a coordinated regional response to the unauthorized practice of law.

j. Identify funding sources, including grant or state funding, to support the Bar's UPL efforts.

k. Use communications strategies to support UPL enforcement objectives.

ADMISSIONS OBJECTIVES

l. For greater transparency, accountability, efficiency, and access, develop and deploy a new case management system for the Office of Admissions by June 30, 2019.

m. After the results of the February 2019 Bar Exam are published, evaluate the results of the two-day exam on pass rates and costs.

n. Conduct a California specific job analysis to determine the knowledge, skills, and abilities for entry level attorneys. Upon completion, conduct a new content validation study.

o. No later than December 31, 2018, review special admissions rules to determine whether changes are needed to support the goal of increased access to legal services or for other reasons, and implement needed changes.

GOAL 3

Improve the fiscal and operational management of the State Bar, emphasizing integrity, transparency, accountability, and excellence.

EMPLOYEE ENGAGEMENT OBJECTIVES

a. Improve productivity through performance accountability, training, and professional development.

b. Improve staff morale and career satisfaction through recognition of performance, career path development, transparent and collaborative communication, and recognition and encouragement of innovation, efficiencies, and money saving ideas.

c. Conduct an annual employee engagement survey, evaluate changes from prior years, and implement an action plan to address areas needing improvement.

d. No later than July 1, 2018, develop and implement a Communications Strategy Plan for timely and effective internal communication.

FINANCIAL MANAGEMENT OBJECTIVES

e. No later than December 1, 2019, evaluate current collection efforts and determine what might be necessary to improve the Bar's ability to collect discipline and CSF costs.

f. As part of the annual budget development process, determine, consistent with Business and Professions Code section 6140.9, whether there are excess funds in the LAP Fund which can be transferred to support the CSF.

INFORMATION TECHNOLOGY OBJECTIVES

g. Implement a new Enterprise Resource Planning System (the Oracle Fusion suite of applications), beginning with the Human Capital Management module by the end of 2018 and continuing with the Finance and Procurement modules by the end of 2019.

h. Implement a new Licensee Information Management System (LIMS), replacing AS400, by the end of 2021.

i. Implement a phased upgrade to the Bar's Information Technology infrastructure (networks, servers, desktops, telecommunications and audio/visual), for enhanced capacity, functionality and security throughout 2018 and 2019.

MANAGEMENT OF OTHER ASSETS OBJECTIVES

j. No later than November 30, 2018, develop goals and objectives for each functional area of the Bar and use those to develop organizational performance metrics.

k. In conjunction with annual budgets, ensure maintenance and use of the Bar's Los Angeles and San Francisco buildings to maximize benefit to the Bar and the people of California.

l. Pursue a two-year fee bill to ensure a balance between accountability and meaningful implementation of important reforms.

GOAL 4

Support access to legal services for low- and moderate-income Californians and promote policies and programs to eliminate bias and promote an inclusive environment in the legal system and for the public it serves, and strive to achieve a statewide attorney population that reflects the rich demographics of the state's population.

ACCESS TO JUSTICE OBJECTIVES

a. Support increased funding and enhanced outcome measures for Legal Services.

b. Study and implement improved programmatic approaches to increasing access to justice.

c. By December 31, 2018, review Lawyer Referral Services certification rules with a goal of increasing access to justice.

d. Commencing in 2018 and concluding no later than March 31, 2020, study online legal service delivery models and determine if any regulatory changes are needed to better support and/or regulate the expansion of access through the use of technology in a manner that balances the dual goals of public protection and increased access to justice.

e. No later than December 31, 2019, complete a California Justice Gap Study. The Justice Gap Study will be modeled on the 2017 Legal Services Corporation Justice Gap Study but will also include an evaluation of the costs of legal education in California and the impact of those costs on access to justice, as well as possible approaches to addressing the costs of legal education including loan forgiveness programs or other means.

f. No later than July 31, 2021, explore options to increase access through licensing of paraprofessionals, limited license legal technicians, and other paraprofessionals.

p. Support public education about key problems not recognized as legal issues.

q. Support efforts to attract and retain lawyers in legal aid organizations.

DIVERSITY AND INCLUSION OBJECTIVES

g. Work with the California Accredited Law Schools and registered schools to develop enhanced demographic reporting requirements by February 28, 2020.

h. Identify means of supporting existing law school programs to improve retention by December 31, 2020.

i. No later than March 31, 2020, identify ways that diversity and inclusion principles can be institutionalized in Bar exam development and grading analyses with final proposals, including any formal guidelines or rule proposals, to be submitted to the Board by December 31, 2020.

j. Assuming positive results from the Productive Mindset Intervention, expand implementation by February 2020.

k. Continue development and implementation of initiative to collect demographic data about licensed attorneys through all stages of their career through 2019.

l. No later than December 31, 2019, analyze available data to identify the particular obstacles to diverse attorneys' entry into, retention, and advancement in the legal profession.

m. By December 31, 2020, adopt revised rules to modify the Elimination of Bias MCLE requirements in a manner that considers the creation of sub-topics and expanding the number of hours of requirement and is consistent with the time lines adopted in Business and Professions Code section 6070.5.

n. Develop and publish an annual report card on the state of the profession by January 31, 2020, and annually thereafter.

o. Partner with the Judicial Council to complete the Judicial Diversity Toolkit.

GOAL 5

Proactively inform and educate all stakeholders, but particularly the public, about the State Bar's responsibilities, initiatives, and resources.

OBJECTIVES

a. No later than July 1, 2018, develop and implement a Communication Strategy Plan for timely and effective communication about public protection goals, objectives, and accomplishments to external audiences including the public, oversight bodies, regulated parties, and other bars.

b. Develop metrics to measure both the quality and effectiveness of the Bar's communication and stakeholder engagement strategies and use those metrics to inform modifications to strategy.

c. Maintain and enhance relationships with courts and other regulatory and enforcement agencies that share a mission of public protection.

d. Improve transparency, accountability, accessibility, and governance by increasing the availability of meeting materials and public access to meetings and records and reporting these efforts to stakeholders and the general public.

2019 California Adult Population and Attorneys by Race/Ethnicity

	Statewide Population Age 18+ Years	California Attorneys
White	40%	68%
Hispanic/Latino	36%	7%
Asian	16%	13%
Black/African American	6%	4%
American Indian/Alaska Native	0.4%	0.4%
Native Hawaiian/Other Pacific Islander	0.4%	0.3%
Middle Eastern/North African	*	1.5%
Multiracial	2%	5%
Other Race, Ethnicity, or Origin	*	2%
Total	100%	100%

* Data not available

State Bar of California
Attorney Census Questions, 2019

Step 1: Log in

Please participate in the State Bar's *new* Demographic Survey! After entering your login you will be directed to the survey. The data you provide will allow the State Bar to understand changes in the attorney population, career trajectories, and experience working in the legal profession.

This provision information will assist the Bar in complying with California Rule of Court rule 9.9 and California Business & Professions Code sections 6002.1 and 6009.5. This survey is voluntary. If you have questions regarding the collection or use of this data, contact surveydata@calbar.ca.gov or visit MSBP Survey Frequently Asked Questions.

Returning Users

Enter your State Bar Licensee number or MJP number, then enter your password:

State Bar Number

Password

(**Reminder:** Your password is at least 7 characters long, including at least 1 number.)

Log In

Forgot password?

New Users

If you have not used *My State Bar Profile* before, you will need to register before you can access the system. Enter your State Bar Licensee number or MJP number below to get started.

State Bar Number

Register

Law students and exam applicants log in

Frequently Asked Questions about Account Lockout

Step 2: Survey Instructions

Welcome to My State Bar Profile

Please participate in a short survey before accessing your profile.

Business and Professions Code Section 6001.1 was amended in 2018 to clarify that protection of the public, the highest priority for the State Bar, "includes support for greater access to, and inclusion in, the legal system." To fulfill this mandate and ensure the legal profession continues to thrive, the Bar is seeking more accurate and comprehensive information about attorneys licensed in California.

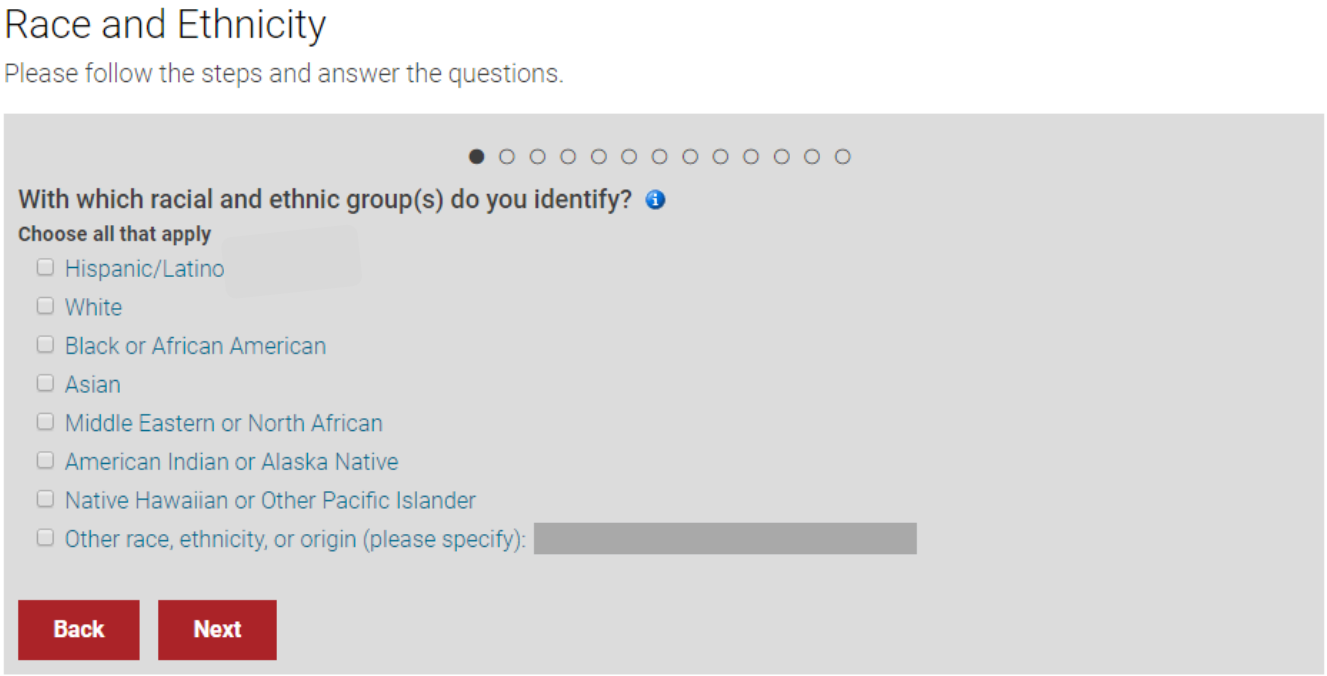
Your participation in this survey will allow the Bar to collect and analyze a rich dataset representing one of the largest and most diverse State Bars in the nation. In addition, the provision of demographic and employment information will assist the Bar in complying with the following: California Rule of Court rule 9.9 and California Business & Professions Code sections 6002.1 and 6009.5.

The survey is voluntary. Please skip through any responses you choose not to answer. Any information you provide is confidential. No personally identifiable information will be reported or shared outside of the Bar. If you have questions regarding the collection or use of this data, contact surveydata@calbar.ca.gov or visit MSBP Survey Frequently Asked Questions.

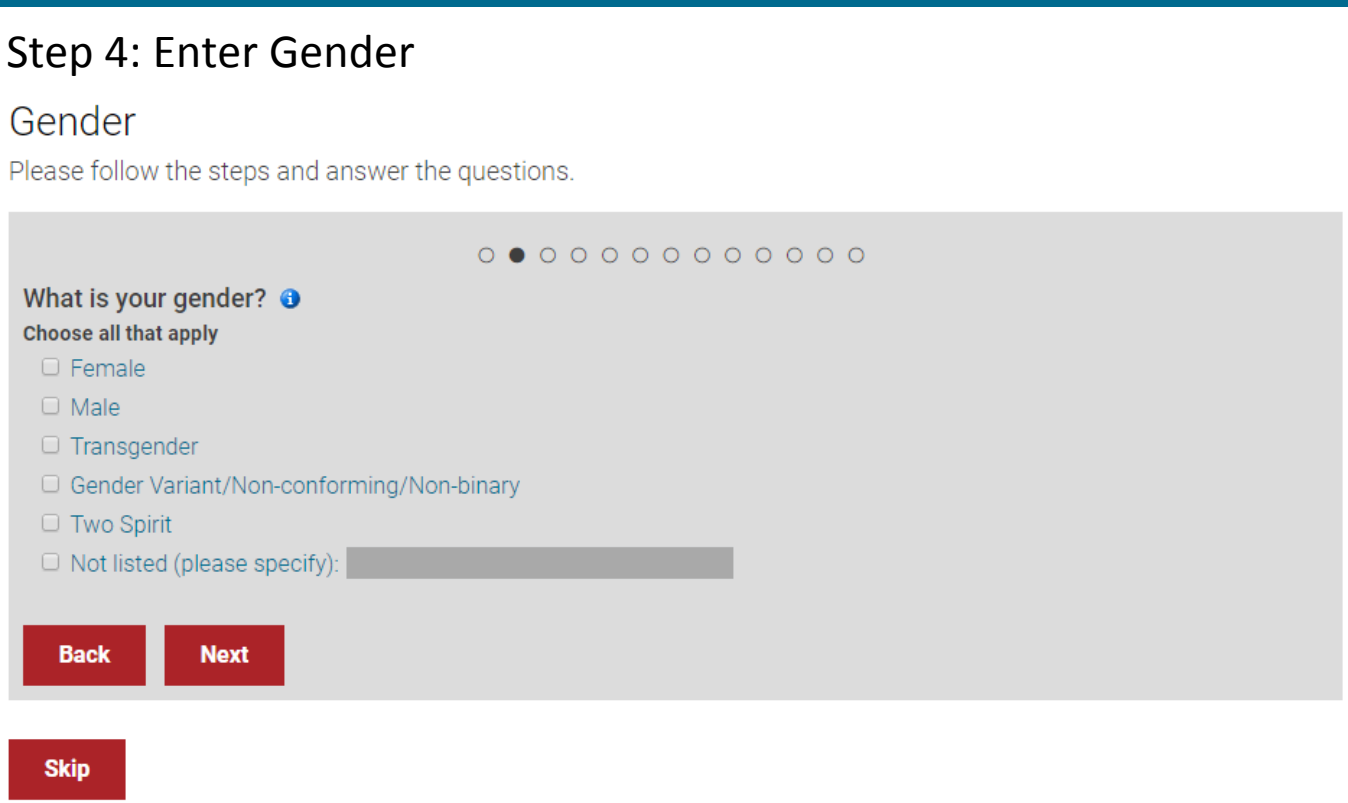
The State Bar thanks you for your participation! The survey will begin on the next screen.

Next

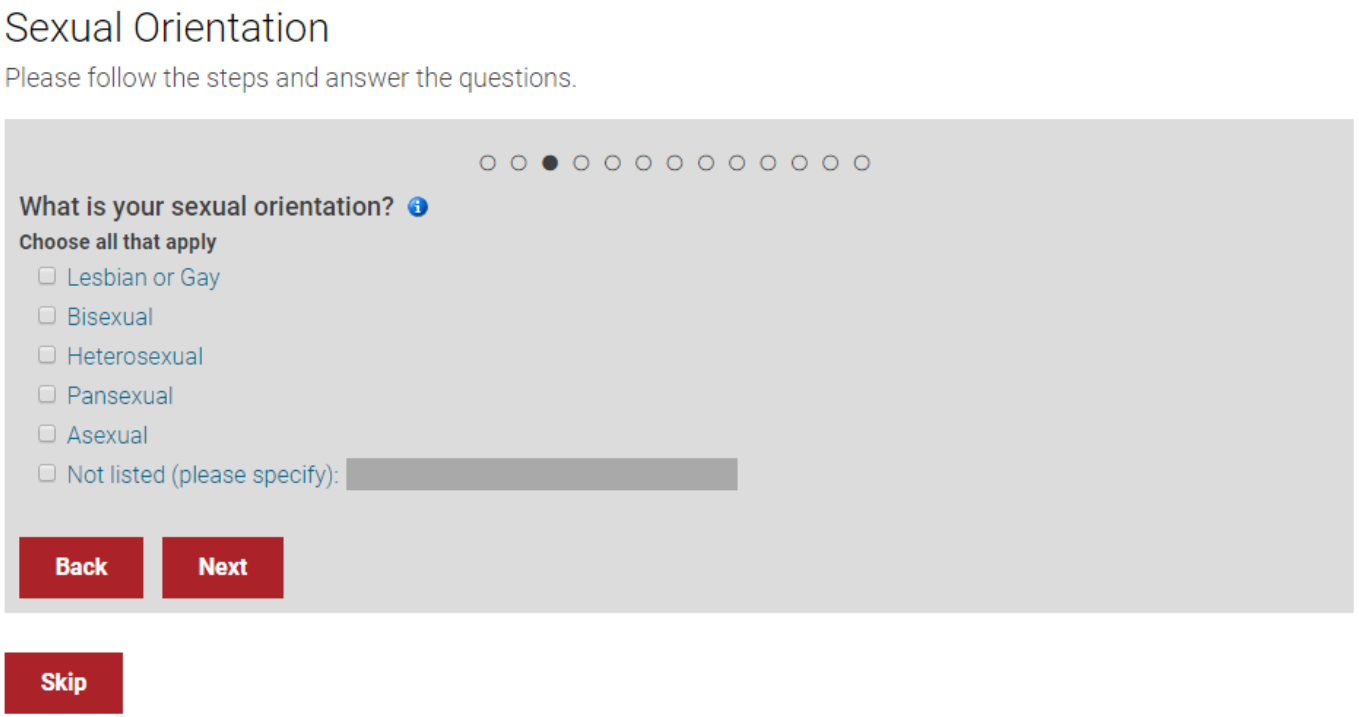
Step 3: Enter Race and Ethnicity



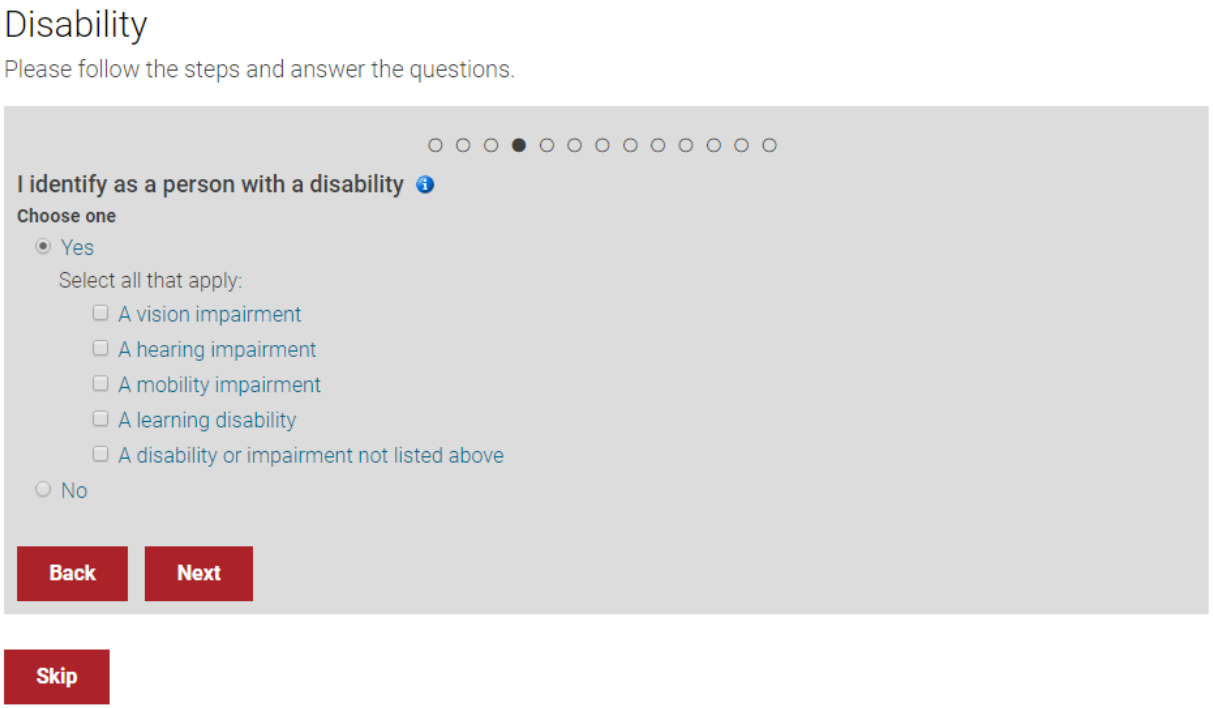
Step 4: Enter Gender



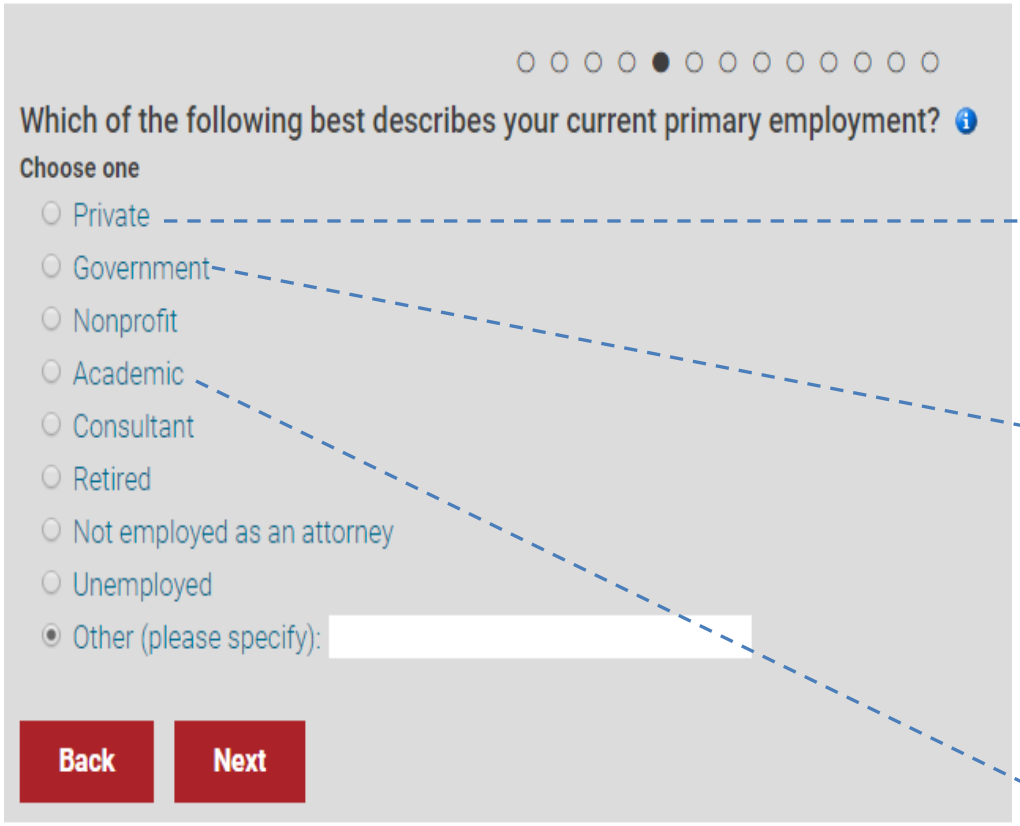
Step 5: Enter Sexual Orientation

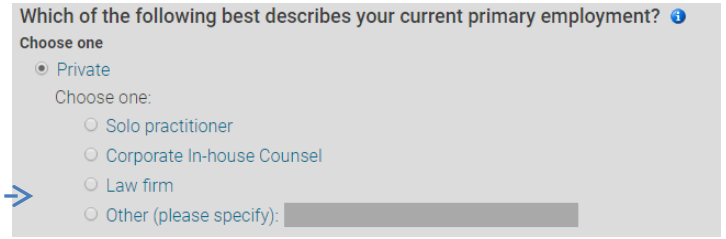


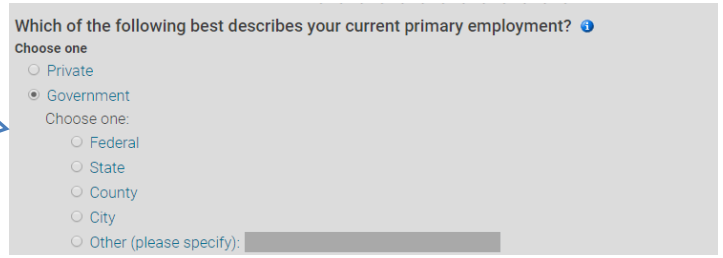
Step 6: Enter Disability



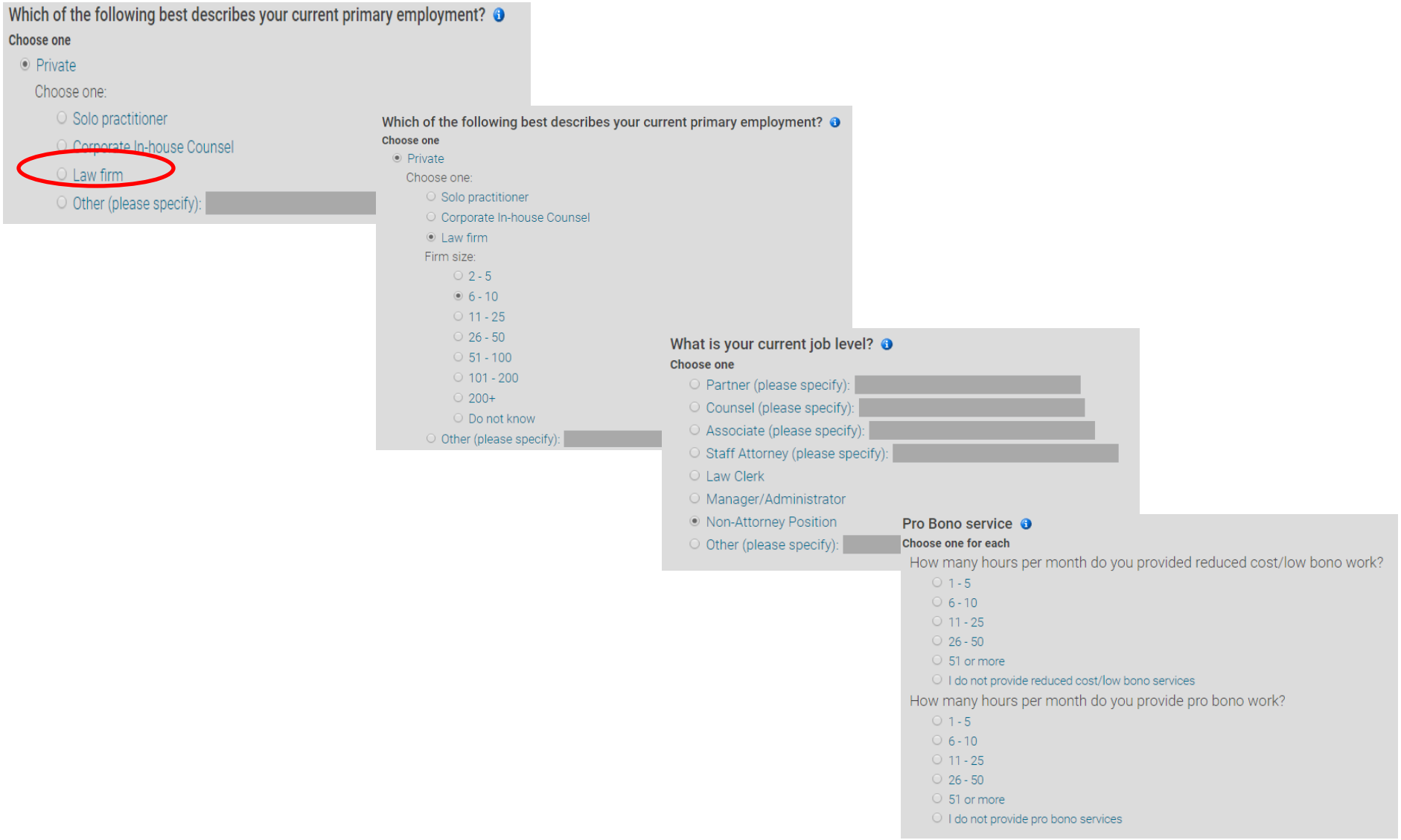
Step 7a: Enter Employment



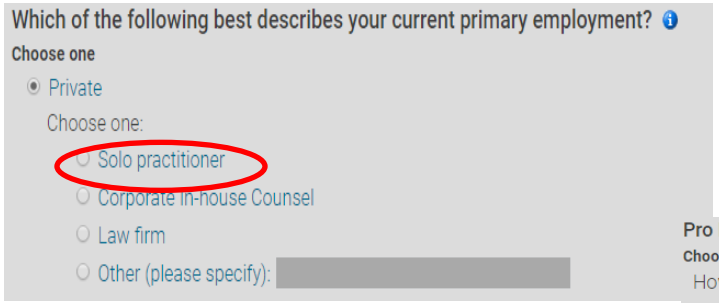




Step 7b 1 : When selecting law firm the attorney will be asked firm size, job level and and pro bono questions



Step 7b 2 : When selecting Solo Practitioner the attorney will be asked firm size and pro bono questions



Step 7c

Malpractice Insurance

Please follow the steps and answer the questions.

Do you have malpractice insurance?

Choose one

- (•) Yes
- ( ) No
- ( ) Not sure

Do you have malpractice insurance?

Choose one

- ( ) Yes
- (•) No

  Why don't you have malpractice insurance?

  - ( ) It's too expensive/I can't afford it
  - (•) It is not required for my area of practice
  - ( ) I don't believe I will be sued
  - ( ) My assets are protected from a malpractice judgment
  - ( ) I don't practice enough to make it worthwhile
  - ( ) I am retired
  - ( ) I am unable to obtain coverage
  - ( ) Other (please specify):
- ( ) Not sure

Step 8: Job level options for attorneys who select Government, Nonprofit, or Corporate In-house Counsel

Government

Which of the following best describes your current primary employment?

Choose one

- Private
- Government
- Nonprofit

Which of the following best describes your current primary employment?

Choose one

- Private
- Government
  - Choose one:
    - Federal
    - State
    - County
    - City
    - Other (please specify):

What is your current job level?

Choose one

- Executive Management
- Middle Management
- Staff Attorney
- Other (please specify):

Nonprofit

Which of the following best describes your current primary employment?

Choose one

- Private
- Government
- Nonprofit

What is your current job level?

Choose one

- Executive Management
- Middle Management
- Staff Attorney
- Other (please specify):

Corporate In-house Counsel

Choose one

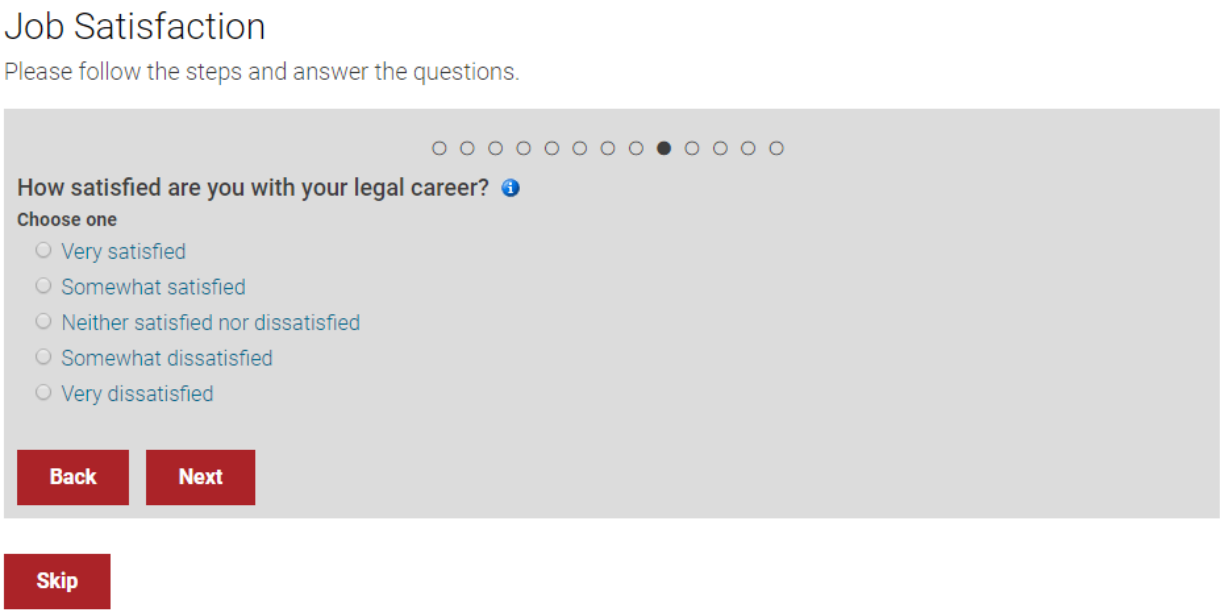
- Private
  - Choose one:
    - Solo practitioner
    - Corporate In-house Counsel

What is your current job level?

Choose one

- Executive Management
- Middle Management
- Staff Attorney
- Other (please specify):

Step 9: Enter Job Satisfaction



Step 10: Job Satisfaction

Job Satisfaction

Please follow the steps and answer the questions.

What would make your legal career more satisfying?

Choose all that apply

- [ ] Ability to work for yourself
- [ ] Alternative work schedule/flexible hours
- [ ] Potential for advancement
- [ ] Better salary and benefits
- [ ] Diverse work environment
- [ ] Inclusive work environment
- [ ] Job training
- [ ] Mentoring support
- [ ] More responsive and supportive employer
- [ ] Feeling like you are making a difference
- [ ] Opportunities to build networks

Back Next

Skip

Step 11: Job Satisfaction

How satisfied are you with each of the following aspects of your current legal position?

Choose all that apply

Category	Satisfied	Neutral	Dissatisfied	Not Applicable
Advancement opportunities	○	○	○	○
Career development support (i.e., training)	○	○	○	○
Mentoring	○	○	○	○
Challenging responsibilities/job assignments	○	○	○	○
Number of hours worked	○	○	○	○
Flexibility in work schedule	○	○	○	○
Relationships with co-workers	○	○	○	○
Relationships with leadership	○	○	○	○
Respect and prestige	○	○	○	○
Salary	○	○	○	○
Maternity leave	○	○	○	○
Paternity leave	○	○	○	○
Family medical leave	○	○	○	○
Child-friendly work environment	○	○	○	○
Diverse work environment	○	○	○	○
Inclusive work environment	○	○	○	○
Performance evaluations	○	○	○	○
Application of sexual harassment/discrimination policy	○	○	○	○

Back Next

Skip

Step 12: Your Responses

Review

Please follow the steps and answer the questions.

Your Responses

Review your responses. To change a response use the Back button to navigate to that page. Confirm your responses by clicking next.

Step 13: Your Responses

Demographic Information

Please follow the steps and answer the questions.

Thank You

You have completed all of the questions.

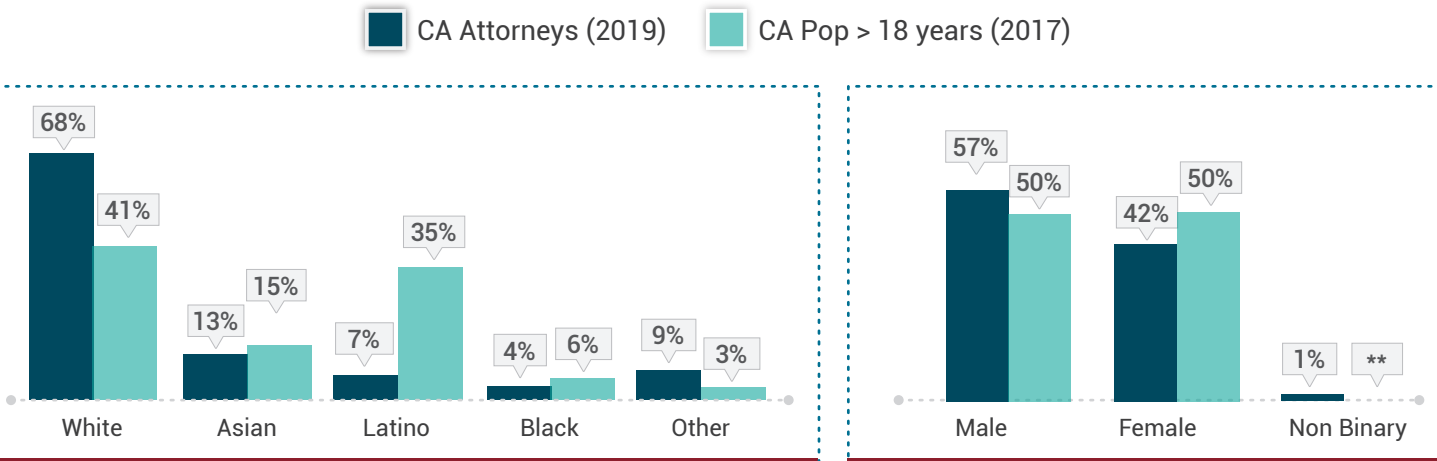
Click Next to return to My State Bar Profile.

Back Next

Diversity & Inclusion in the California Legal Profession

In January 2019, the State Bar expanded the data it collects from licensed attorneys. The more comprehensive demographic and employment data being collected will enable the State Bar to measure progress toward achieving the goal of an attorney population that matches demographics of the state and to identify barriers to diverse attorneys' retention and advancement in the profession. This Bar Brief draws from data collected to date from over 125,000 California attorneys.

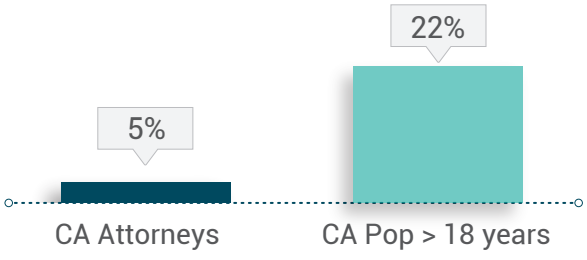
California's Legal Profession Remains Predominantly White and Male



California's legal profession remains approximately two-thirds white, while the state's population is nearly 60 percent people of color. Latinos in particular are underrepresented among attorneys.

Women are a slight majority in California's adult population, but they make up about 42 percent of California attorneys.

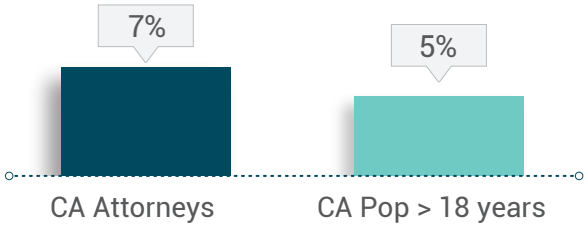
Fewer Attorneys with Disabilities Than State Estimate



CA Estimate Source: National Center on Birth Defects and Developmental Disabilities

More than one in five Californians has some form of disability: mobility issues, cognitive impairments, vision and hearing impairments, and other disabilities that limit activities and self-care. Few attorney respondents reported having a disability.

Attorney LGBTQ Population Roughly at Parity with State Estimate



CA Estimate Source: Williams Institute, UCLA School of Law

About a third of attorney survey respondents declined to answer the survey question about sexual orientation, However, total respondents who identified themselves as having an orientation other than heterosexual indicate that the attorney population is slightly higher than with estimates of the LGBTQ population in California.

What is the Value of Collecting Diversity Data?

Improving data on diversity and inclusion is one of the State Bar's strategic objectives. Collecting diversity data on the legal profession helps us to:

- Raise awareness of barriers
- Create an evidence base for examining diversity issues
- Identify sector-specific problem areas
- Measure progress toward improved diversity and inclusivity

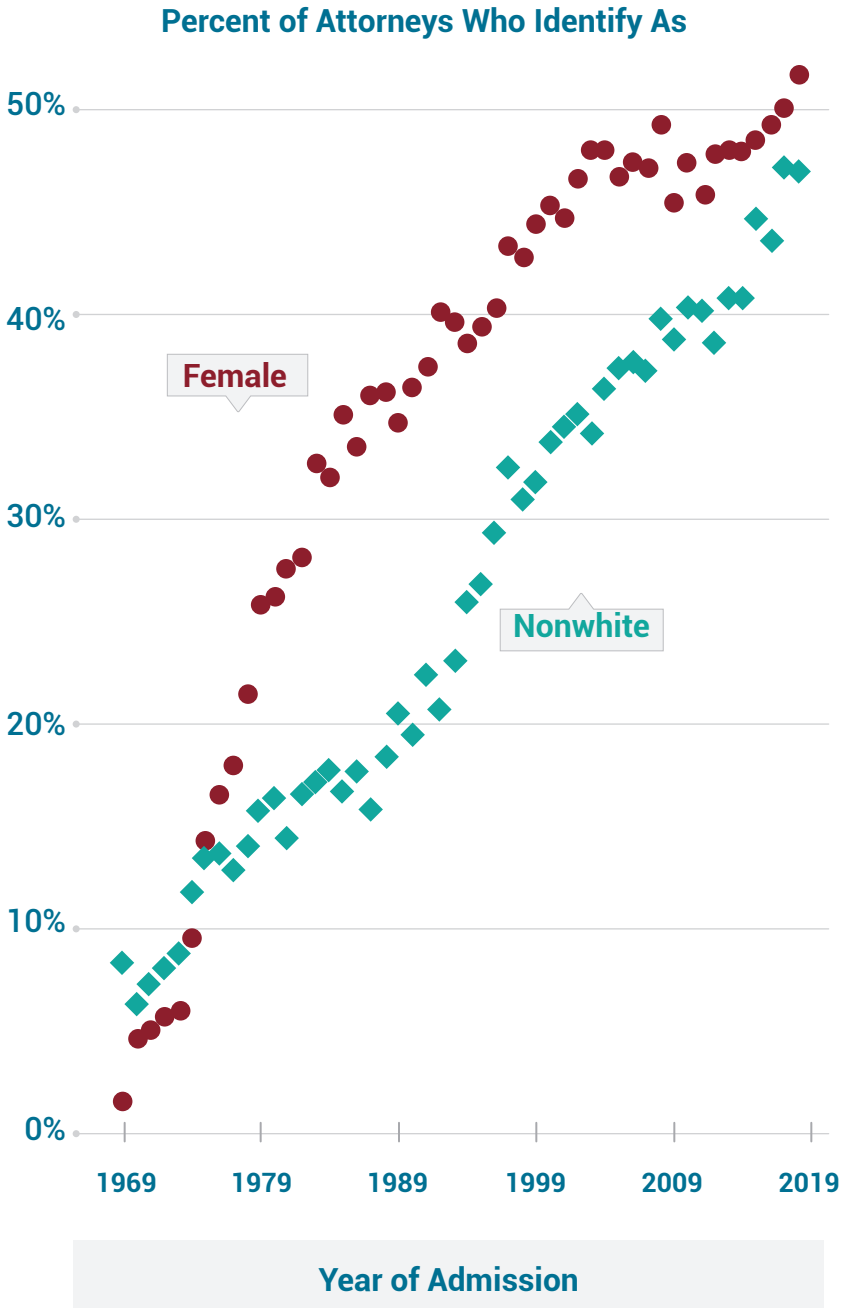
Data can help inform the work of other entities as well as our own diversity and inclusion work, which includes knowledge-sharing on best practices in:

- Evidence-based programming
- Law school retention
- Bar passage
- Career advancement and satisfaction
- Requirements and offerings for Minimum Continuing Legal Education

We believe that sharing this data will also help other entities develop targeted programming and determine whether particular interventions are working.

Demographic Data Reflects A Gradual Shift Toward a More Diverse Legal Profession

The plot chart below illustrates the gradual increase in racial/ethnic and gender diversity that has occurred over time in California's legal profession. The horizontal axis represents years in the profession. The newest cohorts in the profession, at the right of the chart, are far more diverse than those who have been in the profession for decades.

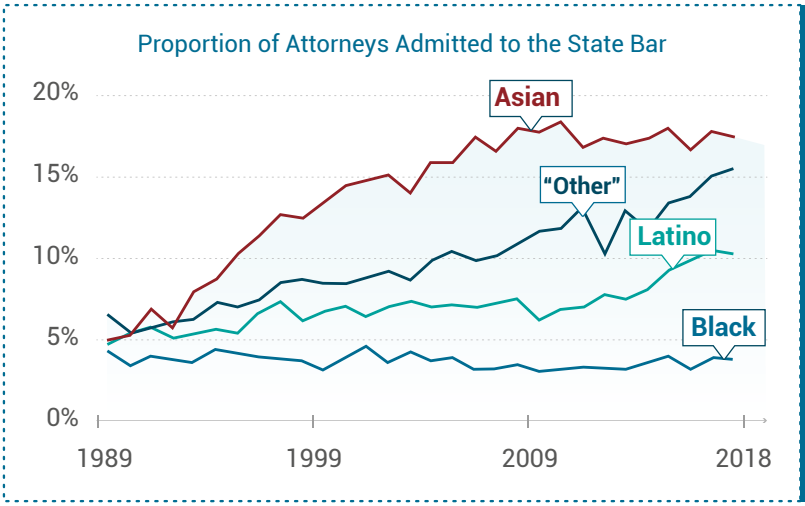


The data provided is for active attorneys only. Numbers are expected to change as new data becomes available

New State Bar Attorney Census Captures an Emerging Multiracial Population

In Bar Brief 1, the State Bar reported that recent cohorts of attorneys entering the legal profession are more diverse than in the past. This brief takes a closer look at these changes, calls attention to varying rates of change across different racial/ethnic groups, and spotlights how the State Bar's new approach to data collection produces a more accurate picture of the demographic makeup of California's attorney population.

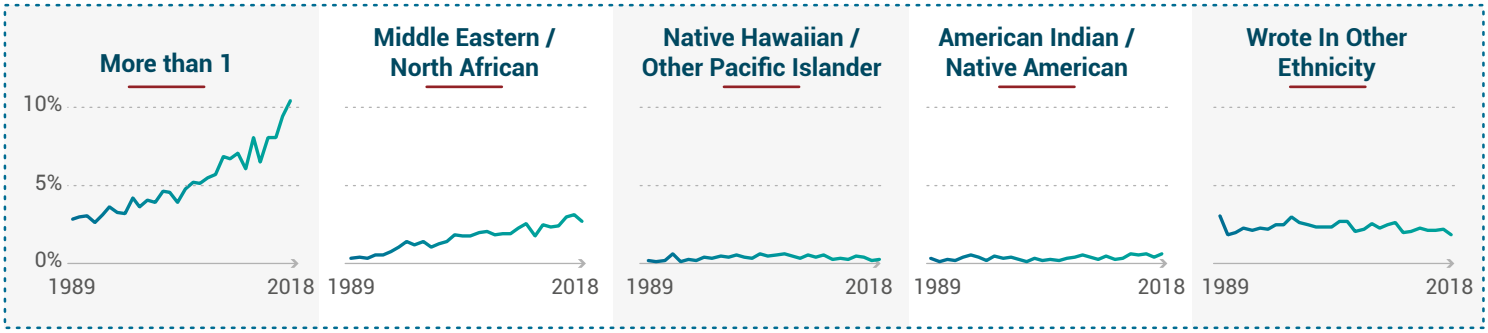
California's Legal Profession is Becoming More Diverse, but the Rate of Change Varies among Different Groups



The rates at which nonwhite attorneys are being admitted to the State Bar differs significantly across different groups. The proportion of Latino attorneys admitted each year has doubled from 5 to 10 percent over the last three decades, though it still lags far behind the proportion of Latinos in California. Over the same period, the proportion of Black attorneys admitted has remained stagnant. The rapid growth in the number of Asian attorneys admitted, which began in the 1990s and peaked in 2006, has since leveled off. During the last decade, the largest increase has been in the group classified as "Other."

The Fastest-Growing Group within "Other": Attorneys Who Selected More Than One Racial/Ethnic Group

Attorneys Admitted to the State Bar Selecting Racial/Ethnic Categories Outside Major Groupings



Looking more closely at the self-identification of attorneys that we grouped into the "Other" category above, the fastest-growing segment of this population is made up of attorneys who selected more than one racial/ethnic category.

New Data Collection Methods Capture Emerging Multiracial Reality

The data reflects the changing demographics of the profession and of California as a whole. But the changes would not be visible without the State Bar's adoption of new data collection methods.

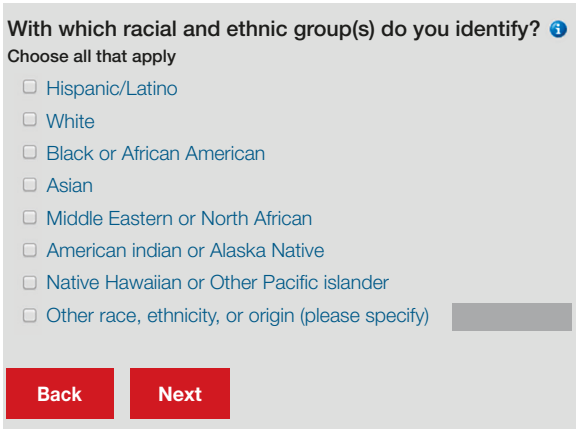
The State Bar's attorney census, launched in early 2019, collects data on racial/ethnic self-identification in a manner similar to that of the US Bureau of the Census. Consistent with the Bureau of the Census, the State Bar now offers an option for Middle Eastern/North African, and groups Native Hawaiians with other Pacific Islander populations. Most importantly, the attorney census allows for the selection of more than one category.

The importance of the new data collection method can be seen by comparing the data reported on the attorney census with the data reported by the same attorneys when they originally applied to the State Bar. For example, more than 1,700 attorneys are now able to identify as Middle Eastern or North African. The vast majority of them previously had selected Caucasian.

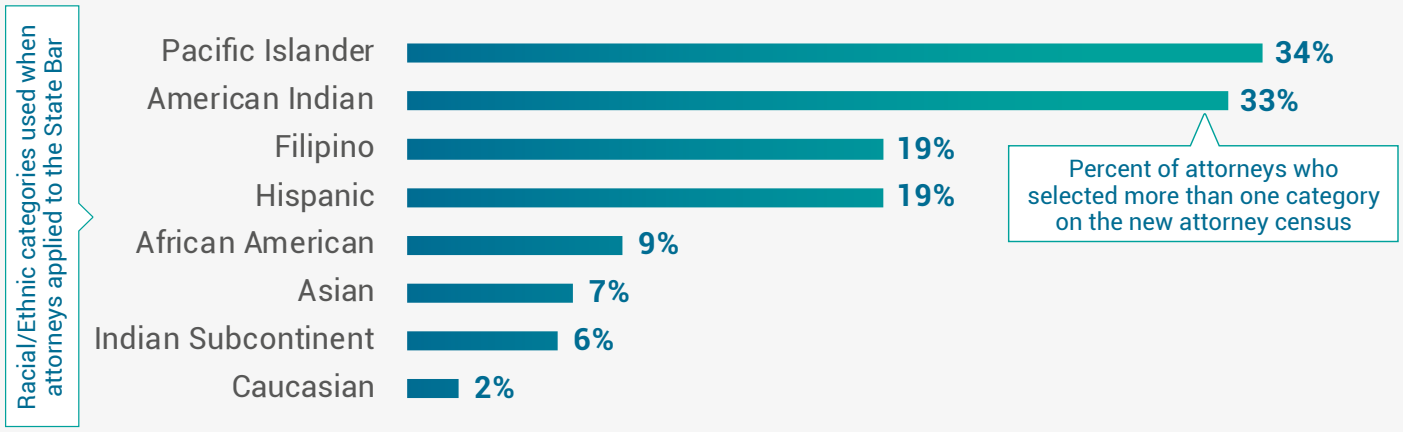
Similarly, among attorneys who selected more than one racial/ethnic category:

- About one in three attorneys who previously identified exclusively as American Indian or Pacific Islander on the old form selected more than one racial/ethnic category using the new data collection method.
- Almost one in five attorneys who previously identified as exclusively Hispanic or Filipino selected more than one racial/ethnic category.

The New Online Attorney Census Question on Race/Ethnicity



Which Attorneys Selected More Than One Racial/Ethnic Category?



Recommended Practices

Collecting demographic information on the attorney population is an essential part of diversifying the profession. Methods for collecting demographics data need to be reviewed and adapted regularly as standards change.

Any organization seeking to diversify needs to ask the following questions:

- How does the organization define diversity?
- Does the organization collect data on race/ethnicity, gender, sexual orientation, disability, or veteran status?
- What is the process for ensuring that data collection methods are up-to-date?
- How often is the data collected and analyzed?
- Who within the organization is responsible for collecting, analyzing, and sharing the data?
- How will the data inform diversity initiatives?
- How is the demographic data connected to organizational goals?

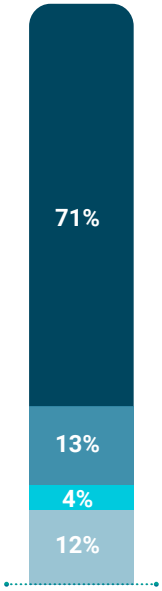
The data provided is for active attorneys only. Numbers are expected to change as new data becomes available.

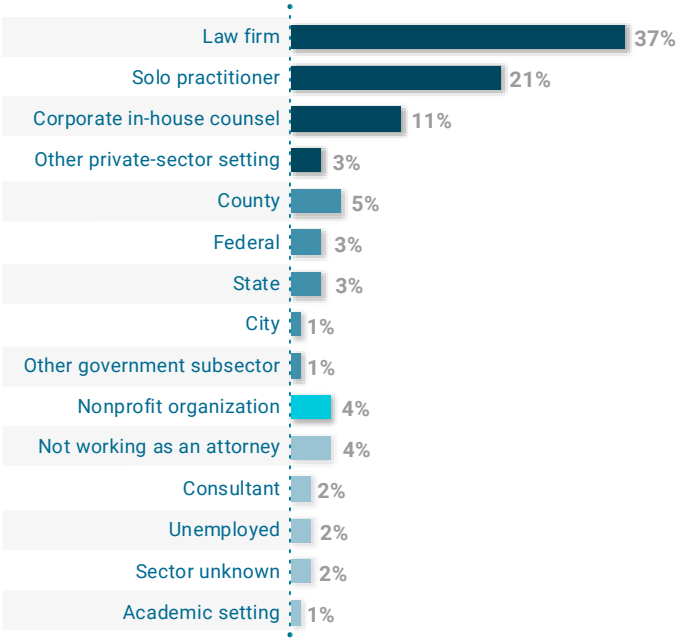
Where Do California Attorneys Work?

Bar Briefs 1 and 2 provide an overview of the demographics of the legal profession in California. This Brief describes employment patterns of California's active, licensed attorneys.

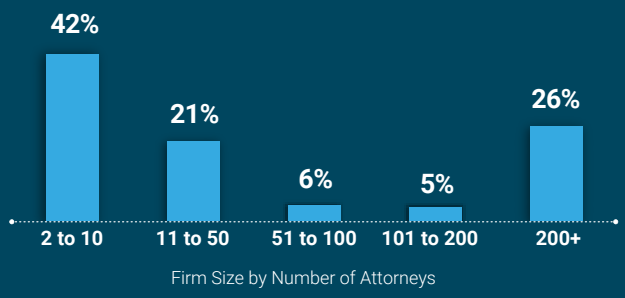
Most Attorneys Work in the Private Sector

Nearly three out of four (71 percent) California attorneys work in the private sector, with more than one in three (37 percent) working in law firms and one in five working as solo practitioners. Public-sector employment is a distant second, with 13 percent of attorneys working in government—the largest share in county government, followed by federal, state, and city agencies. These patterns are similar to attorney employment nationwide, where 20 percent are self-employed (solo practitioners) and 17 percent work in government.





Note: Sums of subtotals within sectors may not equal the sector totals due to rounding.

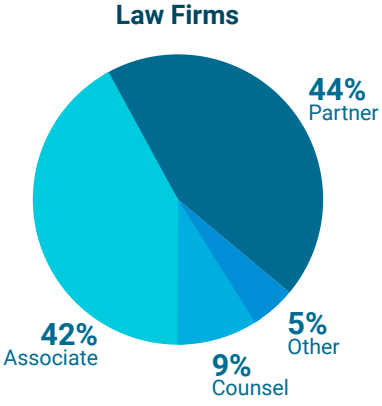


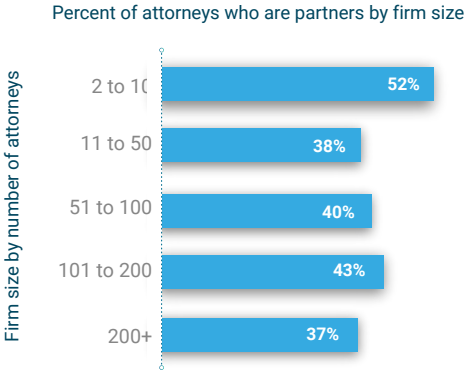
Smaller Firms Dominate the Legal Landscape

Looking more closely at law firms, the largest share of attorneys are found in small firms of between two and ten attorneys. Given that roughly one in five attorneys in California works as a solo practitioner, approximately one in three of all attorneys in the state works either as a solo practitioner or in a small firm.

Smaller Firms Mean Many Partners

Overall, 44 percent of attorneys who work at law firms are partners. Looking at attorney rank by law firm size, more than half of all attorneys at the smallest firms (served by 2-10 attorneys) are partners at those firms.



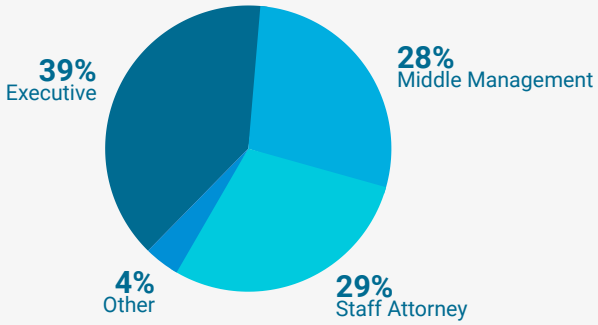


ATTACHMENT 3

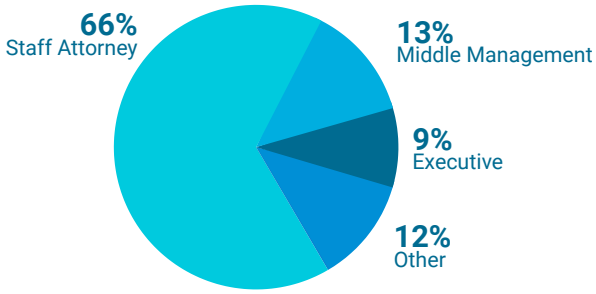
Attorneys in Corporations Work Across All Levels

Corporate in-house attorneys make up approximately 11 percent of all attorneys in California. These attorneys are directly employed by the businesses and organizations they represent. Attorneys working in these firms are relatively evenly distributed among executives, middle management, and staff attorneys.

Corporate In-House Attorneys



Government Sector



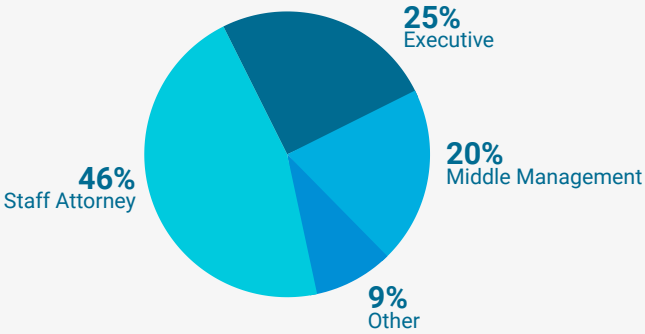
Staff Attorney Roles Dominate in Government Sector

In government employment, about two out of every three attorneys work as staff attorneys; comparatively few work in executive and middle-management positions. The wide range of roles in government includes prosecutors, public defenders, and legislative aides, as well as agency and committee staff.

Nonprofit Organizations Offer Leadership Opportunities

Although only a small share of all attorneys work in nonprofit organizations, nearly half who do so serve in executive or middle management roles. These organizations provide direct and indirect legal services and advocate for specific issues such as child welfare, housing, civil liberties, environment, and human rights.

Nonprofit Organizations



Analysis based on survey responses from 93,200 active attorneys licensed by the State Bar.

What the Data Show

- Almost three-quarters of licensed attorneys work in the private sector.
- Private practice is dominated by a large number of small law offices.
- Corporate in-house attorneys are more likely to work in executive and middle-management roles, while government attorneys are concentrated in staff roles.

Taken together, these employment profiles provide the State Bar, policymakers, and other stakeholders with insights into the employment patterns of attorneys. This information will be valuable for supporting the advancement and regulation of the legal profession.

ATTACHMENT 3

The State Bar of California

FIRST ANNUAL

Report Card on the Diversity of California's Legal Profession

About the State Bar

Created by the California Legislature in 1927, the State Bar of California is an administrative arm of the California Supreme Court. Its mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and the support of efforts for greater access to, and inclusion in, the legal system. For more information, please visit here.

Authors

Carolina Almarante

Lisa Chavez

Christine Holmes

Elizabeth Hom

Hellen Hong

Acknowledgments

We would like to thank everyone who dedicated countless hours to this project. This report is the culmination of an effort that included the valuable contribution of the Council on Access and Fairness; 2018 and 2019 Diversity Summit participants; 2019 Diversity Focus Group participants; the many organizations and individuals who helped inform survey questions for the 2019 California Attorney Census; and all licensees who completed the survey.

Having a diverse legal profession positively impacts the administration of justice, ensures fairness, and promotes the rule of law. The mandate to promote a diverse and inclusive legal profession is central to the State Bar's mission of public protection. The State Bar advances this aspect of its mission in part by collecting, analyzing, and presenting data on California's licensed attorneys through an annual attorney census. This first annual report card uses census data to provide a clear picture of the state of the profession from a diversity and inclusion standpoint.

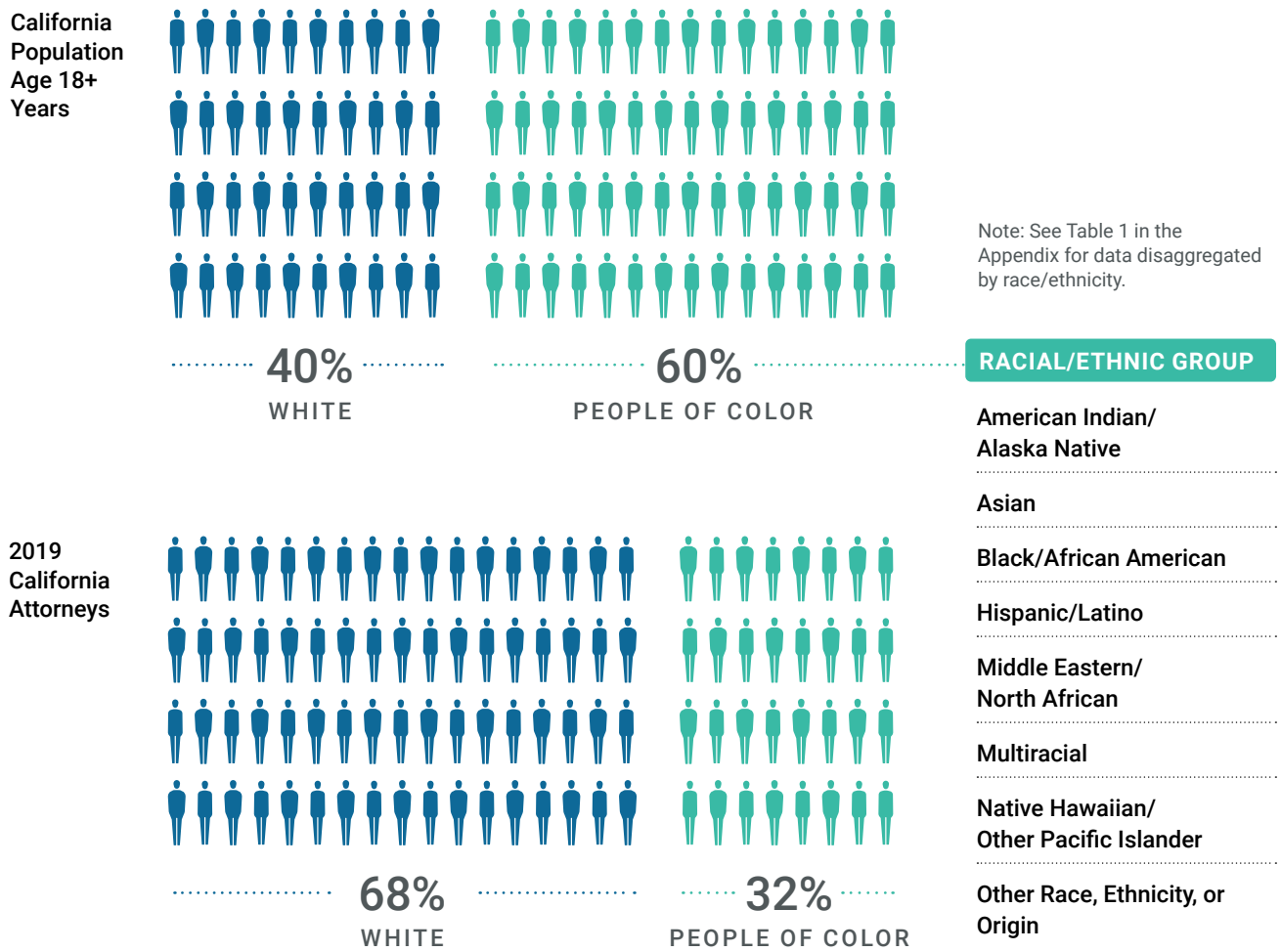
As the report card reflects, the profession has become increasingly diverse in recent decades, with newly licensed attorneys better reflecting California's rich and varied demographics. However, much work remains. The analyses below highlight areas of the legal profession where the greatest opportunities for improvement exist. A Call to Action follows to encourage employers and attorneys to influence and advance an inclusive workplace that supports a more diverse workforce.

The state's attorney population does not reflect its diversity.

Between 5,000 and 6,000 attorneys are admitted to the State Bar of California annually. The number of active licensed attorneys has nearly doubled since 1980, reaching over 190,000 as of December 2019.

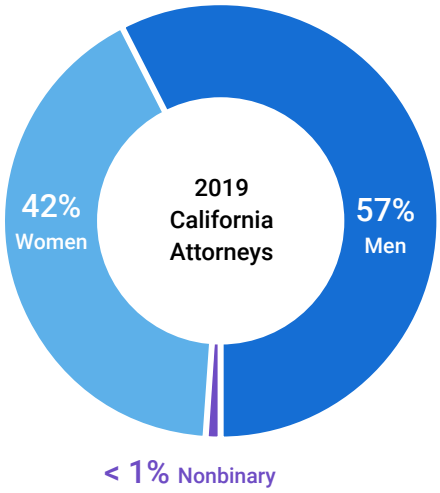
White attorneys account for nearly 70 percent of California's active licensed attorney population, while people of color constitute 60 percent of the state's population. Latinos, in particular, are underrepresented among California attorneys in comparison to their representation statewide: this group comprises 36 percent of the state's population yet accounts for a mere 7 percent of all of California's licensed active attorneys.

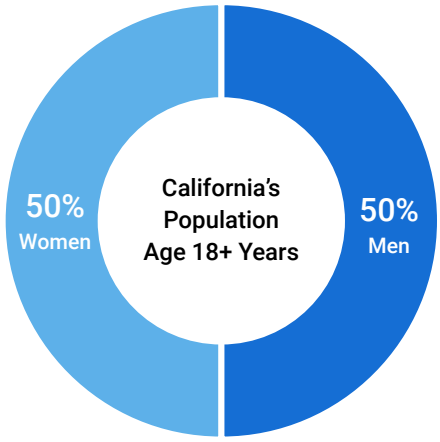
Figure 1
California's Adult Population Compared with California's 2019 Attorney Population



Gender

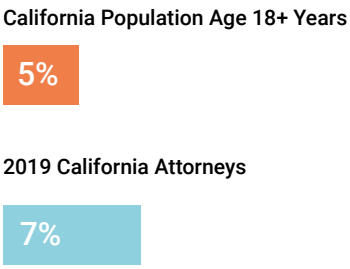
Women comprise half of California's adult population, but they account for only 42 percent of California attorneys. Slightly less than one percent of the attorney population identifies with more than one gender category. Comparable data for the statewide population is not available although a 2016 study found that .76 percent of adults in California identify as transgender.





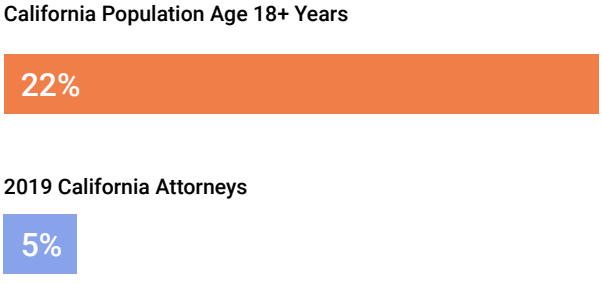
LGBTQIA+

Seven percent of the attorney population identifies their orientation as a category other than heterosexual which, is slightly higher than the estimates of the LGBTQIA+ population in California.



People with Disabilities

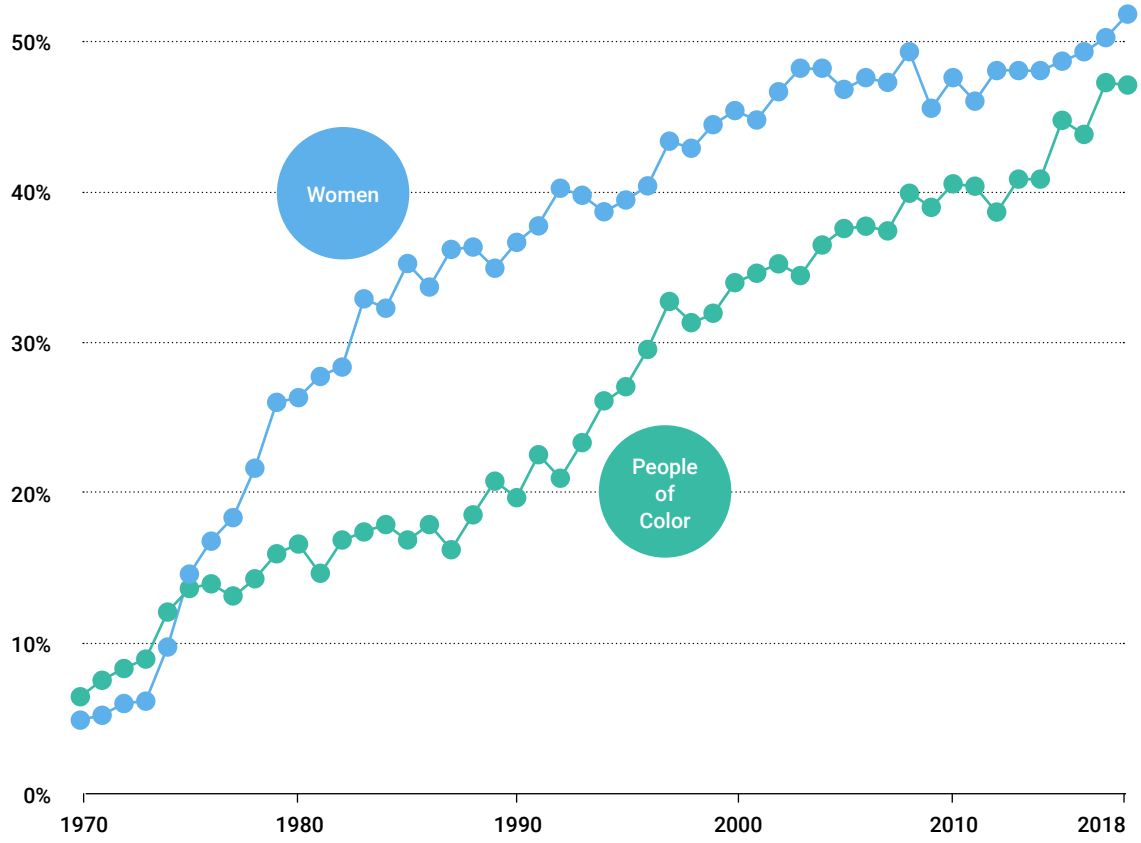
More than one-in-five Californians report having at least one form of disability that limits activities and self-care. These include mobility issues, cognitive impairments, and vision and hearing impairments. In contrast, only 5 percent of attorney respondents report living with a disability.



The share of attorneys newly licensed by the State Bar who identifies as a woman and/or a person of color has increased substantially since 1970.

The newest cohorts in the profession, represented by the dots in Figure 2, are far more diverse than those who have been in the profession for decades, with more than half identifying as women and nearly half identifying as people of color.

Figure 2
Percent of California Attorneys Who Identify as a Woman or a Person of Color by Year Licensed by the State Bar of California



EMPLOYERS

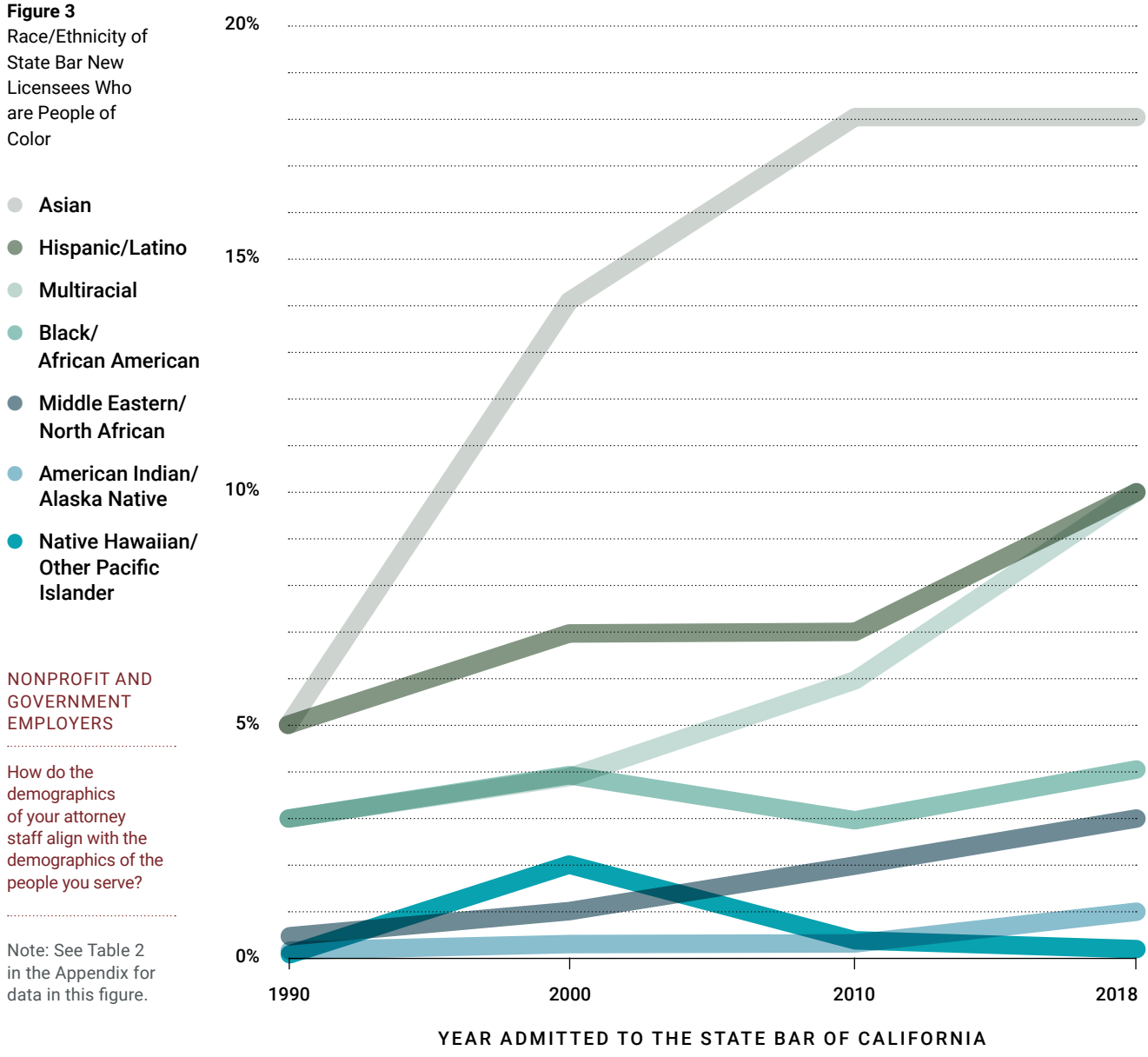
How do the demographics of your most recently hired entry-level attorneys compare to the data presented in Figures 2 and 3? For example, is over 50 percent of your hiring class female? How does the racial/ethnic composition of your newly hired attorneys line up with Figure 3?

If the demographics of your new hires don't match the diversity of new State Bar licensees, what can you do to address the gap? If they do, what successful strategies are you using that might be shared with other organizations?

The State Bar's new licensees have become more racially and ethnically diverse, but the rate of change has varied by racial/ethnic group.

The proportion of Latino attorneys has doubled from 5 to 10 percent over the last three decades. Likewise, the proportion of new licensees who are Asian or multiracial more than tripled. The rapid growth in the number of Asian attorneys, which began in the 1990s, has since leveled off. Over the same period the proportion of newly licensed Black attorneys has remained stagnant.

Figure 3
Race/Ethnicity of State Bar New Licensees Who are People of Color



NONPROFIT AND GOVERNMENT EMPLOYERS

How do the demographics of your attorney staff align with the demographics of the people you serve?

Note: See Table 2 in the Appendix for data in this figure.

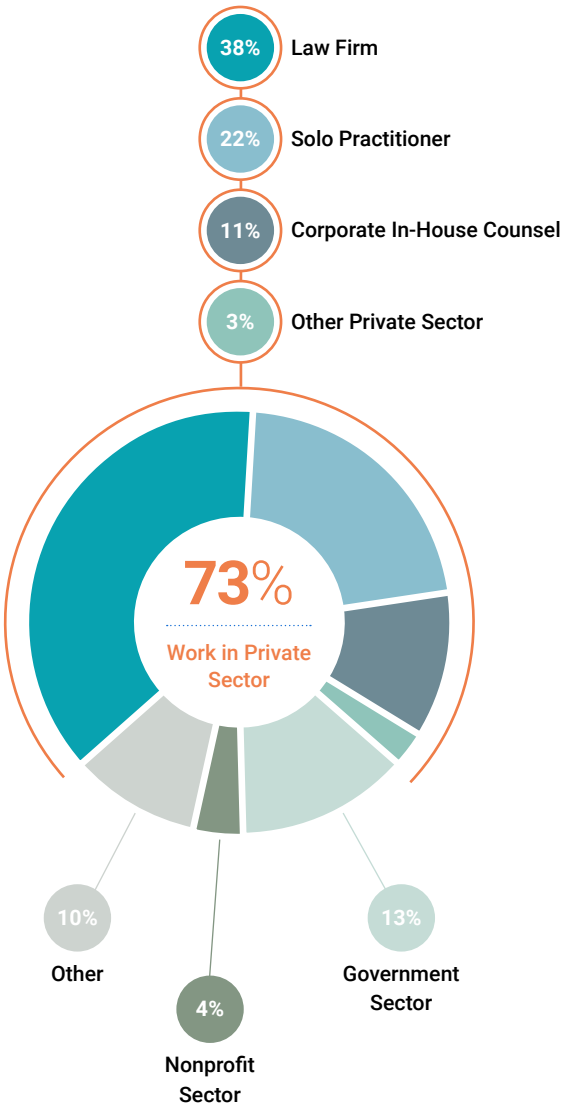
The majority of attorneys work in the private sector and more than one-in-three work in law firms of two or more attorneys.

Nearly three-quarters of California attorneys work in the private sector. The largest share of attorneys work in law firms of two or more attorneys (38 percent) while over one-in-five are solo practitioners and 11 percent work in corporate settings. Government sector employment is a distant third (13 percent), while 4 percent of attorneys work in nonprofit settings. One-in-ten attorneys is a consultant or works in an academic or unknown setting (labeled as "Other").

Figure 5 explores attorneys' primary employment setting by race/ethnicity, gender, and for LGBTQIA+, and people with disabilities. Highlights include the following:

- Men are more likely than women to work in the private sector, while women are more likely to work in the government and nonprofit sectors.
- Although the majority of attorneys, both white and of color, work in the private sector, white, Asian, Middle Eastern/North African, and attorneys categorized as "Other" are more likely to do so than Black/African American and Hispanic/Latino attorneys. Black/African American attorneys are less likely to work in law firms than all other racial/ethnic groups.
- Attorneys who identify as LGBTQIA+ are also less likely to work in the private sector and are two times more likely to work in the nonprofit sector, compared to the overall attorney population.
- Attorneys with a disability are less likely to work in the private sector, compared to the overall attorney population. Nearly one-third work as solo practitioners, the largest among all subgroups analyzed.

Figure 4
Primary Employment Sector for California Attorneys

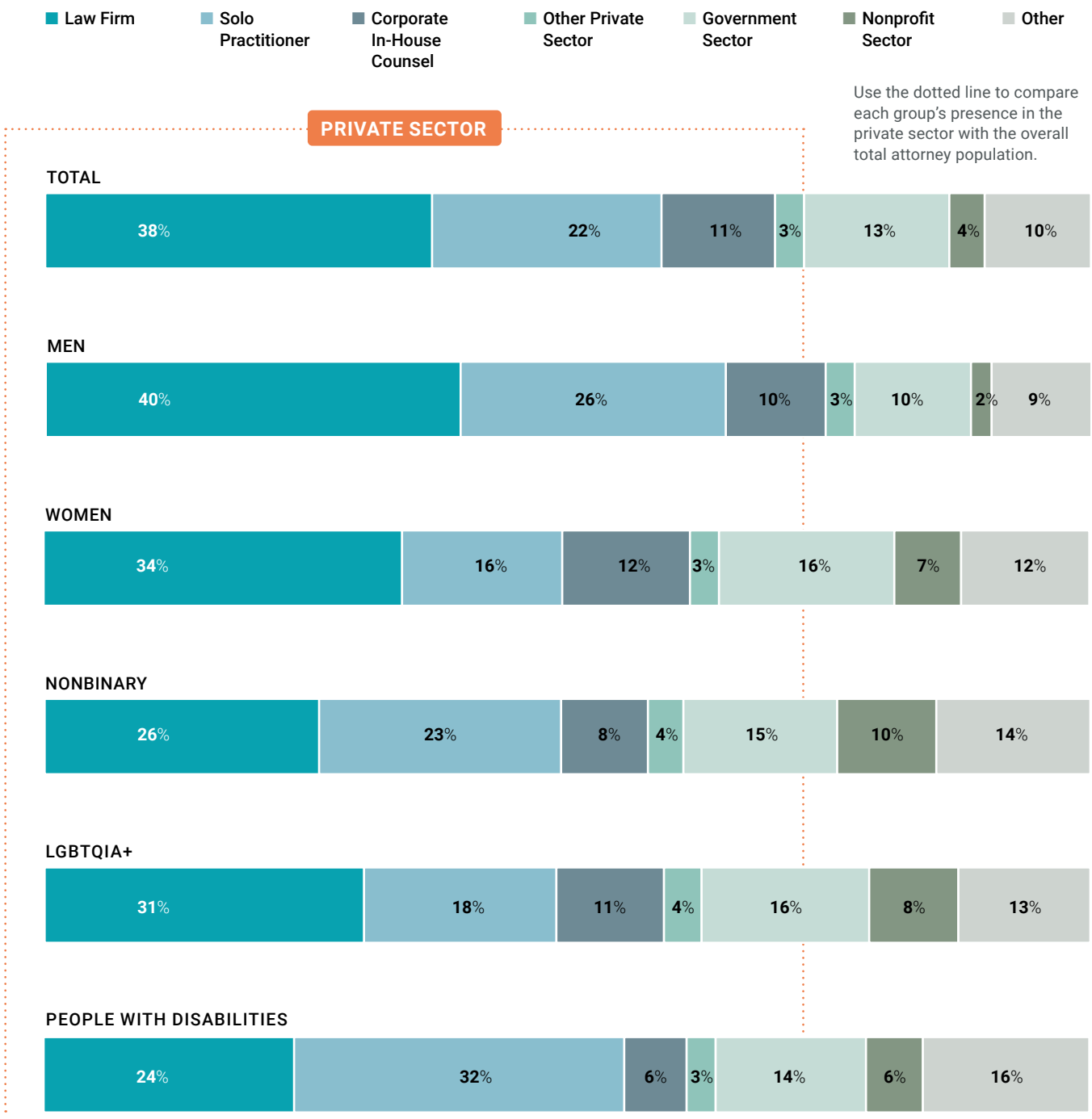


PRIVATE SECTOR

Given the overwhelming proportion of attorneys working in the private sector, this sector presents the greatest opportunities and responsibilities for recruiting, hiring, retaining, and advancing attorneys reflective of California's diversity.

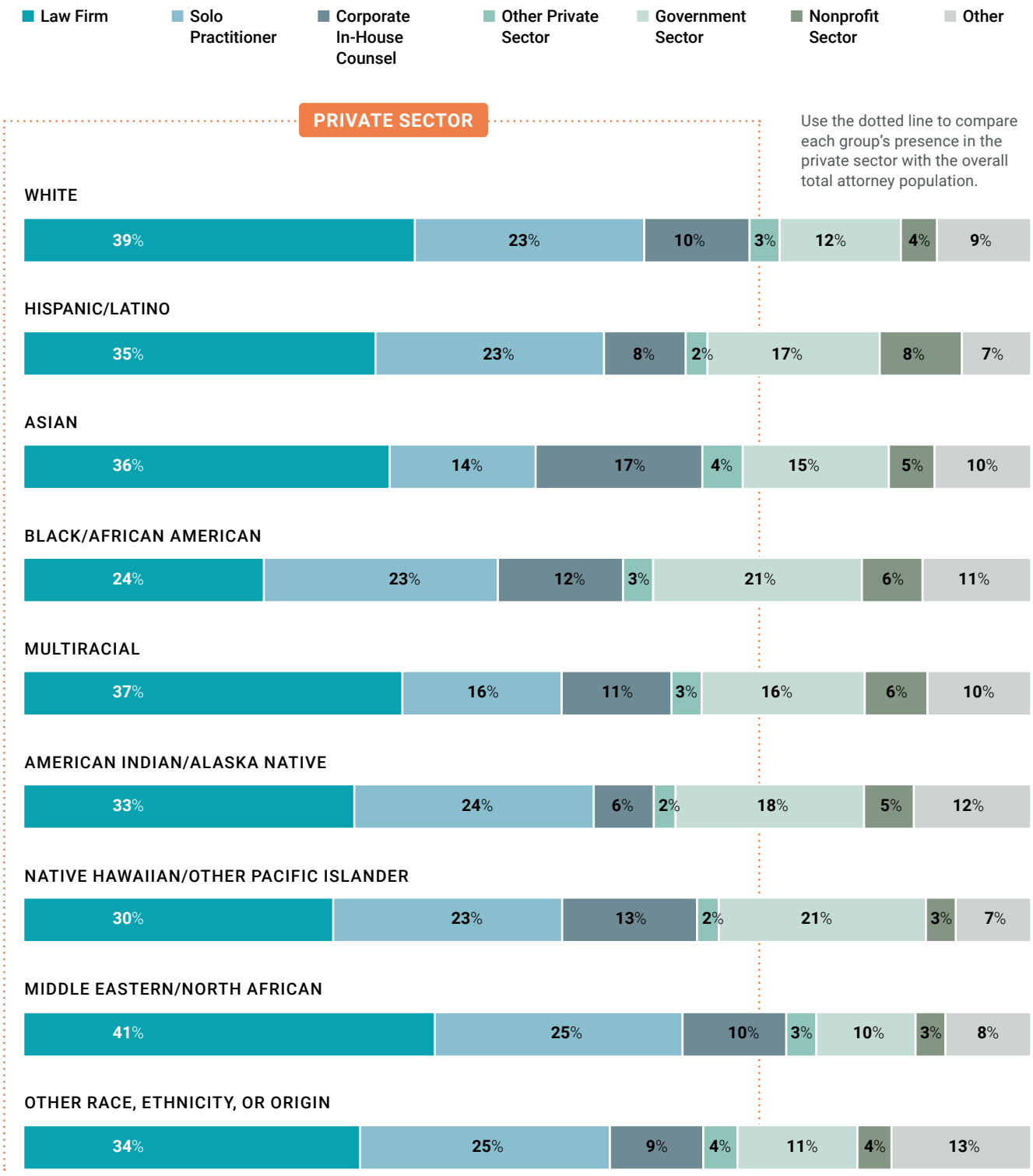
Note: Due to rounding, numbers presented throughout this report may not add up precisely to subtotals and totals.

Figure 5
Primary Employment Sector by Gender, LGBTQIA+, People with Disabilities, and Race/Ethnicity



Note: See Table 3 in the Appendix for gender data disaggregated by race/ethnicity.

Figure 5 (Continued)

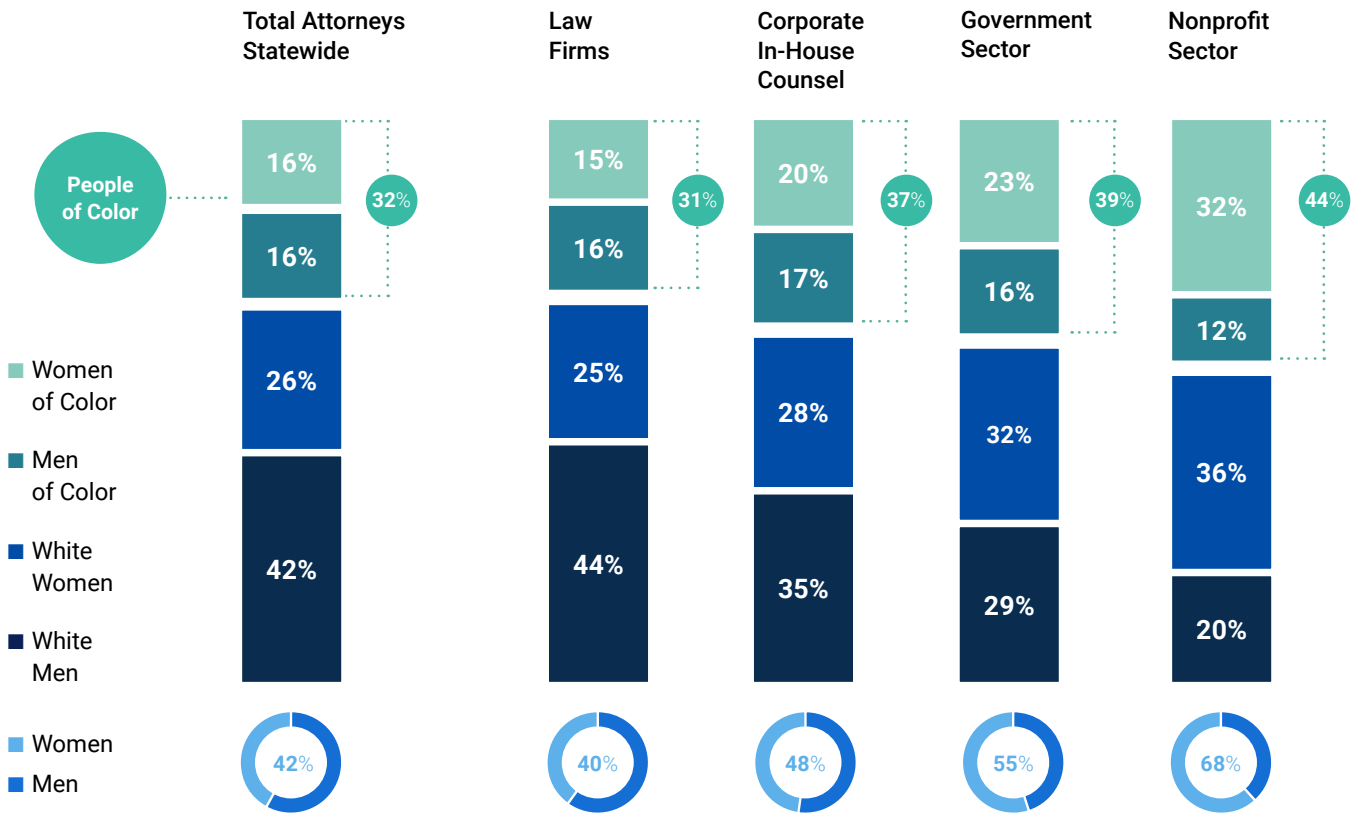


The government and nonprofit sectors are the most diverse, while law firms are the least.

Women comprise 42 percent of all attorneys, yet account for more than half of attorneys who work in the government sector and 68 percent of attorneys who work in the nonprofit sector, an employment setting where attorney salaries are among the lowest. This pattern is also true for attorneys of color, though this statistic is largely driven by women of color who comprise just 16 percent of the attorney population overall, yet 23 and 32 percent of the government and nonprofit sectors, respectively.

Figure 6 compares the racial/ethnic and gender composition of attorneys who work in law firms, corporations, government, and nonprofit sectors with the racial/ethnic and gender composition of the statewide attorney population. The composition of law firms is most similar to the statewide attorney population, which is two-thirds white and dominated by men. In contrast, the government and nonprofit sectors are more diverse.

Figure 6
Racial/Ethnic and Gender Composition of Employment Settings Compared with Statewide Attorney Population



INTERSECTION OF RACE/ ETHNICITY AND GENDER

Latinas and multiracial women are three times more likely to work in nonprofit settings and Black women are twice as likely.

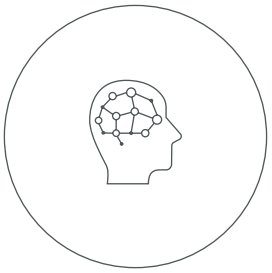
This intersectional analysis as well as those that follow do not include nonbinary attorneys as this group comprises a small percentage of attorneys overall. See Table 4 in the Appendix for the data on men and women of color disaggregated by race/ethnicity and data for LGBTQIA+ and people with disabilities.

Workplace Leadership

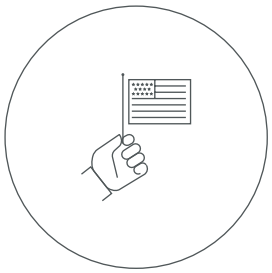
Diversity in top leadership has a positive correlation with higher financial performance and innovation. Beyond simply being a smart business decision, a diverse organizational leadership structure demonstrates an entity's values to its workforce, clients, stakeholders, and community. Regardless of the sector, attorney leaders mentor, advise, and provide access to information and opportunity. When these leaders are diverse and demonstrate a commitment to inclusion and diversity, they can drive a workplace culture that supports the recruitment, retention, and advancement of a diverse workforce.

The analyses below focus on four sectors: (1) law firms, (2) corporations, (3) government, and (4) nonprofits. The highest leadership level was analyzed in each of these settings. In the case of law firms, the highest leadership level was partner, and for the latter three, executives. The analyses examine leadership levels by race/ethnicity, gender, and the intersection of both.

Law Firms
PAGE 13



Corporations
PAGE 14



Government
PAGE 15

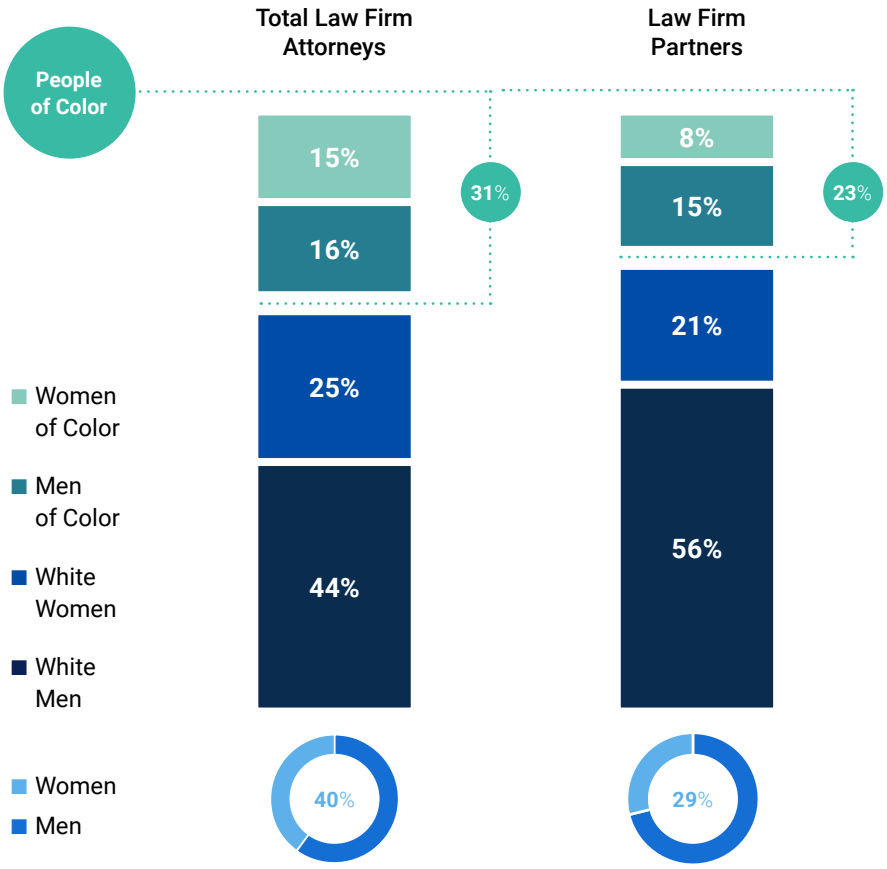
Nonprofits
PAGE 16

Law Firms

Law firm partners have varying titles and degrees of responsibility depending on the structure and organization of the firm. In general a partner at a law firm will have managerial and/or supervisory responsibilities, including the authority to hire, fire, promote, and set compensation for employees. Partners are gatekeepers to challenging and interesting work assignments and provide the mentorship, guidance, and feedback that are crucial to advancement.

People of color comprise nearly one-third of all attorneys who work in law firms. However, they comprise just 23 percent of law firm partners. Women are also underrepresented among law firm partners, as they comprise 40 percent of all attorneys employed by law firms, but only 29 percent of partners at those same firms. These racial and gender disparities are largely driven by disparities between white men and women of color. White men comprise 44 percent of all attorneys who work in law firms yet are 56 percent of law firm partners, while women of color are 15 percent of law firm attorneys, yet comprise just 8 percent of law firm partners. This pattern does not vary meaningfully by firm size.

Figure 7
Racial/Ethnic and Gender Representation among Law Firm Attorneys and Partners



INTERSECTION OF RACE/ETHNICITY AND GENDER

The underrepresentation of women of color among law firm partners is largely driven by the underrepresentation of Asian women, who are 6 percent of attorneys employed in law firms but only 3 percent of law firm partners. This pattern is found in law firms of all sizes.

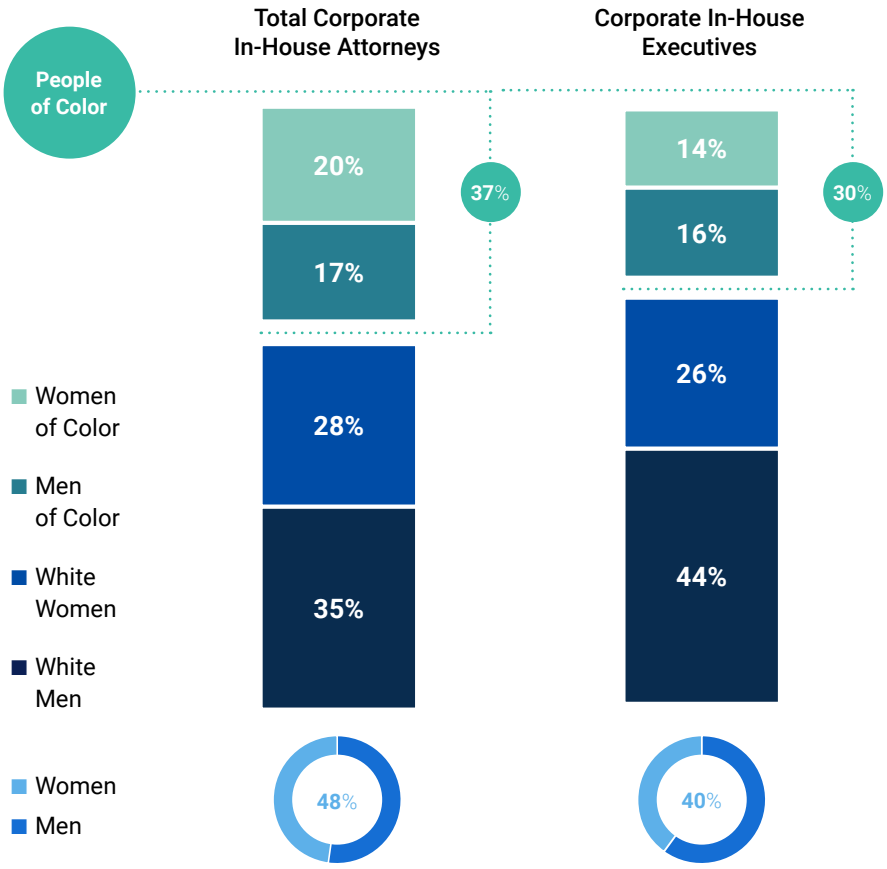
Note: See Table 5 in the Appendix for the data on men and women of color disaggregated by race/ethnicity as well as by firm size.

Corporate In-House Attorneys

Like their law firm counterparts, leaders in corporate in-house legal departments are responsible for hiring, firing, promoting, and setting compensation. Additionally, in-house leaders control both internal work allocation and relationships with law firms whose services they procure. In recent years, in-house leaders have leveraged their power over work with outside counsel to require law firms to meaningfully staff corporate work with diverse attorneys.

Racial/ethnic and gender representation among corporate in-house legal executives follows the same pattern seen in law firms, with people of color and women underrepresented among these leaders. This is largely driven by the underrepresentation of women of color and overrepresentation of white men at the executive level.

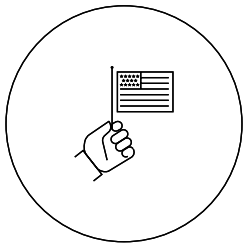
Figure 8
Racial/Ethnic and Gender Representation among Corporate In-House Attorneys and Executives



INTERSECTION OF RACE/ETHNICITY AND GENDER

The underrepresentation of women of color among corporate in-house executives is largely driven by the underrepresentation of Asian women, who comprise 10 percent of attorneys employed in these settings but only 6 percent of executives. Asians as a group also experience underrepresentation in leadership in this setting: they are 18 percent of all corporate in-house attorneys but only 12 percent of executives.

Note: See Table 6 in the Appendix for data on men and women of color disaggregated by race/ethnicity and data for LGBTQIA+ and people with disabilities.

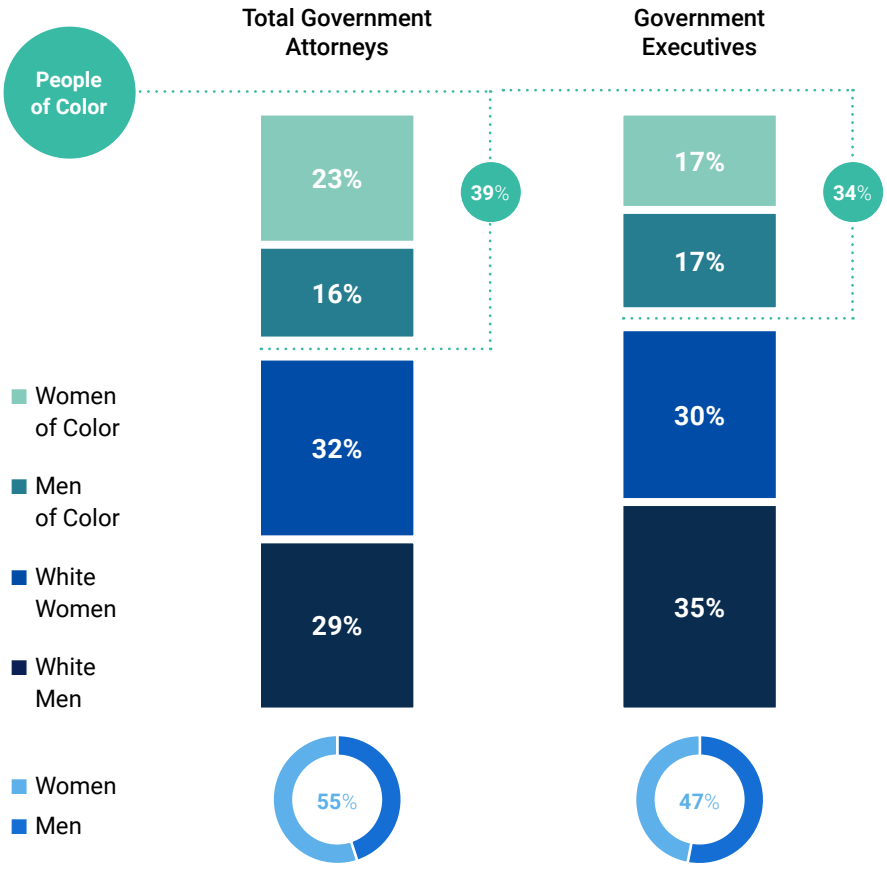


Government Sector

While the titles, roles, and responsibilities of leaders in government settings can vary considerably, government sector legal executives provide guidance, feedback, and access to challenging and high-profile work.

Racial/ethnic and gender representation among government executives follows the same pattern seen in law firms and among corporate in-house counsel, with people of color and women underrepresented among these leaders in comparison to their representation among all attorneys working in the sector, although the gap is less pronounced.

Figure 9
Racial/Ethnic and Gender Representation among Government Attorneys and Executives



INTERSECTION OF RACE/ETHNICITY AND GENDER

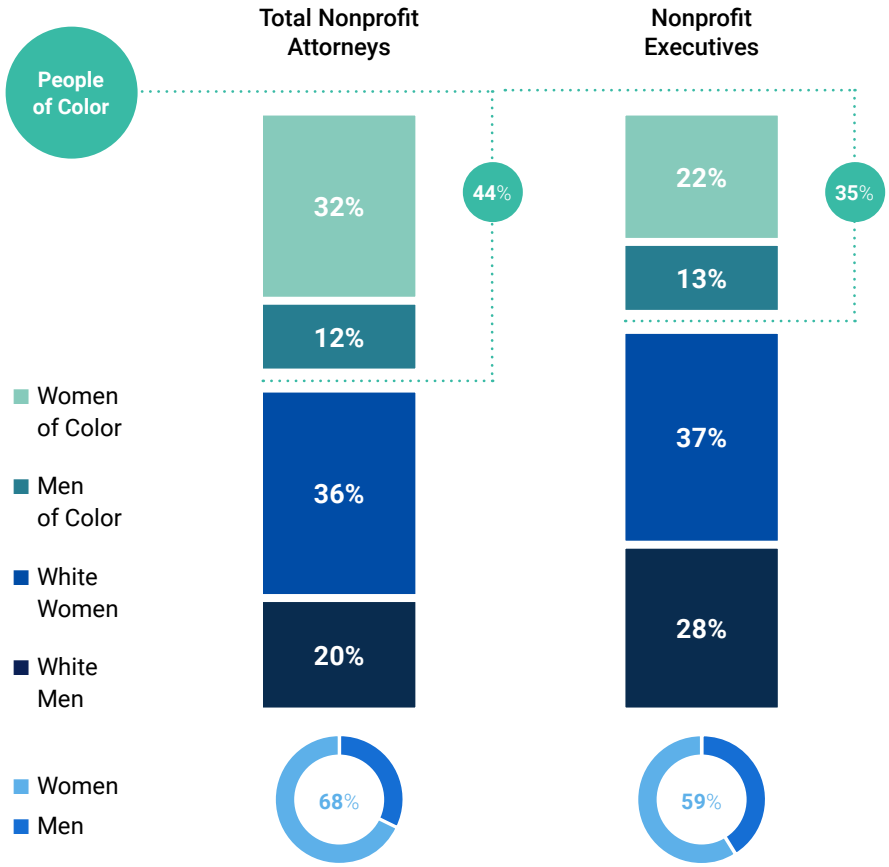
The underrepresentation of women of color among government executives is largely driven by the underrepresentation of Asian women who are 8 percent of attorneys employed in these settings but only 4 percent of executives.

Note: See Table 6 in the Appendix for data on men and women of color disaggregated by race/ethnicity and data for LGBTQIA+ and people with disabilities.

Nonprofit Sector

Nonprofit leaders must be responsive to the legal needs of the communities they serve, as well as work with Boards of Directors, funders, and other stakeholders to develop and execute strategic goals to fulfill their mission. The nonprofit sector is the most diverse, with women comprising 68 percent and people of color accounting for 44 percent. However, both groups are underrepresented among nonprofit leaders, a fact that is largely driven by the underrepresentation of women of color. White men comprise 20 percent of all attorneys who work in nonprofit settings, yet are 28 percent of nonprofit executive staff. In contrast, nearly one-in-three attorneys who work in nonprofit settings is a woman of color, yet this population comprises just over one-in-five executive staff members in this sector.

Figure 10
Racial/Ethnic and Gender Representation among Nonprofit Attorneys and Executives



INTERSECTION OF RACE/ETHNICITY AND GENDER

The underrepresentation of women of color among nonprofit executives is largely driven by the underrepresentation of Latina, Asian, and multiracial women.

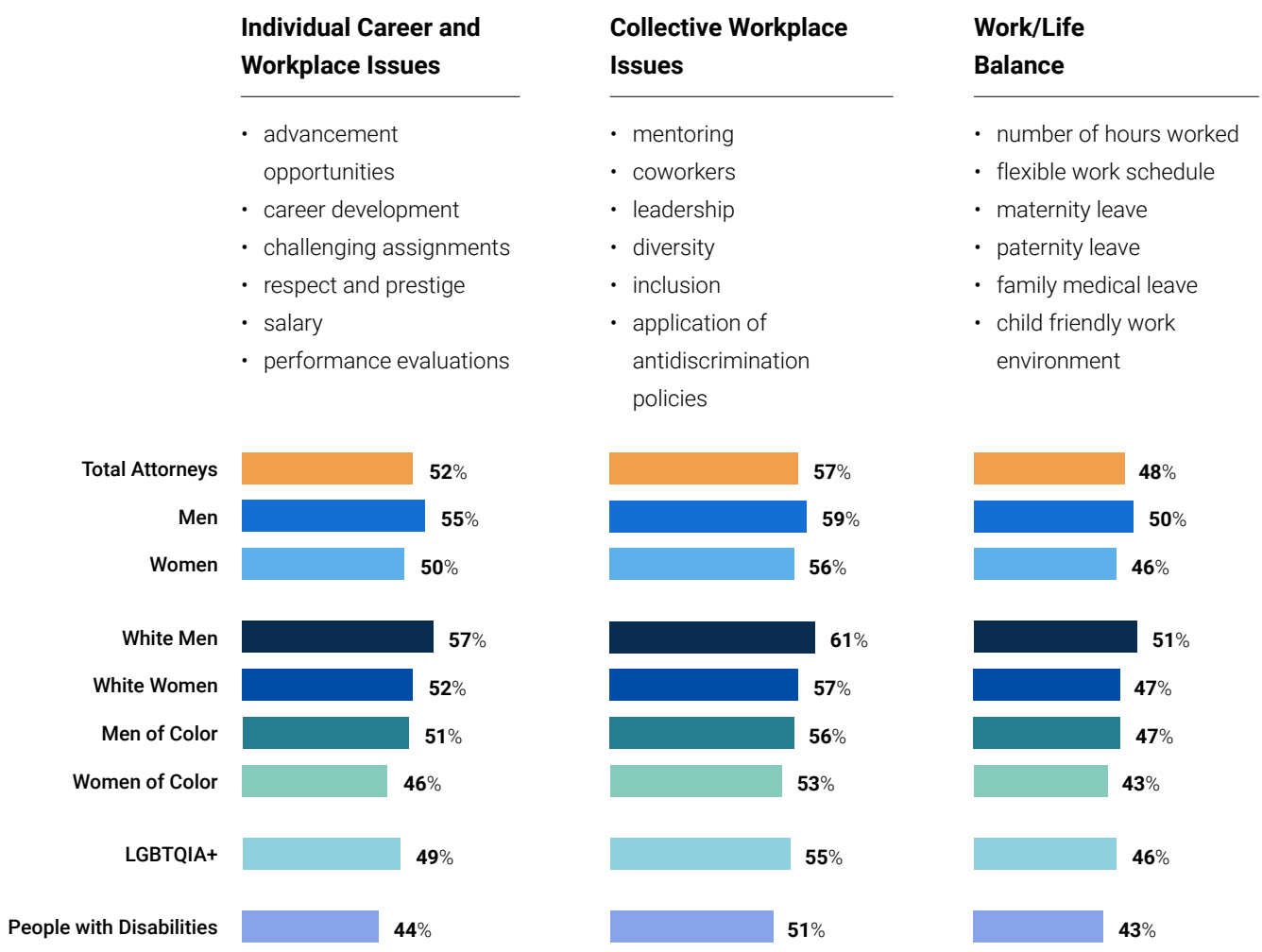
Note: See Table 6 in the Appendix for data on men and women of color disaggregated by race/ethnicity and data for LGBTQIA+ and people with disabilities.

Workplace Experiences

Satisfaction with career development opportunities and workplace experiences is an important indicator of whether a workplace has high rates of retention. The State Bar's 2019 Attorney Census asked attorneys if they were satisfied with various aspects of work life, including issues pertaining to their individual careers and workplace experiences, issues relating to the collective workplace experience, and work/life balance. The results below are based on composites of each derived from six survey questions within each of these workplace domains. See the Appendix for a description of how these composites were constructed.

Women, people of color, LGBTQIA+ and people with disabilities consistently report lower levels of satisfaction with workplace experiences than white men.

Figure 11 **Satisfaction with:**



Note: See Table 7 in the Appendix for data on each of the individual survey items disaggregated by all demographic groups.

Highlighted below are three survey items with the largest variance in satisfaction particularly between women of color and white men. Overall, women, people of color, LGBTQIA+, and people with disabilities report the lowest levels of satisfaction with each of these workplace experiences.

Figure 12 **Satisfaction with:**

Advancement Opportunities

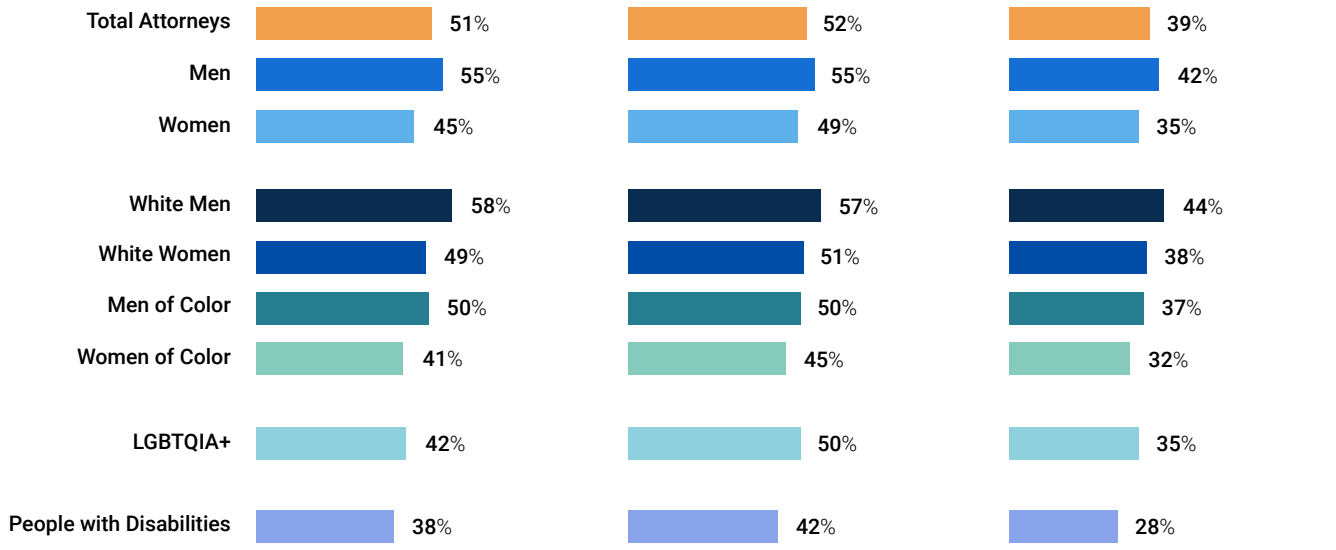
…is dependent upon transparent criteria for advancement as well as perceptions of whether opportunities for advancement are accessible.

Career Development Opportunities

…is a critical component of career satisfaction and relies on transparency about what it takes to learn and grow, as well as access to resources and opportunities.

Salary

…derives from independent concerns about sufficient compensation, as well as more comparative fairness considerations. This survey item registered the lowest level of satisfaction for all attorneys among all items that addressed individual career and workplace issues.



Note: See Table 7 in the Appendix for data on each of the individual survey items disaggregated by all demographic groups.

Attorneys employed by law firms are more satisfied with individual career and workplace issues than corporate counsel and attorneys in government and nonprofit sectors. There is little variation in satisfaction with collective workplace and work/life balance issues across all employment settings.

Figure 13

Satisfaction by Employment Sector:

Individual Career and Workplace Issues

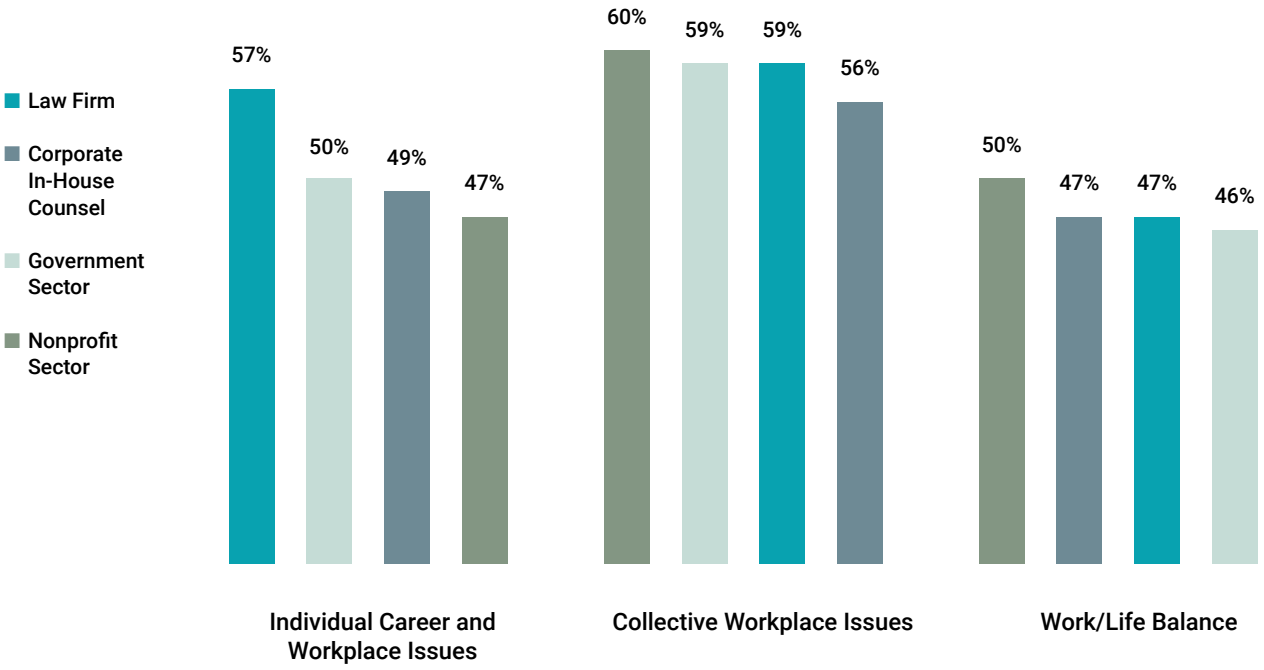
- advancement opportunities
- career development
- challenging assignments
- respect and prestige
- salary
- performance evaluations

Collective Workplace Issues

- mentoring
- coworkers
- leadership
- diversity
- inclusion
- application of antidiscrimination policies

Work/Life Balance

- number of hours worked
- flexible work schedule
- maternity leave
- paternity leave
- family medical leave
- child friendly work environment



Note: See Table 8, 9, 10, and 11 in the Appendix for data disaggregated by all demographic groups.

To summarize:

This Report Card provides baseline data on the diversity and workplace satisfaction of California's attorney population across multiple demographic groups and employment sectors.

- Despite significant growth in the proportion of attorneys who are women and people of color over the past 30 years, California's attorney population does not reflect the state's diversity, with Latinos being particularly underrepresented.
- Nearly three-quarters of California attorneys work in the private sector. Increasing the diversity of this sector alone will have a transformative impact on the profession.
- Attorney salaries are among the lowest in the government and nonprofit sectors, and women are overrepresented in these sectors, comprising 55 percent of the government sector and 68 percent of nonprofit sector.
- Women of color are underrepresented among leadership positions in all employment settings with Asian women being particularly underrepresented.
- Women, people of color, LGBTQIA+, and people with disabilities consistently report low levels of satisfaction with workplace experiences.

Measuring and reporting this data is designed to ensure that the State Bar's commitment to diversity will translate to results. To that end, employers and attorneys are encouraged to ask the questions and take the steps outlined in the Call to Action below. These prompts and recommendations are derived from a review of best practices in inclusion and diversity that the State Bar has engaged in over the course of the development of the attorney census and this Report Card.

Call to Action

Workplace Leadership

Employers

Collect demographic data on recruitment, hiring, promotion, and attrition. The staff reviewing demographic data should have the authority to recommend policy changes.

- What is your process for collecting demographic data on promotion and other career advancement opportunities in your organization? How does this data inform your promotion and career advancement efforts?

Be mindful of the increasing diversity of new State Bar licensees and strive to ensure that new entry-level hires reflect this diversity.

- Do you solicit demographic information from employees and prospective candidates?
- Do you share demographic data with employees and prospective candidates?

Set measurable and visible diversity and inclusion goals, and regularly report and discuss progress.

- Do you offer workshops and training on effective ways to discuss inclusion and diversity?

Attorneys

Take an active role in advancing inclusion and diversity by participating in goal-setting efforts and holding employers accountable for results.

- Ask about plans for workshops and training on inclusion and diversity.
- Meet with staff who are responsible for managing diversity and inclusion and seek opportunities to provide feedback or support.
- Join a local affinity group to seek input regarding how others are collaborating and promoting diversity and inclusion in the workplace, and assess how your organization compares.

Call to Action

Workplace Satisfaction

Employers

A diverse workplace isn't necessarily an inclusive workplace. Employers must demonstrate a commitment to increasing opportunities and improving the workplace culture for women, people of color, LGBTQIA+, and people with disabilities.

Do you have:

- Established and clearly communicated criteria for advancement within your organization?
- Institutionalized processes to ensure that all attorneys have equal access to the resources and experiences needed to satisfy those criteria?
- Career/professional development programs that align with advancement criteria?
- Executive coaching or leadership training opportunities available to your attorneys to develop and expand their skills?
- A mechanism to solicit feedback from attorneys as to the types of career development opportunities they would be interested in receiving?

Work allocation should reflect the priorities of your organization's retention and advancement goals.

Do you have:

- Regular reviews of: (1) how work is assigned; (2) the effectiveness of mentoring and staff evaluations; and (3) whether you are giving your junior and mid-level staff the opportunities they require to succeed and advance into leadership positions?

Call to Action

- A 360-degree feedback process designed to generate insights into how people of different backgrounds are experiencing the workplace and how these experiences may lead to disparities in advancement?

Visit your salary and compensation tables regularly to ensure you are keeping pace with the labor market.

Do you have:

- Methods for individuals within your organization to provide leaders with feedback regarding how they feel about their salaries and compensation?
- An internal salary review to determine whether there are disparities among people who are in similar roles, and if so, why?

Think comprehensively about your compensation. Consider automatic bonuses, discretionary bonuses, equity share opportunities, and health care benefits.

- How can you improve nonmonetary compensation in order to help your staff meet their personal and professional goals?
- Do you offer: flexible work schedules, retirement plan contribution matching, mentorship programs, loan repayment assistance programs, child care, etc.?

Attorneys

Learn what it takes to advance in your workplace. Find someone in your organization to whom you can reach out for this information.

- Do you have access to the resources and experiences necessary for advancement?
- Have you inquired about mentorship programs, work allocation processes, and training opportunities?
- Are there resources outside of your organization with which you can

Call to Action

connect in order to build your professional network? How can external professional networks, such as a local or affinity bar association, help you navigate advancement inside your organization?

Think comprehensively about your compensation.

- Which metrics are you using to decide how you feel about your salary and compensation?
- Which aspects of your overall compensation are you considering in your analysis?
- Are there ways in which your overall compensation could be structured that would increase your satisfaction with your salary, including nonmonetary benefits?

Call to Action

Everyone

Commit to Inclusion and Diversity

Attorneys, and even more so leaders in the profession, have the opportunity and responsibility to influence and advance an inclusive workplace culture that supports the recruitment, retention, and advancement of a diverse workforce.

To support this initiative, the State Bar will continue to collect and report attorney census data, share innovative and effective practices in inclusion and diversity, and provide technical assistance to help employers establish baselines for their organizations. Moreover, the State Bar will continue to seek feedback from and engage with leaders in the legal profession, as well as other stakeholders at convenings such as the annual Diversity Summit, which highlights current data, emerging issues, and promising practices by sector.

The State Bar is available to provide employers and other leaders in the profession with technical assistance. Send requests to surveydata@calbar.ca.gov.

Appendix

Data Source and Methodology

The primary source of data for this report is the 2019 California Attorney Census. This voluntary annual survey captures key demographic information as well as information on employment, workplace environment, and issues key to recruitment, advancement, and retention. Participants are allowed to skip questions. While approximately 130,000 active attorneys filled out at least one survey question, the analyses presented in this report are limited to the approximately 95,000 attorneys who met the following conditions: (1) their status was active, (2) they were employed, (3) they answered the survey questions on gender and employment sector, and (4) they answered the race/ethnicity survey question or had previously self-reported their race/ethnicity to the State Bar during the admissions process.

For the purpose of understanding the diversity of California's attorney population, the survey contained demographic questions (see below). Attorneys were given the option to select all that apply and to decline to answer. The State Bar will continuously review these categories to ensure data collection methods align with best practices and represent shifts in how people self identify.

Race/Ethnicity

- White
- Hispanic/Latino
- Black/African American
- Asian
- Middle Eastern/North African
- American Indian/Alaska Native
- Native Hawaiian/Other Pacific Islander
- Other Race, Ethnicity, or Origin (please specify)

Gender

- Female
- Male
- Transgender
- Gender Variant/ Nonconforming Nonbinary
- Two Spirit
- Not listed (please specify)

Sexual Orientation

- Lesbian or Gay
- Bisexual
- Heterosexual
- Pansexual
- Asexual
- Not listed (please specify)

Disability

- Yes
- No

Select all that apply

- A vision impairment
- A hearing impairment
- A mobility impairment
- A learning disability
- A disability or impairment not listed above

Demographic categories were combined to facilitate the analysis. Attorneys who selected more than one racial/ethnic group were categorized as "Multiracial." "People of color" include those who selected at least one of the following categories: Hispanic/Hispanic, Black/African American, Asian, Middle Eastern/North African, American Indian/Alaska Native, Native Hawaiian/Other Pacific Islander, or other race, ethnicity, or origin. Attorneys who select more than one gender category are categorized as "Nonbinary." Attorneys who identify their sexual orientation as any category other than heterosexual are categorized "LGBTQIA+." Approximately one-third of attorney census respondents declined to answer the survey question about sexual orientation.

The statistics on the 2019 California statewide adult population by race/ethnicity and gender are derived from the Annie E. Casey Foundation's Kids Count Data Center. Estimates of California's transgender and LGBTQIA+ adult populations were drawn from reports by Williams Institute, University of California, Los Angeles Law School. Data on the percent of California adults living with disabilities was drawn from the Centers for Disease Control and Prevention.

Attorneys were asked to rate their level of satisfaction with eighteen workplace factors according to the following scale: satisfied, neutral, or dissatisfied. Participants were also giving the option of selecting "not applicable." The analyses in the body of the report are based on composites calculated by taking the average "percent satisfied" for the six factors that comprise each of the three workplace experience domains: individual career and workplace issues, collective workplace issues, and work/life balance.

Supplementary Data Tables

The following tables provide detailed race/ethnicity data by gender for all analyses of "people of color" in this report. Some tables do not report detailed data for attorneys who identified as Middle Eastern/North African, American Indian/Alaska Native, Native Hawaiian/Other Pacific Islander, or other race, ethnicity, or origin due to the small number of respondents available for those particular analyses. These groups, however, are included in "people of color" figures.

Table 1
2019 California Adult Population and Attorneys by Race/Ethnicity

	Statewide Population Age 18+ Years	California Attorneys
White	40%	68%
Hispanic/Latino	36%	7%
Asian	16%	13%
Black/African American	6%	4%
American Indian/Alaska Native	0.4%	0.4%
Native Hawaiian/Other Pacific Islander	0.4%	0.3%
Middle Eastern/North African	–	1.5%
Multiracial	2%	5%
Other Race, Ethnicity, or Origin	–	2%
Total	100%	100%

– Data not available

Table 2
Race/Ethnicity of State Bar New Licensees

	1990	2000	2010	2018
White	80%	66%	59%	53%
Hispanic/Latino	5%	7%	7%	10%
Asian	5%	14%	18%	18%
Black/African American	3%	4%	3%	4%
American Indian/Alaska Native	0.2%	0.3%	0.3%	1%
Native Hawaiian/Other Pacific Islander	0.1%	1%	0.4%	0.2%
Middle Eastern/North African	0.5%	1%	2%	3%
Multiracial	3%	4%	6%	10%
Other Race, Ethnicity, or Origin	2%	3%	3%	2%
Total	100%	100%	100%	100%

Table 3
Primary Employment Sector by by Gender and Race/Ethnicity

	Law Firm	Solo Practitioner	Corporate In-House Counsel	Other Private Sector	Government Sector	Nonprofit Sector	Other	Total
Men								
White	41%	27%	10%	3%	10%	2%	8%	100%
Hispanic/Latino	36%	28%	8%	2%	15%	4%	6%	100%
Asian	38%	18%	16%	3%	13%	3%	8%	100%
Black/African American	26%	31%	12%	3%	16%	4%	9%	100%
Multiracial	41%	19%	11%	3%	14%	4%	8%	100%
American Indian/Alaska Native	33%	32%	8%	2%	13%	2%	11%	100%
Native Hawaiian/Other Pacific Islander	31%	27%	11%	2%	19%	2%	8%	100%
Middle Eastern/North African	43%	30%	9%	2%	7%	2%	6%	100%
Other Race, Ethnicity, or Origin	38%	30%	7%	4%	9%	2%	8%	100%
Women								
White	36%	17%	12%	3%	16%	6%	11%	100%
Hispanic/Latino	34%	17%	7%	2%	20%	12%	7%	100%
Asian	35%	11%	17%	4%	16%	6%	11%	100%
Black/African American	22%	17%	13%	3%	24%	8%	12%	100%
Multiracial	35%	13%	11%	3%	18%	9%	12%	100%
American Indian/Alaska Native	35%	14%	4%	2%	27%	6%	12%	100%
Native Hawaiian/Other Pacific Islander	31%	27%	11%	2%	19%	2%	8%	100%
Middle Eastern/North African	43%	30%	9%	2%	7%	2%	6%	100%
Other Race, Ethnicity, or Origin	38%	30%	7%	4%	9%	2%	8%	100%

Table 4
Racial/Ethnic, Gender, LGBTQIA+, and People with Disabilities Representation by Employment Settings Compared with Statewide Attorney Population

	Attorneys Statewide	Law Firm	Corporate In-House Counsel	Government Sector	Nonprofit Sector
Race/Ethnicity					
White	68%	69%	63%	61%	56%
Hispanic/Latino	7%	6%	5%	9%	13%
Asian	13%	11%	18%	13%	13%
Black/African American	4%	2%	4%	6%	5%
American Indian/Alaska Native	0.3%	0.2%	0.1%	0.3%	0.2%
Native Hawaiian/Other Pacific Islander	0.3%	0.3%	0.5%	1%	0.3%
Middle Eastern/North African	1.5%	2%	2%	1%	1%
Multiracial	5%	6%	6%	7%	9%
Other Race, Ethnicity, or Origin	2%	2%	2%	2%	2%
Total	100%	100%	100%	100%	100%
Men					
White	42%	44%	35%	29%	20%
Hispanic/Latino	4%	3%	3%	4%	3%
Asian	6%	6%	8%	5%	3%
Black/African American	2%	1%	2%	2%	1%
American Indian/Alaska Native	0.1%	0.1%	0.1%	0.1%	0.1%
Native Hawaiian/Other Pacific Islander	0.2%	0.1%	0.2%	0.3%	0.1%
Middle Eastern/North African	1%	1%	1%	1%	0.4%
Multiracial	2%	3%	3%	3%	3%
Other Race, Ethnicity, or Origin	1%	1%	1%	1%	1%
Women					
White	26%	25%	28%	32%	36%
Hispanic/Latino	3%	3%	2%	5%	9%
Asian	7%	6%	10%	8%	9%
Black/African American	2%	1%	2%	4%	4%
American Indian/Alaska Native	0.1%	0.1%	0.03%	0.2%	0.2%
Native Hawaiian/Other Pacific Islander	0.2%	0.2%	0.3%	0.3%	0.2%
Middle Eastern/North African	1%	1%	1%	1%	1%
Multiracial	2%	3%	3%	4%	6%
Other Race, Ethnicity, or Origin	1%	1%	1%	1%	2%
Total	100%	100%	100%	100%	100%
LGBTQIA+	7%	6%	7%	9%	14%
People with Disabilities	5%	3%	2%	4%	5%

Table 5
Racial/Ethnic, Gender, LGBTQIA+, and People with Disabilities Representation among Law Firm Attorneys and Partners by Law Firm Size

Law Firm Size	Total Law Firms		2-10		11-50		51-100		101-200		201+	
	Total Attorneys	Partners	Total Attorneys	Partners	Total Attorneys	Partners	Total Attorneys	Partners	Total Attorneys	Partners	Total Attorneys	Partners
Gender												
Men	60%	71%	62%	72%	59%	71%	59%	70%	60%	72%	57%	71%
Women	40%	29%	38%	28%	41%	29%	41%	30%	40%	28%	43%	29%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Race/Ethnicity												
White	69%	77%	70%	76%	69%	78%	71%	83%	70%	77%	66%	77%
Hispanic/Latino	6%	5%	7%	6%	7%	5%	5%	4%	6%	5%	5%	4%
Asian	11%	8%	10%	7%	10%	7%	11%	6%	12%	8%	15%	10%
Black/African American	2%	2%	2%	2%	2%	2%	2%	1%	2%	2%	3%	2%
American Indian/Alaska Native	0.2%	0.2%	0.2%	0.2%	0.3%	0.2%	0.05%	0%	0.1%	0.1%	0.2%	0.2%
Native Hawaiian/Other Pacific Islander	0.3%	0.3%	0.3%	0.3%	0.4%	0.3%	1%	0.4%	0.1%	0.1%	0.3%	0.3%
Middle Eastern/North African	2%	2%	2%	2%	2%	1%	2%	1%	2%	1%	2%	1%
Multiracial	2%	2%	6%	5%	6%	4%	6%	3%	5%	4%	6%	3%
Other Race, Ethnicity, or Origin	6%	4%	3%	3%	2%	2%	2%	2%	2%	3%	2%	2%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Table 5 (Continued)

Law Firm Size	Total Law Firms		2-10		11-50		51-100		101-200		201+	
	Total Attorneys	Partners	Total Attorneys	Partners	Total Attorneys	Partners	Total Attorneys	Partners	Total Attorneys	Partners	Total Attorneys	Partners
Men												
White	44%	56%	46%	56%	44%	58%	45%	60%	44%	57%	41%	56%
Hispanic/Latino	3%	3%	4%	4%	3%	3%	3%	2%	3%	4%	3%	3%
Asian	6%	5%	5%	5%	5%	4%	5%	4%	6%	5%	7%	6%
Black/African American	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
American Indian/Alaska Native	0.1%	0.1%	0.1%	0.1%	0.2%	0.2%	0%	0%	0.1%	0.1%	0.1%	0.2%
Native Hawaiian/Other Pacific Islander	0.1%	0.1%	0.2%	0.2%	0.2%	0.1%	0.2%	0%	0%	0%	0.1%	0.2%
Middle Eastern/North African	1%	1%	1%	1%	1%	1%	1%	0.4%	1%	1%	1%	1%
Multiracial	1%	2%	3%	3%	3%	2%	3%	2%	3%	2%	3%	2%
Other Race, Ethnicity, or Origin	3%	3%	2%	2%	1%	1%	1%	1%	1%	2%	1%	1%
Women												
White	25%	21%	24%	20%	26%	21%	26%	23%	25%	21%	26%	20%
Hispanic/Latino	3%	2%	3%	2%	3%	1%	3%	2%	3%	1%	2%	1%
Asian	6%	3%	5%	3%	5%	3%	6%	3%	6%	3%	8%	4%
Black/African American	1%	1%	1%	1%	1%	1%	1%	0.4%	2%	1%	2%	1%
American Indian/Alaska Native	0.1%	0.1%	0.1%	0.1%	0.1%	0%	0%	0%	0.1%	0%	0.1%	0.1%
Native Hawaiian/Other Pacific Islander	0.2%	0.1%	0.1%	0.2%	0.2%	0.2%	0.3%	0.4%	0.1%	0.1%	0.2%	0.1%
Middle Eastern/North African	1%	0%	1%	0.4%	1%	0.4%	1%	0.4%	1%	0.3%	1%	1%
Multiracial	1%	1%	3%	1%	3%	2%	3%	1%	2%	1%	3%	1%
Other Race, Ethnicity, or Origin	3%	1%	1%	1%	1%	1%	1%	0.4%	1%	1%	1%	0.3%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
LGBTQIA+	6%	5%	6%	5%	6%	5%	5%	4%	5%	5%	6%	5%
People with Disabilities	3%	2%	3%	3%	2%	2%	3%	2%	2%	2%	2%	1%

Table 6
Racial/Ethnic, Gender, LGBTQIA+, and People with Disabilities Representation among Corporate In-House Counsel, Government, and Nonprofit Attorneys and Executives

	Corporate In-House Counsel		Government Sector		Nonprofit Sector	
	Total Attorneys	Executives	Total Attorneys	Executives	Total Attorneys	Executives
Race/Ethnicity						
White	63%	71%	61%	65%	56%	65%
Hispanic/Latino	5%	5%	9%	9%	13%	10%
Asian	18%	12%	13%	9%	13%	8%
Black/African American	4%	3%	6%	7%	5%	7%
American Indian/Alaska Native	0.1%	0.2%	0.3%	1%	0.2%	1%
Native Hawaiian/Other Pacific Islander	0.5%	0.3%	1%	1%	0.3%	0.1%
Middle Eastern/North African	2%	2%	1%	1%	1%	1%
Multiracial	6%	5%	7%	6%	9%	6%
Other Race, Ethnicity, or Origin	2%	3%	2%	2%	2%	3%
Total	100%	100%	100%	100%	100%	100%
Men						
White	35%	44%	29%	35%	20%	28%
Hispanic/Latino	3%	3%	4%	5%	3%	3%
Asian	8%	6%	5%	5%	3%	3%
Black/African American	2%	1%	2%	2%	1%	2%
American Indian/Alaska Native	0.1%	0.1%	0.1%	0.3%	0.1%	0%
Native Hawaiian/Pacific Islander	0.2%	0.1%	0.3%	0.1%	0.1%	0%
Middle Eastern/North African	1%	1%	1%	1%	0.4%	0.4%
Multiracial	3%	3%	3%	3%	3%	2%
Other Race, Ethnicity, or Origin	1%	1%	1%	0.1%	1%	1%
Women						
White	28%	26%	32%	30%	36%	37%
Hispanic/Latino	2%	2%	5%	3%	9%	7%
Asian	10%	6%	8%	4%	9%	5%
Black/African American	2%	2%	4%	5%	4%	5%
American Indian/Alaska Native	0.04%	0.1%	0.2%	1%	0.2%	0.3%
Native Hawaiian/Pacific Islander	0.3%	0.2%	0.3%	0.2%	0.2%	0.1%
Middle Eastern/North African	1%	1%	1%	0.3%	1%	1%
Multiracial	3%	2%	4%	3%	6%	3%
Other Race, Ethnicity, or Origin	1%	1%	1%	1%	2%	1%
Total	100%	100%	100%	100%	100%	100%
LGBTQIA+	7%	6%	9%	10%	14%	13%
People with Disabilities	2%	2%	4%	4%	5%	5%

Table 7
Statewide: Satisfaction with Workplace Experiences by Gender, Race/Ethnicity, LGBTQIA+, and People with Disabilities

	INDIVIDUAL CAREER AND WORKPLACE ISSUES					
	Advancement Opportunities	**Career Development**	**Challenging Assignments**	**Respect and Prestige**	**Salary**	**Performance Evaluations**
Total	51%	52%	71%	58%	39%	41%
Gender						
Men	55%	55%	71%	60%	42%	44%
Women	45%	49%	71%	55%	35%	39%
Race						
White	54%	54%	73%	59%	41%	43%
Hispanic/Latino	49%	51%	71%	58%	36%	42%
Asian	41%	44%	62%	52%	33%	36%
Black/African American	46%	48%	69%	54%	35%	37%
Multiracial	46%	48%	69%	53%	34%	38%
Men						
White	58%	57%	73%	61%	44%	45%
Hispanic/Latino	53%	54%	72%	62%	40%	43%
Asian	46%	46%	62%	54%	35%	38%
Black/African American	51%	53%	69%	58%	37%	38%
Multiracial	49%	49%	68%	54%	36%	38%
Women						
White	49%	51%	74%	56%	38%	41%
Hispanic/Latino	45%	48%	71%	55%	33%	40%
Asian	37%	42%	62%	51%	32%	34%
Black/African American	41%	44%	68%	51%	32%	36%
Multiracial	43%	47%	70%	53%	32%	38%
LGBTQIA+	42%	50%	72%	55%	35%	40%
People with Disabilities	38%	42%	65%	49%	28%	34%

Table 7 (Continued)

	COLLECTIVE WORKPLACE ISSUES					
	Mentoring	**Coworkers**	**Leadership**	**Diverse Workplace**	**Inclusive Workplace**	**Antidiscrimination Policy**
Total	45%	74%	60%	54%	57%	56%
Gender						
Men	48%	73%	62%	56%	60%	58%
Women	43%	74%	58%	51%	55%	54%
Race						
White	48%	75%	62%	55%	59%	58%
Hispanic/Latino	43%	72%	61%	57%	58%	57%
Asian	38%	68%	54%	50%	51%	47%
Black/African American	38%	70%	55%	46%	49%	50%
Multiracial	42%	72%	59%	53%	56%	54%
Men						
White	50%	75%	64%	57%	61%	60%
Hispanic/Latino	45%	73%	63%	58%	60%	57%
Asian	40%	68%	56%	52%	53%	49%
Black/African American	42%	70%	58%	48%	52%	50%
Multiracial	45%	70%	58%	54%	57%	54%
Women						
White	45%	76%	60%	51%	57%	56%
Hispanic/Latino	41%	72%	59%	55%	57%	56%
Asian	37%	68%	52%	49%	49%	45%
Black/African American	35%	69%	53%	44%	47%	49%
Multiracial	40%	74%	60%	52%	55%	54%
LGBTQIA+	42%	78%	62%	52%	55%	51%
People with Disabilities	38%	66%	51%	51%	49%	48%

Table 7 (Continued)

	WORK/LIFE BALANCE					
	Hours Worked	**Flexible Work Hours**	**Maternity Leave**	**Paternity Leave**	**Family Medical Leave**	**Child Friendly Work Environment**
Total	52%	62%	39%	37%	43%	41%
Gender						
Men	53%	64%	40%	41%	45%	43%
Women	52%	59%	38%	32%	40%	38%
Race						
White	53%	63%	40%	39%	45%	43%
Hispanic/Latino	54%	60%	38%	36%	42%	41%
Asian	49%	56%	34%	30%	35%	34%
Black/African American	53%	61%	38%	36%	44%	39%
Multiracial	51%	58%	37%	33%	40%	38%
Men						
White	53%	65%	42%	42%	46%	45%
Hispanic/Latino	55%	64%	38%	38%	42%	42%
Asian	49%	58%	32%	34%	38%	34%
Black/African American	53%	66%	37%	41%	45%	41%
Multiracial	50%	60%	37%	37%	41%	40%
Women						
White	54%	61%	39%	33%	42%	40%
Hispanic/Latino	52%	56%	39%	33%	41%	40%
Asian	49%	55%	35%	26%	34%	33%
Black/African American	52%	57%	38%	32%	43%	36%
Multiracial	52%	56%	37%	29%	40%	37%
LGBTQIA+	63%	50%	30%	31%	43%	30%
People with Disabilities	47%	60%	32%	30%	37%	36%

Table 8
Law Firms: Satisfaction with Workplace Experiences by Gender, Race/Ethnicity, LGBTQIA+, and People with Disabilities

	INDIVIDUAL CAREER AND WORKPLACE ISSUES					
	Advancement Opportunities	**Career Development**	**Challenging Assignments**	**Respect and Prestige**	**Salary**	**Performance Evaluations**
Total	51%	52%	71%	58%	39%	41%
Gender						
Men	55%	55%	71%	60%	42%	44%
Women	45%	49%	71%	55%	35%	39%
Race						
White	54%	54%	73%	59%	41%	43%
Hispanic/Latino	49%	51%	71%	58%	36%	42%
Asian	41%	44%	62%	52%	33%	36%
Black/African American	46%	48%	69%	54%	35%	37%
Multiracial	46%	48%	69%	53%	34%	38%
Men						
White	58%	57%	73%	61%	44%	45%
Hispanic/Latino	53%	54%	72%	62%	40%	43%
Asian	46%	46%	62%	54%	35%	38%
Black/African American	51%	53%	69%	58%	37%	38%
Multiracial	49%	49%	68%	54%	36%	38%
Women						
White	49%	51%	74%	56%	38%	41%
Hispanic/Latino	45%	48%	71%	55%	33%	40%
Asian	37%	42%	62%	51%	32%	34%
Black/African American	41%	44%	68%	51%	32%	36%
Multiracial	43%	47%	70%	53%	32%	38%
LGBTQIA+	49%	50%	69%	56%	43%	37%
People with Disabilities	46%	46%	70%	51%	35%	36%

Table 8 (Continued)

	COLLECTIVE WORKPLACE ISSUES					
	Mentoring	**Coworkers**	**Leadership**	**Diverse Workplace**	**Inclusive Workplace**	**Antidiscrimination Policy**
Total	45%	74%	60%	54%	57%	56%
Gender						
Men	48%	73%	62%	56%	60%	58%
Women	43%	74%	58%	51%	55%	54%
Race						
White	48%	75%	62%	55%	59%	58%
Hispanic/Latino	43%	72%	61%	57%	58%	57%
Asian	38%	68%	54%	50%	51%	47%
Black/African American	38%	70%	55%	46%	49%	50%
Multiracial	42%	72%	59%	53%	56%	54%
Men						
White	50%	75%	64%	57%	61%	60%
Hispanic/Latino	45%	73%	63%	58%	60%	57%
Asian	40%	68%	56%	52%	53%	49%
Black/African American	42%	70%	58%	48%	52%	50%
Multiracial	45%	70%	58%	54%	57%	54%
Women						
White	45%	76%	60%	51%	57%	56%
Hispanic/Latino	41%	72%	59%	55%	57%	56%
Asian	37%	68%	52%	49%	49%	45%
Black/African American	35%	69%	53%	44%	47%	49%
Multiracial	40%	74%	60%	52%	55%	54%
LGBTQIA+	47%	73%	59%	49%	56%	55%
People with Disabilities	46%	69%	57%	49%	52%	51%

Table 8 (Continued)

	WORK/LIFE BALANCE					
	Hours Worked	**Flexible Work Hours**	**Maternity Leave**	**Paternity Leave**	**Family Medical Leave**	**Child Friendly Environment**
Total	52%	62%	39%	37%	43%	41%
Gender						
Men	53%	64%	40%	41%	45%	43%
Women	52%	59%	38%	32%	40%	38%
Race						
White	53%	63%	40%	39%	45%	43%
Hispanic/Latino	54%	60%	38%	36%	42%	41%
Asian	49%	56%	34%	30%	35%	34%
Black/African American	53%	61%	38%	36%	44%	39%
Multiracial	51%	58%	37%	33%	40%	38%
Men						
White	53%	65%	42%	42%	46%	45%
Hispanic/Latino	55%	64%	38%	38%	42%	42%
Asian	49%	58%	32%	34%	38%	34%
Black/African American	53%	66%	37%	41%	45%	41%
Multiracial	50%	60%	37%	37%	41%	40%
Women						
White	54%	61%	39%	33%	42%	40%
Hispanic/Latino	52%	56%	39%	33%	41%	40%
Asian	49%	55%	35%	26%	34%	33%
Black/African American	52%	57%	38%	32%	43%	36%
Multiracial	52%	56%	37%	29%	40%	37%
LGBTQIA+	43%	56%	40%	38%	43%	40%
People with Disabilities	40%	56%	36%	35%	39%	40%

Table 9
Corporate In-House Counsel: Satisfaction with Workplace Experiences by Gender, Race/Ethnicity, LGBTQIA+, and People with Disabilities

	INDIVIDUAL CAREER AND WORKPLACE ISSUES					
	Advancement Opportunities	**Career Development**	**Challenging Assignments**	**Respect and Prestige**	**Salary**	**Performance Evaluations**
Total	44%	45%	70%	56%	40%	38%
Gender						
Men	46%	46%	70%	57%	41%	39%
Women	42%	44%	71%	55%	39%	37%
Race						
White	46%	46%	42%	72%	57%	40%
Hispanic/Latino	48%	46%	41%	76%	59%	43%
Asian	37%	40%	34%	64%	52%	34%
Black/African American	39%	45%	36%	70%	53%	35%
Multiracial	41%	46%	40%	68%	56%	34%
Men						
White	48%	47%	72%	58%	43%	40%
Hispanic/Latino	50%	47%	76%	61%	41%	43%
Asian	38%	38%	60%	52%	33%	36%
Black/African American	47%	55%	75%	55%	42%	38%
Multiracial	41%	45%	64%	54%	41%	33%
Women						
White	44%	45%	72%	56%	41%	39%
Hispanic/Latino	46%	45%	74%	55%	42%	44%
Asian	37%	42%	66%	52%	35%	32%
Black/African American	34%	39%	67%	52%	32%	34%
Multiracial	41%	47%	72%	57%	40%	35%
LGBTQIA+	41%	44%	73%	55%	40%	35%
People with Disabilities	28%	39%	69%	51%	34%	32%

Table 9 (Continued)

	COLLECTIVE WORKPLACE ISSUES					
	Mentoring	**Coworkers**	**Leadership**	**Diverse Workplace**	**Inclusive Workplace**	**Antidiscrimination Policy**
Total	37%	74%	60%	52%	55%	57%
Gender						
Men	37%	74%	63%	54%	56%	58%
Women	37%	74%	58%	50%	53%	56%
Race						
White	38%	76%	62%	54%	57%	60%
Hispanic/Latino	41%	75%	64%	55%	59%	62%
Asian	33%	69%	53%	49%	48%	47%
Black/African American	32%	75%	55%	38%	42%	52%
Multiracial	35%	74%	61%	51%	53%	56%
Men						
White	39%	76%	64%	56%	59%	61%
Hispanic/Latino	38%	76%	70%	56%	58%	58%
Asian	31%	69%	55%	47%	47%	45%
Black/African American	33%	76%	58%	42%	47%	56%
Multiracial	35%	71%	62%	51%	52%	57%
Women						
White	38%	76%	60%	51%	54%	58%
Hispanic/Latino	45%	75%	57%	52%	60%	66%
Asian	35%	69%	52%	51%	50%	48%
Black/African American	32%	74%	54%	35%	38%	50%
Multiracial	36%	76%	60%	52%	55%	56%
LGBTQIA+	37%	75%	59%	51%	54%	57%
People with Disabilities	32%	69%	48%	47%	48%	51%

Table 9 (Continued)

	WORK/LIFE BALANCE					
	Hours Worked	**Flexible Work Hours**	**Maternity Leave**	**Paternity Leave**	**Family Medical Leave**	**Child Friendly Work Environment**
Total	55%	59%	39%	38%	44%	36%
Gender						
Men	57%	61%	40%	41%	45%	37%
Women	53%	56%	39%	34%	42%	35%
Race						
White	55%	60%	40%	40%	45%	37%
Hispanic/Latino	57%	57%	44%	40%	51%	39%
Asian	53%	54%	34%	31%	37%	34%
Black/African American	55%	58%	39%	36%	47%	35%
Multiracial	59%	60%	38%	39%	46%	34%
Men						
White	57%	62%	42%	42%	47%	38%
Hispanic/Latino	60%	57%	38%	41%	50%	36%
Asian	55%	56%	29%	33%	36%	34%
Black/African American	57%	62%	41%	42%	51%	39%
Multiracial	60%	64%	41%	43%	45%	36%
Women						
White	53%	58%	39%	35%	43%	35%
Hispanic/Latino	52%	57%	48%	39%	52%	42%
Asian	51%	52%	37%	29%	38%	35%
Black/African American	54%	55%	39%	32%	44%	32%
Multiracial	58%	57%	37%	35%	47%	31%
LGBTQIA+	56%	59%	37%	33%	42%	36%
People with Disabilities	51%	55%	36%	34%	40%	31%

Table 10
Government Sector: Satisfaction with Workplace Experiences by Gender, Race/Ethnicity, LGBTQIA+, and People with Disabilities

	INDIVIDUAL CAREER AND WORKPLACE ISSUES					
	Advancement Opportunities	**Career Development**	**Challenging Assignments**	**Respect and Prestige**	**Salary**	**Performance Evaluations**
Total	43%	52%	73%	56%	33%	43%
Gender						
Men	47%	56%	74%	60%	34%	46%
Women	39%	50%	73%	53%	32%	41%
Race						
White	44%	53%	74%	57%	32%	44%
Hispanic/Latino	42%	55%	74%	57%	35%	44%
Asian	37%	47%	67%	55%	30%	41%
Black/African American	37%	49%	66%	50%	37%	37%
Multiracial	43%	51%	73%	57%	32%	44%
Men						
White	47%	55%	74%	60%	33%	47%
Hispanic/Latino	48%	58%	74%	65%	38%	46%
Asian	43%	51%	68%	58%	30%	43%
Black/African American	43%	53%	68%	55%	41%	35%
Multiracial	49%	54%	74%	59%	27%	46%
Women						
White	41%	51%	74%	54%	32%	41%
Hispanic/Latino	37%	52%	73%	51%	32%	42%
Asian	33%	43%	66%	53%	29%	39%
Black/African American	34%	47%	65%	46%	35%	38%
Multiracial	38%	49%	73%	55%	36%	42%
LGBTQIA+	42%	50%	72%	56%	34%	40%
People with Disabilities	30%	41%	65%	46%	22%	38%

Table 10 (Continued)

	COLLECTIVE WORKPLACE ISSUES					
	Mentoring	**Coworkers**	**Leadership**	**Diverse Workplace**	**Inclusive Workplace**	**Antidiscrimination Policy**
Total	44%	78%	59%	57%	59%	56%
Gender						
Men	46%	78%	62%	62%	63%	59%
Women	42%	77%	56%	54%	56%	53%
Race						
White	45%	79%	60%	58%	61%	57%
Hispanic/Latino	44%	74%	59%	56%	57%	56%
Asian	39%	74%	55%	57%	55%	52%
Black/African American	37%	72%	49%	45%	46%	47%
Multiracial	41%	79%	58%	56%	57%	56%
Men						
White	47%	79%	63%	62%	65%	60%
Hispanic/Latino	46%	78%	62%	61%	61%	59%
Asian	41%	74%	58%	60%	59%	56%
Black/African American	42%	74%	57%	48%	47%	43%
Multiracial	49%	79%	60%	62%	63%	64%
Women						
White	43%	79%	57%	55%	58%	55%
Hispanic/Latino	41%	72%	56%	51%	53%	54%
Asian	38%	74%	54%	54%	52%	48%
Black/African American	34%	70%	45%	43%	45%	49%
Multiracial	36%	78%	57%	52%	53%	51%
LGBTQIA+	42%	78%	62%	53%	55%	53%
People with Disabilities	35%	70%	51%	53%	46%	48%

Table 10 (Continued)

	WORK/LIFE BALANCE					
	Hours Worked	**Flexible Work Hours**	**Maternity Leave**	**Paternity Leave**	**Family Medical Leave**	**Child Friendly Work Environment**
Total	65%	52%	35%	35%	46%	33%
Gender						
Men	66%	57%	39%	42%	51%	37%
Women	63%	48%	33%	27%	43%	30%
Race						
White	66%	53%	35%	34%	49%	34%
Hispanic/Latino	64%	49%	37%	37%	45%	35%
Asian	66%	55%	33%	31%	40%	30%
Black/African American	60%	50%	37%	37%	50%	32%
Multiracial	62%	48%	34%	33%	42%	31%
Men						
White	67%	56%	37%	40%	52%	38%
Hispanic/Latino	67%	58%	38%	43%	48%	36%
Asian	66%	59%	41%	43%	47%	34%
Black/African American	64%	61%	42%	49%	52%	38%
Multiracial	64%	53%	44%	43%	50%	37%
Women						
White	65%	50%	33%	27%	46%	31%
Hispanic/Latino	61%	43%	35%	31%	43%	33%
Asian	66%	52%	29%	19%	34%	27%
Black/African American	59%	44%	35%	29%	49%	29%
Multiracial	61%	44%	29%	24%	36%	26%
LGBTQIA+	65%	50%	31%	32%	43%	31%
People with Disabilities	58%	49%	33%	35%	45%	30%

Table 11
Nonprofit Sector: Satisfaction with Workplace Experiences by Gender, Race/Ethnicity, LGBTQIA+, and People with Disabilities

	INDIVIDUAL CAREER AND WORKPLACE ISSUES					
	Advancement Opportunities	**Career Development**	**Challenging Assignments**	**Respect and Prestige**	**Salary**	**Performance Evaluations**
Total	41%	49%	72%	54%	23%	37%
Gender						
Men	48%	53%	72%	60%	28%	41%
Women	38%	48%	72%	52%	21%	36%
Race						
White	44%	52%	75%	57%	26%	39%
Hispanic/Latino	41%	47%	74%	54%	20%	38%
Asian	31%	40%	60%	49%	18%	35%
Black/African American	46%	50%	68%	50%	23%	36%
Multiracial	40%	49%	73%	50%	20%	35%
Men						
White	51%	55%	75%	62%	30%	44%
Hispanic/Latino	44%	42%	71%	63%	26%	37%
Asian	35%	47%	62%	51%	24%	38%
Black/African American	58%	54%	59%	61%	17%	24%
Multiracial	46%	51%	74%	49%	26%	36%
Women						
White	40%	51%	75%	55%	24%	36%
Hispanic/Latino	40%	49%	75%	51%	17%	39%
Asian	28%	36%	59%	48%	16%	34%
Black/African American	41%	47%	71%	45%	25%	41%
Multiracial	37%	48%	73%	49%	17%	34%
LGBTQIA+	39%	49%	75%	55%	23%	34%
People with Disabilities	36%	38%	64%	45%	24%	24%

Table 11 (Continued)

	COLLECTIVE WORKPLACE ISSUES					
	Mentoring	**Coworkers**	**Leadership**	**Diverse Workplace**	**Inclusive Workplace**	**Antidiscrimination Policy**
Total	42%	78%	61%	62%	65%	56%
Gender						
Men	44%	78%	67%	65%	69%	57%
Women	41%	78%	59%	61%	63%	56%
Race						
White	44%	79%	63%	62%	67%	60%
Hispanic/Latino	40%	78%	61%	62%	63%	60%
Asian	37%	75%	53%	60%	57%	42%
Black/African American	35%	72%	57%	60%	60%	55%
Multiracial	43%	81%	63%	64%	68%	53%
Men						
White	44%	78%	69%	66%	72%	61%
Hispanic/Latino	47%	75%	69%	63%	61%	57%
Asian	42%	79%	58%	69%	69%	44%
Black/African American	36%	76%	59%	49%	58%	54%
Multiracial	47%	83%	63%	63%	68%	49%
Women						
White	44%	80%	60%	61%	64%	60%
Hispanic/Latino	38%	80%	59%	62%	65%	61%
Asian	35%	73%	52%	56%	53%	41%
Black/African American	34%	70%	57%	64%	60%	56%
Multiracial	39%	80%	63%	66%	69%	56%
LGBTQIA+	41%	78%	59%	60%	65%	53%
People with Disabilities	28%	66%	45%	61%	55%	46%

Table 11 (Continued)

	WORK/LIFE BALANCE					
	Hours Worked	**Flexible Work Hours**	**Maternity Leave**	**Paternity Leave**	**Family Medical Leave**	**Child Friendly Work Environment**
Total	60%	64%	38%	35%	45%	43%
Gender						
Men	63%	65%	38%	43%	50%	45%
Women	59%	63%	38%	32%	43%	43%
Race						
White	62%	65%	40%	39%	49%	46%
Hispanic/Latino	60%	62%	37%	33%	43%	42%
Asian	57%	63%	31%	29%	35%	34%
Black/African American	60%	62%	39%	35%	44%	44%
Multiracial	57%	61%	40%	28%	43%	44%
Men						
White	65%	67%	44%	45%	54%	46%
Hispanic/Latino	64%	67%	27%	35%	45%	48%
Asian	61%	67%	25%	38%	46%	30%
Black/African American	67%	51%	36%	38%	45%	42%
Multiracial	54%	57%	40%	39%	43%	48%
Women						
White	61%	64%	40%	35%	46%	46%
Hispanic/Latino	59%	60%	40%	33%	43%	40%
Asian	56%	62%	33%	26%	32%	36%
Black/African American	58%	66%	40%	34%	44%	44%
Multiracial	59%	62%	40%	22%	44%	43%
LGBTQIA+	60%	63%	32%	29%	45%	43%
People with Disabilities	54%	62%	34%	27%	39%	39%

ATTACHMENT 3

HOW DO I BECOME A LAWYER?

START

California offers many pathways

Law Schools

Unlike most other states with only a few law schools, California has over 50 law schools! They present a diverse array of opportunities at different cost points to receive a legal education. In addition to **ABA-accredited law schools,** we have **California-accredited law schools** and **registered, unaccredited law schools.** Some schools offer flexibility and opportunities for those who need it, including programs that are fully online, part-time or at night, with leeway to spread out your study over four or more years.

Law Office Study Program

California is one of only a few states where you can become a lawyer without going to law school, by studying under a judge or attorney. It's four years of hard work or maybe more, but it could be the right path for you!

I'M IN HIGH SCHOOL

Study

- Stay in school
- Get good grades, and ask for help if needed

Explore

- Extracurricular activities: Does your high school have a Law Academy? Debate team?
- College fairs
- Community colleges

Plan

Ask counselors about:

- Assistance programs
- Scholarships
- Grants for college

I'M IN COMMUNITY COLLEGE OR UNDERGRAD

Study

- Take classes that require writing, logic, and critical thinking, such as communications, public speaking, and political science
- Get good grades, and ask for help if needed
- Study for the Law School Admissions Test (LSAT), and consider investing in prep courses if available (Check out our resource list for a free one!)

Explore

- Learn about the legal profession–visit law schools, intern at a law office or legal aid organization, attend court proceedings
- Join your school's pre-law organization
- Ask a lawyer to take 15 minutes to chat with you about their career

Plan

- Ask counselors about assistance programs, scholarships, and grants for law school
- Check law school websites for information about how to get ready, and any grants or scholarships they offer
- Look into your local bar association or affinity bar associations for grants or scholarships. You'll find a list on our Resource Page

I'M NOT IN SCHOOL, AND I DIDN'T GRADUATE FROM COLLEGE

In California, qualified applicants can take the bar exam without going to law school. Most law schools require a college degree, but some may only ask for equivalent course work, and some law schools focus on your legal interest and life experiences and not on your grades or LSAT scores.

If being a lawyer is your dream, you can achieve it!

The State Bar of California

Access the online version of this handout for more information and resources.

ATTACHMENT 4

YOU WANT TO MAKE A DIFFERENCE IN THE WORLD.

BECOMING A LAWYER IS A POWERFUL WAY TO HAVE REAL IMPACT.

The State Bar of California

As a lawyer, you can work for justice. You can create change and right the wrongs you see in your community. You can help people who need a passionate and effective advocate.

Truth is, lawyers can work in just about any field. You can have a career in politics, business, education, healthcare, environmental or criminal justice, sports, entertainment, or any combination.

In government, lawyers write laws as legislators or their staff, apply and enforce them in executive branch departments, and interpret them as judges. The possibilities are endless.

Think a law career is out of reach for you? IT IS NOT.

All sorts of people, from all walks of life, become lawyers. Undocumented immigrants. Rap musicians. Creative people. Passionate people. Lots of people just like you. Becoming a lawyer takes hard work and dedication, but it's possible!

Worried about the cost? Don't let that stop you.

Check around, there are lots of ways to become a lawyer, and many organizations offer financial support and resources to help students with the grit to study the law.

Okay, so what do lawyers actually do?

- Defend our rights to be treated fairly at work, to be free to assemble and protest peacefully, and against unlawful search and seizure
- Help people achieve U.S. citizenship
- Negotiate deals with musicians, actors, and athletes
- Protect our communities from pollution and keep them safe and strong
- Write or change the laws by running for office or working with an officeholder, or decide what the laws mean by becoming a judge or a research attorney
- Develop new businesses and create new opportunities for yourself and your community
- Help people stay in their homes and get public assistance when needed
- Fight to make sure everyone gets equal rights and the wages, benefits, and protections they deserve
- And more!

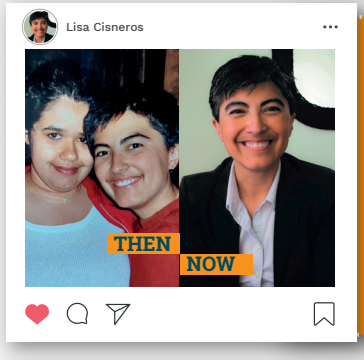
Meet some of California's inspirational lawyers

Tani Cantil-Sakauye,
Chief Justice of California

Born in Sacramento. Attended public high school, community college, and university. Mother planted the idea of law study. Now the 1st Asian Filipina-American and 2nd woman to serve as Chief Justice of California. Impassioned about social justice and empowering students through civics.

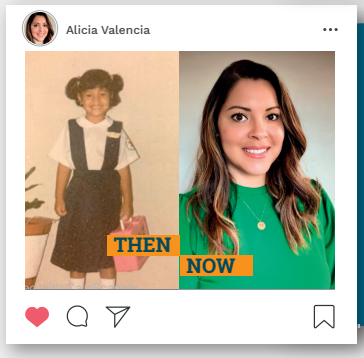
David Kelly, Chief Legal Officer,
Golden State Warriors

Born in Chicago. Attended Morehouse College and the University of Illinois College of Law. Before settling into a law career, was a rap musician and founder of a record label and music producer, releasing eight albums and touring internationally. Established a successful practice in corporate and sports law before joining the Warriors in 2012.



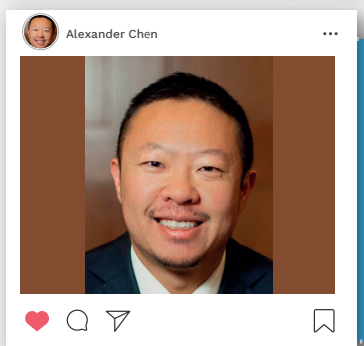
Lisa Cisneros, Deputy Attorney General,
California Department of Justice

Raised in Salinas. Grew up loving to read and play sports. Attended Brown University and UC Berkeley School of Law. Worked at California Rural Legal Assistance Inc., leading its LGBTQ Program, a model for similar programs nationwide. Appointed by Governor Brown to the Fair Employment and Housing Council. Joined the Civil Rights Enforcement Section in the California Office of the Attorney General in Feb. 2019.



Alicia Valencia, Esq.,
Litigation Attorney, CNA Insurance

Born in Central America (El Salvador). Raised in the Bay Area. Firsthand experience of the immigrant struggle inspired study of law. Attended UCSB as an undocumented student. Went on to USF law. Internship in immigration and judicial externship in domestic violence before graduating and continuing on to a career in insurance litigation.



Alexander Chen, Founding Director
Harvard Law School LGBTQ+ Advocacy Clinic

Alex's parents escaped political persecution in China. Their journey, as well as Alex's own experience growing up in Southern California and Hong Kong as a transgender American, inspired him to fight for civil rights. He studied his way to Harvard, Columbia, and Oxford, clerked for judges in California, and now leads a clinic at Harvard protecting LGBTQ+ rights.

Want to learn more? Yes! Check out the path to becoming a lawyer on the back.

Mindsets in Legal Education

Evaluating Productive Mindset Interventions that Promote Excellence on California's Bar Exam

Authors:

Victor D. Quintanilla, Indiana University Bicentennial Professor of Law, Co-Director of the Maurer School of Law's Center for Law, Society & Culture

Dr. Sam Erman, Professor of Law at the USC Gould School of Law

Dr. Mary C. Murphy, Herman B. Wells Professor of Psychological and Brain Sciences and Associate Vice Provost for Diversity and Inclusion at Indiana University

Dr. Greg Walton, Michael Forman University Fellow in Undergraduate Education and Associate Professor of Psychology at Stanford

Prepared For:

The State Bar *of California*

June 25, 2020

Evaluating Productive Mindset Interventions that Promote Excellence on California's Bar Exam

Executive Summary

As Mindsets in Legal Education (MILE) researchers, we designed, administered, and evaluated the online productive mindset intervention referred to as the *California Bar Exam Strategies and Stories Program* (the program). In partnership with the State Bar of California (SBC), we streamlined and simplified the enrollment process while improving participation on the July 2018 and July 2019 California bar exams.

1. Proven Effectiveness: Working closely with the SBC, we conducted a preliminary analysis of the program in January 2020. The results suggest that the program increases the likelihood of passing the bar exam, after controlling for LSAT and GPA, by between 6.8 to 9.6 percent, depending on the analysis conducted.

2. Boost for First-Generation and Underrepresented Minority Students: The program particularly helped applicants who were first-gen college students and underrepresented minorities, according to our analyses.

3. Reductions in Psychological Friction: Our analyses suggest that the productive mindset intervention succeeded by reducing psychological friction. Among applicants studying for the exam, it fostered stress-is-enhancing and growth mindsets that helped them succeed in the face of stress, anxiety, and mistakes.

In light of these results, we recommend that the SBC offer the *California Bar Exam Strategies and Stories Program* to future cohorts. Future test takers would likely benefit from the stress-is-enhancing and growth mindsets that the program fosters. Adaptive mindsets may be especially important in the immediate future, as applicants face adversity associated with COVID-19. We anticipate updating the program to address these new sources of psychological friction.

I. Overview of the Productive Mindset Intervention

The Challenge and the Opportunity

Passage rates on the California bar exam are at the low end of historical ranges and reveal persistent racial, ethnic, and socio-economic disparities. These problems suggest a need for research into factors that shape bar exam performance and for interventions that improve bar exam performance. This need is acute where racial and ethnic minorities and socio-economically disadvantaged groups are concerned. Resolving these challenges may enhance opportunity. Greater bar passage may motivate prospective law school applicants and expand the value of legal education by fulfilling the commitment that law students who expend considerable effort and resources can thereby gain access to the legal profession.

Psychological Friction: A Root Cause

In addition to a high-quality legal education and adequate financial aid, productive mindsets may be important for success in law school and during bar exam preparation. Worries about ability, potential, belonging, and stress are commonplace among students during the transition into law school, within law school classes, and while studying for the bar exam. This psychological friction can prevent students from achieving their potential (e.g., Murphy et al., 2007; Crum, et al., 2013; Yeager et al., 2019), including by draining students' executive functioning and cognitive resources and thereby lowering persistence and performance (e.g., Kamins & Dweck, 1999, Walton & Cohen, 2007; 2011).

Productive Mindset Interventions: A Way to Reduce Psychological Friction

Productive mindset interventions mitigate the harms associated with concerns about potential, belonging, and stress and spur motivation and performance (Walton & Wilson, 2018). The *California Bar Exam Strategies and Stories Program* was developed to help test takers find productive ways to interpret the challenges, obstacles, and negative psychological experiences associated with preparing for the bar exam. Its goal was to improve bar applicants' test-taking experiences and exam performance.

Design of the Intervention (Summer 2017 – Spring 2018)

In collaboration with the State Bar of California, we engaged in a user-centered design process to create a well-tailored, psychologically attuned, optimized productive mindset intervention for law school graduates taking the California bar exam for the first time.

1. Timeline

Spring 2017: We presented research on the potential benefits of a productive mindset intervention to the State Bar of California and the Committee of Bar Examiners.

Summer 2017: We conducted an online survey that elicited the thoughts, feelings, and behaviors of recent law school graduates studying for the July 2017 bar exam.

Fall 2017: We conducted follow-up online surveys and focus groups to learn about the challenges, concerns, and experiences of students who took the 2017 bar exam.

Winter 2017: We created draft intervention materials, then adapted, improved, and revised them through an iterative process with focus groups.

Spring 2018: With the assistance of a film production studio, we produced the films, audio stories, and materials that form the basis of the productive mindset intervention. Participants began enrolling in the 2018 program on March 1.

May 2018: The program was released to all participants who timely registered for the July 2018 bar exam.

2. Design-Stage Findings

The design-stage surveys and focus groups that we conducted suggested bar exam takers experienced stress and anxiety when preparing for the bar exam. One set of obstacles centered on the exam and applicants' feelings about preparing for it. Examples included:

- Fear of Failure*:* Applicants ruminated on failing the exam, especially if they were in the bottom half of their law school classes.
- Time: Insufficient time to prepare for the exam and associated stress or panic were common complaints.
- Attention span: Difficulty focusing for hours and days on end was another substantial stressor.
- Confidence: Making mistakes on practice exams or performing worse than others on them produced negative expectations in applicants and reduced their confidence.
- New Material: Learning a high volume of material never covered in law school created stress, especially among those who skipped material early in the bar study process.
- Lack of feedback*:* Infrequent and untimely feedback from bar review courses and distrust of self-assessments left applicants uncertain about their progress toward bar passage.
- Bar review courses*:* Remedial work on top of 10- or 12-hour study days and low scores on practice problems brought stress and anxiety.

A second set of obstacles involved applicants' personal situations:

- Financial concerns*:* Reducing or ending paid employment while studying for the bar could make money tight.
- Relationships: Those with obligations to care for dependents faced additional financial burdens or felt caught between neither being "good caregivers" nor "good students."
- Job Searches: Those without jobs lined up faced the stress and anxiety of searching for a job while studying or of having temporarily abandoned the search for the interim.

- Unexpected Crises: Crises increased stress, could be hard to mitigate, and could be detrimental to personal well-being.
- Loneliness and Isolation: Studying for the bar exam could mean time away from family members or loved ones. Often the kinds of support they received (e.g., "You are really smart, you have nothing to worry about.") was counterproductive and increased anxiety about failing the exam.
- Self-care: Applicants reported sleeping poorly, having anxiety attacks, eating junk food, drinking alcohol, cutting back on time with loved ones, and being unable to exercise. This reduced well-being and the ability to mitigate stress and anxiety.

The *California Bar Exam Strategies and Stories Program* was designed to help applicants with challenges such as these.

Delivery of the Productive Mindset Intervention (Summer 2018 and Summer 2019)

Online delivery of the *California Bar Exam Strategies and Stories Program* came in the summers of 2018 and 2019. In partnership with the State Bar of California, we offered the program to all applicants for the July bar exams. Applicants had the opportunity to enroll during registration, which began March 1. Doing so included consent to participate in the program and permission for the researchers to analyze the applicant's bar exam result. Enrollees who timely registered for the exam received a link to the online program in mid-May.

The *California Bar Exam Strategies and Stories Program* incorporated an introductory film, audio and written stories from prior test takers, and participants writing letters to future test takers about how to use the stories' insights and strategies. It had two conditions: (1) the active control condition, which provided bar exam study strategies; and (2) the treatment condition, which provided both the productive mindset intervention and bar exam study strategies.

The program was designed as a randomized control trial (RCT), which is the gold standard for examining efficacy of interventions. Random assignment of test takers ensures the random dispersal of student traits (e.g., GPA, demographic details) between conditions. Where possible, block (or stratified) random assignment is also recommended. We used blocks to ensure that equal proportions of men, women, racial and ethnic groups, U.S. law students, first-time test takers, and repeat test takers were randomly assigned into the treatment and into the control condition. Moreover, we applied a statistical package to ensure that average prior performance scores (i.e., LSAT and law school GPA) were equal within the treatment and control condition. This left the intervention treatment as the only systematic difference between the conditions.

II. Evaluation of the Productive Mindset Intervention

Bar exam performance data became available in November 2018 and November 2019. The research team conducted onsite visits with the State Bar of California in December and January after the exam to investigate the effectiveness of each year's administration of the program. SBC researchers validated publicly available bar passage lists, and we worked closely with SBC researchers to evaluate the intervention.

Bar passage was the primary outcome of interest because an increase in bar passage rates in the intervention condition provides evidence of the effectiveness of the productive mindset intervention. We also assessed psychological outcomes, including whether participants adopted more adaptive mindsets about stress and mistakes. This executive summary provides our initial findings.

Enrollment and Participation in the Program

In March of 2018 and 2019, n = 2,796 applicants timely registered for the bar exam and enrolled in the *California Bar Exam Strategies and Stories Program*. All consented to allowing the researchers to analyze the effect of the program. The RCT protocol assigned n = 1,391 applicants to the control condition, and n = 1,405 to the treatment condition.

In mid-May, we sent enrollees (n = 2,796) a link to the program and follow-up reminder emails. Among enrollees, n = 1,693 (60.55%) clicked on the link to begin the program; n = 630 (37.21%) completed all lessons, modules, reflective writing exercises, and a letter to a future test taker, and thereby completed the program. Of the participants who completed the program, n = 529 (83.96%) were first time takers, while n = 101 (16.03%) were repeat test takers.

Predictors of Bar Exam Passage

We turn first to predictors of bar passage among applicants who enrolled in the program after timely registering for the California bar exam. These analyses combined across the July 2018 and July 2019 cohorts of applicants who enrolled in the program (n = 2,796).

1. Do LSAT scores or law school GPAs correlate with passing the July bar exam?

The LSAT score (r = .41) and law school GPA (r = .41) that enrollees self-reported in March of their exam year positively correlated, about equally, with passing the July bar exam.

2. Do psychological factors correlate with passing the July bar exam?

Among the psychological measures that enrollees completed in March, several relating to self efficacy correlated with passing the July bar exam. For example, confidence in one's ability to pass the exam positively correlated with performing well on the exam. Conversely, participants who held low levels of self-efficacy—believing that they did not have what it takes to study for the exam or to perform well on the exam—were less likely to pass the exam.

We transformed self-efficacy measures into a validated psychological index of challenge-threat (Jamieson et al., 2016). This challenge-threat index correlated with passing the exam, such that applicants who perceived the experience of preparing for the bar exam as a "challenge," rather than a "threat" were more likely to pass the exam. Moreover, experiencing stereotype threat also negatively correlated with passing the exam.

3. Do demographic and situational factors correlate with passing the July bar exam?

We next examined the extent to which demographic and situational factors correlated with passage of the July exam among program enrollees who timely registered for the bar exam (*n* = 2,796).

Demographic Factors: We found that participants with higher self-reported socio-economic status (SES) were more likely to pass the exam than those who self-reported lower SES. Applicants who were the first in their family to go to college were less likely to pass the exam, whereas those whose parents had higher levels of educational attainment were more likely to pass it.

There were also modest associations with applicants' race/ethnicity, but not with their gender. Self-identification as white correlated positively with bar passage (r = .22), while correlations with bar passage were negative when applicants self-identified as Asian American or Asian (r = -.11), and African American (r = -.15). Applicant gender (male vs. female) was not associated with bar exam performance.

That is, demographic factors that give rise to greater psychological friction in academic settings correlated with performance on the bar exam. For example, research reveals that students of color and first-generation college students are numerically underrepresented in law schools and experience stereotypes about negative ability that may affect their performance in school (Green et al., 2020; Steele & Aronson, 1995; Canning, Muenks, Green & Murphy, 2019).

Age and legal training also correlated moderately with bar passage. Older participants were less likely to pass the bar exam. Test takers graduating from law schools outside the U.S. and foreign attorneys were less likely to pass, as were international students graduating from U.S. law schools.

Situational Factors: Part- or full-time summer employment negatively correlated with passing the bar exam as did responsibility for caring for dependents (e.g., children or aging parents) while preparing for the exam. Test takers who had failed and were repeating the bar exam were less likely to pass than those taking the exam for the first time.

Evaluating the Productive Mindset Intervention

We now turn to an evaluation of the *California Bar Exam Strategies and Stories Program*.

1. Was the California Bar Exam Strategies and Stories Program effective?

We first conducted a conservative test of the efficacy of interventions known as an intent-to-treat (ITT) analysis. This type of analysis examines the effect on enrollees assigned to the treatment or control condition, regardless of whether the enrollee completed—or even began—the program. Hence, we compared enrollees who timely registered for the California bar exam and received a link to the program in May 2018/2019, even if they never clicked on that link to begin (n = 2,796). The sample included enrollees for whom the program was not specifically designed: graduates of foreign law schools and out-of-state attorneys. As is recommended, we controlled for participants' prior performance, LSAT and law school GPA (LGPA). The results of this evaluation were promising: the estimated probability of passing the July bar exam was 6.8 percentage points higher in the treatment condition (53.3%) than in the control (46.5%) condition.

We then examined the average-treatment effect (ATE) of the *California Bar Exam Strategies and Stories Program* among applicants who timely registered for the California bar exam and who completed the program (n = 630). This analysis included only those participants who completed all video and written modules of the program, watched the introductory films, read the written stories from prior test takers, and wrote a letter to a future test taker about how to use the insights and strategies shared. Controlling for LSAT and LGPA, the estimated probability of passing the bar exam was 9.6 percentage points higher in the treatment (59.7%) than the control (50.1%) condition. These results were again promising.

2. Did the *California Bar Exam Strategies and Stories Program* help members of disadvantaged groups?

Next, we examined the effect of the program among the following historically disadvantaged groups: underrepresented minorities and first-gen applicants. We again combined across 2018 and 2019 cohorts to increase the sample size of participants who completed the program (n = 630). This sample consisted of 38.1% men and 61.9% women; 54.06% white participants and 45.94% underrepresented minority (URM) participants; 27.0% first-generation in college students (first-gen) and 83.0% continuing-generation in college students (con't-gen).

Demographic Characteristics	
Gender	Men, n = 239 Women, n = 388
Socio-economic status	First-gen college, n = 170 Con't-gen college, n = 459
White	n = 286
African American	n = 42
Hispanic	n = 128
Asian / Asian American	n = 123
Mixed Race	n = 36

Underrepresented Minority Applicants: Our initial analysis revealed that the program improved pass rates among underrepresented minorities applicants (control = 39.1% vs. treatment = 55.1%), an estimated difference of 16 percentage points. This is a promising result, especially given the persistent racial/ethnic achievement gaps on the bar exam.

First Gen Applicants: To learn whether the program benefits applicants of lower socio-economic status and might thereby help narrow socio-economic status achievement gap between, we analyzed its impact on first-generation college students (regardless of race). The results were again promising. The estimated probability of passing the bar exam among first-generation applicants was much higher in the treatment condition (70.3%) than in the control (31.8%) condition.

The impact of the program on members of disadvantaged groups was promising and suggests that the *California Bar Exam Stories and Strategies Program* helped first-gen college students and under-represented minorities.

We wish to emphasize, however, that we are continuing to examine the program's impact on achievement gaps. The sample sizes were small even when combining across years. Replication with a larger sample will reduce uncertainty about the replicability and magnitude of these effects.

3. Why was the *California Bar Exam Strategies and Stories Program* effective?

The *California Bar Exam Strategies and Stories Program* was designed to improve passage rates by changing how applicants think about the stress that they encounter and the mistakes that they make when studying for the exam. Our initial analyses of the effect of the program on psychological processes suggests that the program worked as intended.

Participants appear to have succeeded in the face of stress, anxiety, and mistakes by adopting more adaptive mindsets. They moved from a stress-is-debilitating mindset to a stress-is-enhancing mindset. They learned to reappraise the anxiety they experienced. And they shifted toward meeting mistakes with a growth mindset rather than a fixed mindset.

These benefits are consistent with the effects of other well-designed psychological interventions. *See generally* Gregory M. Walton & Timothy D. Wilson, *Wise Interventions: Psychological Remedies for Social and Personal Problems*, 125 PSYCH REV. 617 (2018).

Future analyses will continue to explore the underlying mechanisms and the reasons for the effectiveness of the program.

Conclusion

The research and design team is grateful for this opportunity to update the State Bar of California on this project. More broadly, we are grateful for the opportunity to collaborate with the SBC on improving bar-exam performance through productive mindset interventions.

Research Team Qualifications

The research team is highly qualified to conduct the project. The team includes members of the College Transition Collaborative (http://collegetransitioncollaborative.org) — a partnership between researchers and institutions of higher education aimed at improving student success in college. The investigators are leaders in the field of creating, implementing, and evaluating large-scale productive mindset interventions that reduce achievement gaps and boost retention among undergraduate and graduate students (e.g., Walton & Cohen, 2011; Murphy et al., 2020; Walton, Logel, et al., 2015).

Principal Investigator, Victor D. Quintanilla is an Indiana University Bicentennial Professor of Law, Co-Director of the Maurer School of Law's Center for Law, Society & Culture, and Affiliate Professor of the IU Department of Psychological and Brain Sciences. Professor Quintanilla's research empirically examines legal education by drawing on theory and methods within the field of psychological science. He serves as the principal investigator of Mindsets in Legal Education (MILE) a multi-site research line that creates, implements, and evaluates social psychological interventions that promote productive mindsets, belonging, and enhance law student experiences and performance, with funding from the AccessLex Institute. His work appears in leading law reviews and peer-reviewed journals. He was a Fellow in Residence at the Center for Advanced Study in the Behavioral Sciences at Stanford University (2015-2016).

Co-Principal Investigator, Dr. Sam Erman is a Professor of Law at the USC Gould School of Law. Dr. Erman conducts policy-relevant research concerning the relationship of law to belonging, the relationship of psychology to antidiscrimination law, the spread and maturation of ideas within legal communities, and the strategies and impacts of outsiders on legal thought and practice. His work has appeared in leading law reviews and peer-reviewed journals and in a book with Cambridge University Press, *Almost Citizens* (2019). Erman was also a law clerk to Supreme Court Justices Anthony Kennedy and John Paul Stevens; and a law clerk to Judge Merrick Garland of the U.S. Court of Appeals for the D.C. Circuit.

Co-Principal Investigator, Dr. Mary Murphy is the Herman B. Wells Professor of Psychological and Brain Sciences and Associate Vice Provost for Diversity and Inclusion at Indiana University. In the area of education, her research illuminates the situational cues—like faculty and institutional mindset—that influence students' academic motivation and achievement with an emphasis on understanding when those processes are similar and different for majority and minority students. She develops, implements, and evaluates social psychological interventions that reduce identity threat and spur students' motivation, persistence, and performance. Dr. Murphy is a co-founder of the College Transition Collaborative, a research-practice partnership aimed to increase student success through social psychological interventions. In 2013, she was named a Rising Star by the Association for Psychological Science (APS). In 2019, she was awarded the Presidential Early Career Award for Scientists and Engineers (PECASE)—the highest honor bestowed on early career scientists by the United States Government. She is the recipient of over $8 million in federal and foundation grants including a recent $2.2 million NSF CAREER award for her research on strategies to improve diversity in STEM. Her research has been profiled in The New York Times, Forbes, Harvard Business Review, Scientific American, and NPR, among other outlets.

Co-Principal Investigator, Dr. Gregory Walton is The Michael Forman University Fellow in Undergraduate Education and Associate Professor of Psychology at Stanford and one of the world's leading experts in psychologically "wise" interventions, particularly interventions to support a sense of belonging among students. Validated interventions created by Dr. Walton have been disseminated to hundreds-of-thousands of students by schools and groups like PERTS (https://www.perts.net/) and integrated into diverse institutional practices. Dr. Walton co-founded CTC (http://collegetransitioncollaborative.org/), a center at Stanford that partners with dozens of colleges and universities to implement and evaluate interventions to support students' sense of belonging in college, including in randomized controlled trials.

Dr. Shannon Brady is an Assistant Professor of Psychology at Wake Forest University. Her research examines how people make meaning of themselves and their environments, how institutional messages affect this meaning-making, and the consequences thereof for diverse outcomes including well-being, achievement, relationships, and health. By developing and testing social-psychological interventions, she seeks to advance theory, elucidate psychological dimensions of major social issues, and develop new ways to improve individual and community life. Before graduate school, she taught at Taopi Cikala Owayawa (Little Wound School) on the Pine Ridge Indian Reservation in South Dakota. She has a M.S. from Black Hills State University in Education and a Ph.D. from Stanford University in Developmental and Psychological Sciences.

Elizabeth Bodamer is the ABF/AccessLex Doctoral Fellow in Legal Education & Higher Education and a sociology PhD candidate at Indiana University Bloomington. She earned her J.D. from Indiana University Maurer School of Law. As a Ph.D. student at Indiana, she was also the Director of Student Affairs at Indiana University Maurer School of Law for four years.

Dr. Dorainne Green is an Assistant Professor of Psychology in the Department of Psychological and Brain Sciences at Indiana University. Her research explores the pathways through which stigma-related stressors contribute to disparities in education, health, and well-being between socially advantaged and socially disadvantaged individuals. A primary interest is the identification of strategies to help stigmatized individuals manage the challenges of navigating diverse spaces, including those with the potential to expose them to stigma-related stressors. Dr. Green has a Ph.D. from Northwestern University in Social Psychology.

Trisha Dehrone is a current Ph.D. student at the University of Massachusetts' Psychology of Peace and Violence Program studying under Dr. Linda Tropp. She received her B.A. in Psychology at Rutgers University – Newark (2012-2015; Summa Cum Laude). She is presently a NSF GRFP Fellow, designing and analyzing interventions designed to bridge group differences in divided societies around the world. She also serves as an intern with the Psychological Study of Social Issues' United Nations NGO Committee (https://www.spssi.org/), which supports and trains psychologists in the dissemination of psychological research for policy related to the UN agenda.

Heidi Williams is a Ph.D. candidate in Social Psychology at Indiana University. Her research investigates psychological and structural factors that contribute to the underrepresentation and

underperformance of different groups in academic and professional contexts. She develops social psychological interventions designed to mitigate these factors and promote the success and well-being of all people. She has a B.S. in Psychology and a B.A. in Germanic Studies from Indiana University.

Dr. Nedim Yel has advanced methodological skills and experience, including publications on analyzing achievement gaps and using multi-level modeling. Dr. Yel received his Ph.D. in measurement statistics and methodological studies program at Arizona State University. His research interest focuses on measurement, Bayesian methods, multilevel models, large-scale assessment, item parameter recovery, and scale development. Dr. Yel currently works as a Senior Research Statistician at IU and teaches research methods and advanced methodology courses at University of Massachusetts Boston.

The State Bar *of California*

ATTACHMENT 6

Moral Character Statement

Mission and Purpose

The process for making a moral character determination for those seeking admission to the State Bar of California and a license to practice law shall be uniform, consistent with governing law, and transparent. The process shall adhere to best practices and ensure that appropriate consideration is given to rehabilitative efforts undertaken by applicants.

A review of whether an applicant is of good moral character is one of several parts of the process of establishing eligibility for admission to the practice of law in California. Applicants have the burden of establishing the requisite moral character by demonstrating possession of traits critical to the ethical practice of law, such as candor and honesty, and respect for the law and the rights of others.

- Moral Character Requirement: Governing Law
- Process for Filing a Moral Character Application
- Factors and Conduct Relevant to a Moral Character Determination
- Further Investigation and Informal Conferences
- Moral Character Determination Guidelines

The State Bar of California

Moral Character Determination Guidelines

This document reflects the methodology typically utilized by the State Bar of California in completing an analysis of issues relevant to the determination of whether an applicant possesses the requisite moral character for licensure to practice law. The guidelines are intended to reflect standards set forth by the California Supreme Court and other governing law.

The utility of the guidelines is predicated on the complete and accurate disclosure of relevant facts and the provision of necessary documentation by the applicant.

The document does not contain all moral character values, acts of misconduct, mitigating and aggravating factors, or rehabilitation factors that are relevant to a moral character determination.

Applicants are unique and will be considered on their individual merits. Accordingly, these guidelines neither bind nor limit the discretion of the decision-makers.

Contents

Respect for and Obedience to the Law

Honesty, Candor, Trustworthiness, Fairness

Continued

Contents

Observance of Fiduciary and Financial Responsibility

Respect for the Rights of Others and the Judicial Process

Felony Conviction

Additional Inquiry Seldom Needed

- One conviction, expunged pursuant to a statute listed in the Convictions section of the Application for Determination of Moral Character, no aggravating factors
- Nonviolent, more than five years ago, no subsequent convictions, no aggravating factors

Additional Inquiry May Be Needed

- Not expunged pursuant to a statute listed in the Convictions section of the Application for Determination of Moral Character
- Violent

Informal Conference May Be Needed

- Contingent on the outcome of additional inquiry and totality of the circumstances
- Involving moral turpitude[1]

Mitigation, Aggravation, Rehabilitation

The length of time since a conviction, the severity of the criminal conduct, and the number and frequency of convictions are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of offense
- Social factors of applicant
- Time since offense
- Intent
- Remorse, insight, accountability
- Completion of restorative justice
- Honorable discharge from military
- Successful completion of parole, probation, community supervision
- Completion of education, vocation, rehabilitation programs while incarcerated
- Community service beyond what is required by court
- Payment of fines, restitution, other financial obligations
- Conviction for conduct that has been legalized
- Rehabilitation related to factors that contributed to the offense
- Record sealed, expunged, dismissed
- Pattern of misconduct
- Attempt to conceal or mislead
- Type of offense (for example, offenses involving a breach of trust, great bodily harm, cruelty, or abuse of authority may be particularly relevant to moral character)
- Number and type of victims

[1] "Criminal conduct not committed in the practice of law or against a client reveals moral turpitude if it shows a deficiency in any character trait necessary for the practice of law (such as trustworthiness, honesty, fairness, candor, and fidelity to fiduciary duties) or if it involves such a serious breach of a duty owed to another or to society, or such a flagrant disrespect for the law or for societal norms, that knowledge of the attorney's conduct would be likely to undermine public confidence in and respect for the legal profession." (*In re Lesansky* (2001) 25 Cal.4th 11, 16.)

Conviction for Drug Sales or Possession

Additional Inquiry Seldom Needed

- Sealed via deferred entry of judgment for first time drug user under Cal. Penal Code § 1001 no aggravating factors
- Dismissed and expunged under Cal. Penal Code § 1210.1 (codifying Prop. 36) or a similar statute that permits nondisclosure to a state bar, no aggravating factors

Additional Inquiry May Be Needed

- Drug Sales, one or more convictions
- Possession, multiple convictions

Informal Conference May Be Needed

- Contingent on the outcome of additional inquiry and totality of the circumstances

Mitigation, Aggravation, Rehabilitation

The length of time since a conviction, the severity of the criminal conduct, and the number and frequency of convictions are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of offense
- Social factors of applicant
- Time since offense
- Intent
- Remorse, insight, accountability
- Completion of restorative justice
- Honorable discharge from military
- Successful completion of parole, probation, community supervision
- Completion of education, vocation, rehabilitation programs while incarcerated
- Community service beyond what is required by court
- Payment of fines, restitution, other financial obligations
- Conviction for conduct that has been legalized
- Rehabilitation related to factors that contributed to the offense
- Record sealed, expunged, dismissed
- Pattern of misconduct
- Attempt to conceal or mislead
- Type of offense (for example, offenses involving a breach of trust, great bodily harm, cruelty, or abuse of authority may be particularly relevant to moral character)
- Number and type of victims

Alcohol-Related or Drug-Related Misdemeanor Conviction

Additional Inquiry Seldom Needed

- One conviction, no aggravating factors

Additional Inquiry May Be Needed

- One conviction, aggravating factors
- Multiple convictions

Informal Conference May Be Needed

- Contingent on the outcome of additional inquiry and totality of the circumstances
- Aggravating factors

Mitigation, Aggravation, Rehabilitation

The length of time since a conviction, the severity of the criminal conduct, and the number and frequency of convictions are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of offense
- Social factors of applicant
- Time since offense
- Intent
- Remorse, insight, accountability
- Completion of restorative justice
- Honorable discharge from military
- Successful completion of parole, probation, community supervision
- Completion of education, vocation, rehabilitation programs while incarcerated
- Community service beyond what is required by court
- Payment of fines, restitution, other financial obligations
- Conviction for conduct that has been legalized
- Rehabilitation related to factors that contributed to the offense
- Record sealed, expunged, dismissed
- Pattern of misconduct
- Attempt to conceal or mislead
- Type of offense (for example, offenses involving a breach of trust, great bodily harm, cruelty, or abuse of authority may be particularly relevant to moral character)
- Number and type of victims

Adult Misdemeanor Conviction

Additional Inquiry Seldom Needed

- Expunged, dismissed, or sealed pursuant to a statute listed in the Convictions section of the Application for Determination of Moral Character, no aggravating factors

Additional Inquiry May Be Needed

- Not expunged, dismissed, or sealed pursuant to a statute listed in the Convictions section of the Application for Determination of Moral Character

Informal Conference May Be Needed

- Contingent on the outcome of additional inquiry and totality of the circumstances
- Within five years, aggravating factors
- Involving moral turpitude [see footnote 2]

Mitigation, Aggravation, Rehabilitation

The length of time since a conviction, the severity of the criminal conduct, and the number and frequency of convictions are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of offense
- Social factors of applicant
- Time since offense
- Intent
- Remorse, insight, accountability
- Completion of restorative justice
- Honorable discharge from military
- Successful completion of parole, probation, community supervision
- Completion of education, vocation, rehabilitation programs while incarcerated
- Community service beyond what is required by court
- Payment of fines, restitution, other financial obligations
- Conviction for conduct that has been legalized
- Rehabilitation related to factors that contributed to the offense
- Record sealed, expunged, dismissed
- Pattern of misconduct
- Attempt to conceal or mislead
- Type of offense (for example, offenses involving a breach of trust, great bodily harm, cruelty, or abuse of authority may be particularly relevant to moral character)
- Number and type of victims

[2]"Criminal conduct not committed in the practice of law or against a client reveals moral turpitude if it shows a deficiency in any character trait necessary for the practice of law (such as trustworthiness, honesty, fairness, candor, and fidelity to fiduciary duties) or if it involves such a serious breach of a duty owed to another or to society, or such a flagrant disrespect for the law or for societal norms, that knowledge of the attorney's conduct would be likely to undermine public confidence in and respect for the legal profession." (*In re Lesansky* (2001) 25 Cal.4th 11, 16.)

Vehicle Code Misdemeanor Conviction

Additional Inquiry Seldom Needed

- Reckless driving that was not drug-related or alcohol-related, or failure to appear, more than five years ago
- Driving without a license, driving with a suspended license, or speeding; no aggravating factors

Additional Inquiry May Be Needed

- Hit and run
- Occurred during or after law school
- Aggravating factors

Informal Conference May Be Needed

- Contingent on the outcome of additional inquiry and totality of the circumstances

Mitigation, Aggravation, Rehabilitation

The length of time since a conviction, the severity of the criminal conduct, and the number and frequency of convictions are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of offense
- Social factors of applicant
- Time since offense
- Intent
- Remorse, insight, accountability
- Completion of restorative justice
- Honorable discharge from military
- Successful completion of parole, probation, community supervision
- Completion of education, vocation, rehabilitation programs while incarcerated
- Community service beyond what is required by court
- Payment of fines, restitution, other financial obligations
- Conviction for conduct that has been legalized
- Rehabilitation related to factors that contributed to the offense
- Record sealed, expunged, dismissed
- Pattern of misconduct
- Attempt to conceal or mislead
- Type of offense (for example, offenses involving a breach of trust, great bodily harm, cruelty, or abuse of authority may be particularly relevant to moral character)
- Number and type of victims

Juvenile Misdemeanor or Felony Adjudication

Additional Inquiry Seldom Needed

- Occurred at age fifteen or younger, no aggravating factors

Additional Inquiry May Be Needed

- Occurred between ages sixteen and eighteen
- Theft-related or gun-related
- Convictions for conduct including, but not limited to, joyriding, vandalism, stalking

Informal Conference May Be Needed

- Contingent on the outcome of additional inquiry and totality of the circumstances

Mitigation, Aggravation, Rehabilitation

The length of time since a conviction, the severity of the criminal conduct, and the number and frequency of convictions are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of offense
- Social factors of applicant
- Time since offense
- Intent
- Remorse, insight, accountability
- Completion of restorative justice
- Honorable discharge from military
- Successful completion of parole, probation, community supervision
- Completion of education, vocation, rehabilitation programs while incarcerated
- Community service beyond what is required by court
- Payment of fines, restitution, other financial obligations
- Conviction for conduct that has been legalized
- Rehabilitation related to factors that contributed to the offense
- Record sealed, expunged, dismissed
- Pattern of misconduct
- Attempt to conceal or mislead
- Type of offense (for example, offenses involving a breach of trust, great bodily harm, cruelty, or abuse of authority may be particularly relevant to moral character)
- Number and type of victims

Vehicle Code Infraction

Additional Inquiry Seldom Needed

- Seldom relevant if no aggravating factors exist

Additional Inquiry May Be Needed

- Seldom relevant if no aggravating factors exist

Informal Conference May Be Needed

- Contingent on the outcome of additional inquiry and totality of the circumstances

Mitigation, Aggravation, Rehabilitation

The length of time since a conviction, the severity of the criminal conduct, and the number and frequency of convictions are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of offense
- Social factors of applicant
- Time since offense
- Intent
- Remorse, insight, accountability
- Completion of restorative justice
- Honorable discharge from military
- Successful completion of parole, probation, community supervision
- Completion of education, vocation, rehabilitation programs while incarcerated
- Community service beyond what is required by court
- Payment of fines, restitution, other financial obligations
- Conviction for conduct that has been legalized
- Rehabilitation related to factors that contributed to the offense
- Record sealed, expunged, dismissed
- Pattern of misconduct
- Attempt to conceal or mislead
- Type of offense (for example, offenses involving a breach of trust, great bodily harm, cruelty, or abuse of authority may be particularly relevant to moral character)
- Number and type of victims

Municipal Code Violation

Additional Inquiry Seldom Needed

- Seldom relevant if no aggravating factors
- Violations including, but not limited to excessive garbage, overgrown weeds

Additional Inquiry May Be Needed

- Seldom relevant if no aggravating factors
- Violations including, but not limited to indecent exposure, possession of open container of alcohol

Informal Conference May Be Needed

- Contingent on the outcome of additional inquiry and totality of the circumstances

Mitigation, Aggravation, Rehabilitation

The length of time since a conviction, the severity of the criminal conduct, and the number and frequency of convictions are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of offense
- Social factors of applicant
- Time since offense
- Intent
- Remorse, insight, accountability
- Completion of restorative justice
- Honorable discharge from military
- Successful completion of parole, probation, community supervision
- Completion of education, vocation, rehabilitation programs while incarcerated
- Community service beyond what is required by court
- Payment of fines, restitution, other financial obligations
- Conviction for conduct that has been legalized
- Rehabilitation related to factors that contributed to the offense
- Record sealed, expunged, dismissed
- Pattern of misconduct
- Attempt to conceal or mislead
- Type of offense (for example, offenses involving a breach of trust, great bodily harm, cruelty, or abuse of authority may be particularly relevant to moral character)
- Number and type of victims

Fraudulent Activity

Additional Inquiry May Be Needed

- Allegations of fraud

Informal Conference May Be Needed

- Contingent on the outcome of additional inquiry and totality of the circumstances
- Amount of financial loss considered

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of misconduct
- Social factors of applicant
- Time since misconduct
- Intent
- Remorse, insight, accountability
- Payment of fines, restitution, other financial obligations
- Rehabilitation related to misconduct
- Pattern of misconduct
- Attempt to conceal or mislead
- Job termination due to severe or pervasive behavior
- Financial or emotional impact on victim
- Misconduct involving abuse of authority
- Number and type of victims

ATTACHMENT 6

Omission or Mischaracterization on Application to the State Bar, Law School, Other Licensing Agency

Additional Inquiry Seldom Needed

- Mistake or error

Additional Inquiry May Be Needed

- Minor omission

Informal Conference May Be Needed

- Material omission

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of misconduct
- Social factors of applicant
- Time since misconduct
- Intent
- Remorse, insight, accountability
- Payment of fines, restitution, other financial obligations
- Rehabilitation related to misconduct
- Pattern of misconduct
- Attempt to conceal or mislead
- Job termination due to severe or pervasive behavior
- Financial or emotional impact on victim
- Misconduct involving abuse of authority
- Number and type of victims

Denial of Admission to the Practice of Law

Additional Inquiry May Be Needed

- Any denial

Informal Conference May Be Needed

- Based on substantive factors or moral character considerations
- Due to an adverse moral character determination in California

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of misconduct
- Social factors of applicant
- Time since misconduct
- Intent
- Remorse, insight, accountability
- Payment of fines, restitution, other financial obligations
- Rehabilitation related to misconduct
- Pattern of misconduct
- Attempt to conceal or mislead
- Job termination due to severe or pervasive behavior
- Financial or emotional impact on victim
- Misconduct involving abuse of authority
- Number and type of victims

ATTACHMENT 6

Admission or License Denial for a Nonlegal Profession

Additional Inquiry May Be Needed

- Any denial

Informal Conference May Be Needed

- Based on substantive factors or moral character considerations
- Contingent on the outcome of additional inquiry and totality of the circumstances

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of misconduct
- Social factors of applicant
- Time since misconduct
- Intent
- Remorse, insight, accountability
- Payment of fines, restitution, other financial obligations
- Rehabilitation related to misconduct
- Pattern of misconduct
- Attempt to conceal or mislead
- Job termination due to severe or pervasive behavior
- Financial or emotional impact on victim
- Misconduct involving abuse of authority
- Number and type of victims

ATTACHMENT 6

Honor Code or Conduct Code Violation in Law School

Additional Inquiry Seldom Needed

- Academic dismissal due to low GPA

Additional Inquiry May Be Needed

- Minor violation as defined by the school

Informal Conference May Be Needed

- Serious violation as defined by the school
- Serious sanction or punishment imposed

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of misconduct
- Social factors of applicant
- Time since misconduct
- Intent
- Remorse, insight, accountability
- Payment of fines, restitution, other financial obligations
- Rehabilitation related to misconduct
- Pattern of misconduct
- Attempt to conceal or mislead
- Job termination due to severe or pervasive behavior
- Financial or emotional impact on victim
- Misconduct involving abuse of authority
- Number and type of victims

Honor Code or Conduct Code Violation in Undergraduate or Post-Graduate Institution

Additional Inquiry Seldom Needed

- Academic dismissal due to low GPA

Additional Inquiry May Be Needed

- Minor violation as defined by the school

Informal Conference May Be Needed

- Serious violation as defined by the school

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of misconduct
- Social factors of applicant
- Time since misconduct
- Intent
- Remorse, insight, accountability
- Payment of fines, restitution, other financial obligations
- Rehabilitation related to misconduct
- Pattern of misconduct
- Attempt to conceal or mislead
- Job termination due to severe or pervasive behavior
- Financial or emotional impact on victim
- Misconduct involving abuse of authority
- Number and type of victims

Job Termination

Additional Inquiry Seldom Needed

- Layoff
- Without cause

Additional Inquiry May Be Needed

- With cause for conduct including, but not limited to, violation of company policy

Informal Conference May Be Needed

- With cause for conduct including, but not limited to, violation of law

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of misconduct
- Social factors of applicant
- Time since misconduct
- Intent
- Remorse, insight, accountability
- Payment of fines, restitution, other financial obligations
- Rehabilitation related to misconduct
- Pattern of misconduct
- Attempt to conceal or mislead
- Job termination due to severe or pervasive behavior
- Financial or emotional impact on victim
- Misconduct involving abuse of authority
- Number and type of victims

Breach of Fiduciary Duty

Additional Inquiry Seldom Needed

- Complaint deemed unsubstantiated, not sustained

Additional Inquiry May Be Needed

- Sustained or pending complaint

Informal Conference May Be Needed

- Sustained or pending complaint, aggravating factors

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of misconduct
- Social factors of applicant
- Time since misconduct
- Intent
- Remorse, insight, accountability
- Nature of past due debt (for example, a debt incurred to pay for needed medical care may not reflect on moral character as a debt incurred for another reason)
- Payment of fines, restitution, other financial obligations
- Payment plan in place
- Compliance with payment agreement
- Rehabilitation related to misconduct
- Currently financially responsible
- Adverse judgment presently on appeal
- Failure to address debt or judgment
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Finding of contempt of court
- Misconduct involving abuse of authority

Unpaid, Past Due State or Federal Income Taxes

Additional Inquiry Seldom Needed

- Mistake or error
- Old, not outstanding for a sustained period of time, now in compliance

Additional Inquiry May Be Needed

- Civil penalty or financial settlement

Informal Conference May Be Needed

- Criminal conviction for fraud or tax evasion

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of misconduct
- Social factors of applicant
- Time since misconduct
- Intent
- Remorse, insight, accountability
- Nature of past due debt (for example, a debt incurred to pay for needed medical care may not reflect on moral character as a debt incurred for another reason)
- Payment of fines, restitution, other financial obligations
- Payment plan in place
- Compliance with payment agreement
- Rehabilitation related to misconduct
- Currently financially responsible
- Adverse judgment presently on appeal
- Failure to address debt or judgment
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Finding of contempt of court
- Misconduct involving abuse of authority

Bankruptcy

Additional Inquiry Seldom Needed

- No objections, discharged

Additional Inquiry May Be Needed

- Objections that were dismissed

Informal Conference May Be Needed

- Findings of fraud, revocation of discharge, objections that were sustained

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of misconduct
- Social factors of applicant
- Time since misconduct
- Intent
- Remorse, insight, accountability
- Nature of past due debt (for example, a debt incurred to pay for needed medical care may not reflect on moral character as a debt incurred for another reason)
- Payment of fines, restitution, other financial obligations
- Payment plan in place
- Compliance with payment agreement
- Rehabilitation related to misconduct
- Currently financially responsible
- Adverse judgment presently on appeal
- Failure to address debt or judgment
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Finding of contempt of court
- Misconduct involving abuse of authority

Past Due Debt, Debt in Collections

Additional Inquiry Seldom Needed

- Current debt, not past due

Additional Inquiry May Be Needed

- In collections
- Default on loans
- One or more unsatisfied judgments

Informal Conference May Be Needed

- Numerous suits filed to recover significant debts
- One or more significant unsatisfied judgments, no attempts to satisfy

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Role of applicant
- Age of applicant at time of misconduct
- Social factors of applicant
- Time since misconduct
- Intent
- Remorse, insight, accountability
- Nature of past due debt (for example, a debt incurred to pay for needed medical care may not reflect on moral character as a debt incurred for another reason)
- Payment of fines, restitution, other financial obligations
- Payment plan in place
- Compliance with payment agreement
- Rehabilitation related to misconduct
- Currently financially responsible
- Adverse judgment presently on appeal
- Failure to address debt or judgment
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Finding of contempt of court
- Misconduct involving abuse of authority

Unauthorized Practice of Law

Additional Inquiry May Be Needed

- Any allegation

Informal Conference May Be Needed

- Contingent on outcome of additional inquiry and totality of the circumstances

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Time since offense
- Intent
- Remorse, insight, accountability
- Rehabilitation related to misconduct
- Meritorious nature of applicant's involvement in litigation or administrative action
- Favorable termination of litigation or administrative action
- Prior record
- Engagement in a type of business or enterprise that typically experiences recurrent litigation
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Designation of applicant as vexatious litigant
- Finding of contempt of court
- Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation
- Judicial designation of administrative claim as frivolous
- Judicial finding of malpractice
- Imposition of punitive damages against applicant
- Misconduct involving moral turpitude [see footnote 1]
- Omission or failure to notify other regulatory agencies or jurisdictions
- Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law
- Financial impact on victim

Malpractice (Attorney)

Additional Inquiry May Be Needed

- Any allegation

Informal Conference May Be Needed

- Multiple allegations

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Time since offense
- Intent
- Remorse, insight, accountability
- Rehabilitation related to misconduct
- Meritorious nature of applicant's involvement in litigation or administrative action
- Favorable termination of litigation or administrative action
- Prior record
- Engagement in a type of business or enterprise that typically experiences recurrent litigation
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Designation of applicant as vexatious litigant
- Finding of contempt of court
- Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation
- Judicial designation of administrative claim as frivolous
- Judicial finding of malpractice
- Imposition of punitive damages against applicant
- Misconduct involving moral turpitude [see footnote 1]
- Omission or failure to notify other regulatory agencies or jurisdictions
- Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law
- Financial impact on victim

Professional Discipline (Attorney)

Additional Inquiry May Be Needed

- Discipline imposed

Informal Conference May Be Needed

- Public reproval, reprimand, admonishment, suspension, disbarment

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Time since offense
- Intent
- Remorse, insight, accountability
- Rehabilitation related to misconduct
- Meritorious nature of applicant's involvement in litigation or administrative action
- Favorable termination of litigation or administrative action
- Prior record
- Engagement in a type of business or enterprise that typically experiences recurrent litigation
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Designation of applicant as vexatious litigant
- Finding of contempt of court
- Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation
- Judicial designation of administrative claim as frivolous
- Judicial finding of malpractice
- Imposition of punitive damages against applicant
- Misconduct involving moral turpitude [see footnote 1]
- Omission or failure to notify other regulatory agencies or jurisdictions
- Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law
- Financial impact on victim

Professional Complaint (Attorney)

Additional Inquiry Seldom Needed

- No action taken by agency

Additional Inquiry May Be Needed

- Adverse action against the attorney taken by the licensing agency
- One or more complaints

Informal Conference May Be Needed

- Multiple complaints
- Finding of malpractice or other wrongful conduct [see Malpractice, page 24]

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Time since offense
- Intent
- Remorse, insight, accountability
- Rehabilitation related to misconduct
- Meritorious nature of applicant's involvement in litigation or administrative action
- Favorable termination of litigation or administrative action
- Prior record
- Engagement in a type of business or enterprise that typically experiences recurrent litigation
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Designation of applicant as vexatious litigant
- Finding of contempt of court
- Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation
- Judicial designation of administrative claim as frivolous
- Judicial finding of malpractice
- Imposition of punitive damages against applicant
- Misconduct involving moral turpitude [see footnote 1]
- Omission or failure to notify other regulatory agencies or jurisdictions
- Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law
- Financial impact on victim

Court Sanctions

Additional Inquiry May Be Needed

- Any

Informal Conference May Be Needed

- Multiple instances
- For conduct involving dishonesty

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Time since offense
- Intent
- Remorse, insight, accountability
- Rehabilitation related to misconduct
- Meritorious nature of applicant's involvement in litigation or administrative action
- Favorable termination of litigation or administrative action
- Prior record
- Engagement in a type of business or enterprise that typically experiences recurrent litigation
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Designation of applicant as vexatious litigant
- Finding of contempt of court
- Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation
- Judicial designation of administrative claim as frivolous
- Judicial finding of malpractice
- Imposition of punitive damages against applicant
- Misconduct involving moral turpitude [see footnote 1]
- Omission or failure to notify other regulatory agencies or jurisdictions
- Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law
- Financial impact on victim

Malpractice (Nonlegal Profession)

Additional Inquiry May Be Needed

- Any allegation

Informal Conference May Be Needed

- Multiple allegations

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Time since offense
- Intent
- Remorse, insight, accountability
- Rehabilitation related to misconduct
- Meritorious nature of applicant's involvement in litigation or administrative action
- Favorable termination of litigation or administrative action
- Prior record
- Engagement in a type of business or enterprise that typically experiences recurrent litigation
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Designation of applicant as vexatious litigant
- Finding of contempt of court
- Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation
- Judicial designation of administrative claim as frivolous
- Judicial finding of malpractice
- Imposition of punitive damages against applicant
- Misconduct involving moral turpitude [see footnote 1]
- Omission or failure to notify other regulatory agencies or jurisdictions
- Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law
- Financial impact on victim

Professional Discipline (Nonlegal Profession)

Additional Inquiry May Be Needed

- Any disciplinary action imposed

Informal Conference May Be Needed

- Public reproval, reprimand, admonishment, suspension, disbarment

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Time since offense
- Intent
- Remorse, insight, accountability
- Rehabilitation related to misconduct
- Meritorious nature of applicant's involvement in litigation or administrative action
- Favorable termination of litigation or administrative action
- Prior record
- Engagement in a type of business or enterprise that typically experiences recurrent litigation
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Designation of applicant as vexatious litigant
- Finding of contempt of court
- Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation
- Judicial designation of administrative claim as frivolous
- Judicial finding of malpractice
- Imposition of punitive damages against applicant
- Misconduct involving moral turpitude [see footnote 1]
- Omission or failure to notify other regulatory agencies or jurisdictions
- Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law
- Financial impact on victim

Professional Complaint (Nonlegal Profession)

Additional Inquiry Seldom Needed

- No action taken by agency

Additional Inquiry May Be Needed

- Adverse action against the professional taken by licensing agency
- Multiple complaints

Informal Conference May Be Needed

- Numerous professional complaints
- Finding of malpractice or other wrongful conduct [see Malpractice, page 28]

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Time since offense
- Intent
- Remorse, insight, accountability
- Rehabilitation related to misconduct
- Meritorious nature of applicant's involvement in litigation or administrative action
- Favorable termination of litigation or administrative action
- Prior record
- Engagement in a type of business or enterprise that typically experiences recurrent litigation
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Designation of applicant as vexatious litigant
- Finding of contempt of court
- Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation
- Judicial designation of administrative claim as frivolous
- Judicial finding of malpractice
- Imposition of punitive damages against applicant
- Misconduct involving moral turpitude [see footnote 1]
- Omission or failure to notify other regulatory agencies or jurisdictions
- Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law
- Financial impact on victim

Military Discipline

Additional Inquiry Seldom Needed

- Conduct did not result in nonjudicial punishment, court-martial determination of guilt, or administrative discharge

Additional Inquiry May Be Needed

- Conduct resulted in nonjudicial punishment, court-martial determination of guilt, or administrative discharge

Informal Conference May Be Needed

- Contingent on outcome of additional inquiry and totality of the circumstances

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Time since offense
- Intent
- Remorse, insight, accountability
- Rehabilitation related to misconduct
- Meritorious nature of applicant's involvement in litigation or administrative action
- Favorable termination of litigation or administrative action
- Prior record
- Engagement in a type of business or enterprise that typically experiences recurrent litigation
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Designation of applicant as vexatious litigant
- Finding of contempt of court
- Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation
- Judicial designation of administrative claim as frivolous
- Judicial finding of malpractice
- Imposition of punitive damages against applicant
- Misconduct involving moral turpitude [see footnote 1]
- Omission or failure to notify other regulatory agencies or jurisdictions
- Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law
- Financial impact on victim

Civil Action

Additional Inquiry Seldom Needed

- Family Law case including, but not limited to, a dissolution with no support or aggravating factors
- Other civil case including, but not limited to contract, landlord/tenant, personal injury; applicant is plaintiff; no aggravating factors
- Party to fewer than five cases

Additional Inquiry May Be Needed

- Family Law ongoing support orders, ongoing restraining orders
- Other civil case, applicant is defendant or respondent, no aggravating factors
- Applicant is plaintiff, aggravating factors
- Party to more than five cases

Informal Conference May Be Needed

- Claims of violation of court orders or nonpayment, unsatisfied judgments [see Past Due Debt, page 22]
- Excessive number of cases or numerous adverse judgments
- Entry of judgment for serious misconduct
- Finding of malpractice or other wrongful conduct [see Malpractice, page 24 and 28]

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Time since offense
- Intent
- Remorse, insight, accountability
- Rehabilitation related to misconduct
- Meritorious nature of applicant's involvement in litigation or administrative action
- Favorable termination of litigation or administrative action
- Prior record
- Engagement in a type of business or enterprise that typically experiences recurrent litigation
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Designation of applicant as vexatious litigant
- Finding of contempt of court
- Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation
- Judicial designation of administrative claim as frivolous
- Judicial finding of malpractice
- Imposition of punitive damages against applicant
- Misconduct involving moral turpitude [see footnote 1]
- Omission or failure to notify other regulatory agencies or jurisdictions
- Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law
- Financial impact on victim

Administrative Proceeding, Adjudication, Action

Additional Inquiry Seldom Needed

- One administrative action, four or more years ago, with the Department of Motor Vehicles or state unemployment insurance appeals board
- Other administrative action, fewer than five actions, no aggravating factors

Additional Inquiry May Be Needed

- Multiple actions, less than four years ago, with the Department of Motor Vehicles or state unemployment insurance appeals board
- Other administrative action, more than five actions

Informal Conference May Be Needed

- Occurred less than one year ago with the Department of Motor Vehicles or state unemployment insurance appeals board
- Excessive number of other administrative actions
- Adverse administrative determination against the applicant for serious misconduct

Mitigation, Aggravation, Rehabilitation

The length of time since an act of misconduct, the severity of the misconduct, and the number and frequency of acts of misconduct are given significant consideration. The following are additional factors that may mitigate or aggravate an act of misconduct, or demonstrate rehabilitation:

- Time since offense
- Intent
- Remorse, insight, accountability
- Rehabilitation related to misconduct
- Meritorious nature of applicant's involvement in litigation or administrative action
- Favorable termination of litigation or administrative action
- Prior record
- Engagement in a type of business or enterprise that typically experiences recurrent litigation
- Pattern of misconduct
- Attempt to conceal or mislead
- Number and type of victims
- Designation of applicant as vexatious litigant
- Finding of contempt of court
- Official finding of serious misconduct, grossly incompetent practice or representation, or willful wrongdoing or misrepresentation
- Judicial designation of administrative claim as frivolous
- Judicial finding of malpractice
- Imposition of punitive damages against applicant
- Misconduct involving moral turpitude [see footnote 1]
- Omission or failure to notify other regulatory agencies or jurisdictions
- Determination of the complaint, allegation of malpractice, or allegation of unauthorized practice of law
- Financial impact on victim

The State Bar of California

OFFICE OF ADMISSIONS

MORAL CHARACTER DETERMINATIONS
BEST PRACTICES AND TALKING POINTS FOR LAW SCHOOLS

These best practices and talking points were developed with the input of law school deans on the Moral Character Working Group and are intended to assist law schools in advising students or prospective students about the moral character determination process for those seeking admission to the State Bar of California. They are provided to ensure that law schools feel properly equipped to assist students with the moral character determination process and that law students receive adequate information.

GENERAL INFORMATION AND GUIDANCE

- Law schools report greatest consistency and best information sharing when a specific person is designated as a point-of-contact for students with questions related to the moral character determination process.
- Law schools may refer students or prospective students to the materials related to moral character on the State Bar's website to best learn about the moral character determination process prior to beginning the moral character application.
- Law schools are encouraged to clarify issues or questions related to moral character with the State Bar by contacting the assigned moral character person of the day at 800-843-9053.
- Prior to matriculation or during orientation, law schools have found it helpful to inform students that each jurisdiction has its own requirements for admission to the practice of law and the requirements likely include a moral character determination or a character and fitness assessment. Law schools are encouraged to inform students of the admissions requirements specific to California and to urge students to research the jurisdictions in which they will be seeking admission.
- Law schools may suggest that students begin collecting information and documentation for the moral character application well in advance of the date by which they wish to submit an application to ensure the necessary information has been obtained.
- Law schools should repeatedly remind students that it is the applicant's responsibility to become aware of the moral character determination requirements, to read and understand the instructions, to update the application when changes occur, and to timely comply with all requests for further information.

TIMELINE

- The moral character process may take a minimum of six months (180 days) to complete, so early submission is strongly encouraged.
- It is the State Bar's goal to notify an applicant if a moral character application is deemed complete and therefore in "filed" status, or incomplete, within 60 days of submission.
- The initial processing time may vary based on the time of year, as the volume of applications fluctuates.
- If a moral character application is considered incomplete, a student has sixty (60) days to remedy the deficiencies or the application will be deemed abandoned.
- If additional information is requested after the application is considered complete and filed, a student has 90 days to comply with the request or the application will be deemed abandoned.

PROVIDING INFORMATION AND DOCUMENTATION

- Students should respond to each question completely, accurately, and to the best of their ability.
- Students should contact applicable entities to obtain the necessary documentation, such as the court, arresting agency, or other licensing agency.
- If documentation cannot be obtained, a student may submit a letter from the entity stating the reason the documentation is unavailable.
- At the time the moral character application is submitted, applicants may submit supplemental narratives to provide additional information, such as the rehabilitative activities in which the applicant has engaged.

CONCERNS REGARDING INFORMAL CONFERENCES

- Attendance at an informal conference is not mandatory, but it provides students an opportunity to further discuss and clarify their backgrounds.
- A student may retain legal counsel to attend an informal conference with them, but counsel is not required and may only observe, rather than participate in, the conference.

CONCERNS REGARDING PAST SERIOUS MISCONDUCT

- There is no act of misconduct that, in and of itself, automatically disqualifies an applicant from obtaining a positive moral character determination.
- Candor, honesty, and rehabilitation are given significant weight in consideration of an application.
- The rehabilitation standard suggests rehabilitative activities, such as community service or participation in rehabilitative programs.
- A very small number of applicants are denied a positive moral character determination each year.

- Applicants who are denied a positive moral character determination have avenues for appeal and are allowed to reapply after a specified period of time.

FOR QUESTIONS THAT CANNOT BE ANSWERED BY LAW SCHOOL PERSONNEL

- Direct the student to submit an inquiry in the Applicant Portal or call the State Bar 800-843-9053 and ask to speak with the assigned moral character person of the day.

ATTACHMENT 7

Elimination of Bias Fund History, 2016-2020					
	2016	2017	2018	2019	2020
Total Revenue	$ 904,452	$ 106,130	$ 317,958	$ 325,589	$ 328,492
Total Expenses	$ 1,038,290	$ 569,074	$ 187,892	$ 166,923	$ 279,657
Surplus (Deficit)	$ (133,838)	$ (462,944)	$ 130,066	$ 158,666	$ 48,835