

AGENDA ITEM

54-151 NOVEMBER

DATE: October 7, 2011

TO: Members, Nominations and Appointments Committee
Members, Board of Governors

FROM: Therese Cannon, Chair, Council on Access and Fairness
Patricia Lee, Special Assistant for Diversity and Bar Relations

SUBJECT: Diversity Awards—Proposed New Category and Amendments to Existing Language

EXECUTIVE SUMMARY

In April 2001, the Board of Governors adopted a resolution to improve diversity in the legal profession and in the governance of the State Bar. (APRIL 702) The resolution included various policies to achieve these goals, including the “recognition of outstanding efforts on diversity issues, similar to the President’s Pro Bono Service Awards” and requiring the development of standards and procedures for Board of Governors approval. In January 2002 the Board of Governors approved the creation of the State Bar Diversity Awards, along with the selection criteria and procedures for the awards.

Award categories currently include Individual Attorney, Bar Association and Law Firm. This item proposes the addition of an “Organization” category in response to the growing number of entities expanding diversity programs deserving of this recognition, but that do not fall into the law firm or bar association categories.

The item also proposes non-substantive clarification of language for the existing categories of Bar Association, Law Firm and Individual lawyer.

BACKGROUND

On January 26, 2002, the Board of Governors adopted a resolution to create the State Bar Diversity Awards. The resolution was adopted in response to the Board of Governors’ policies to improve diversity in the legal profession (April 702).

The current Diversity Awards recognize an individual attorney, a law firm and a bar association for exemplary achievements encouraging, increasing and/or retaining diversity in the legal profession and/or within the bar membership. Additional factors include 1) the development of programs or projects that address issues of access and

elimination of bias in the legal profession, 2) the ability to influence individuals who have been historically under-represented in the legal profession to pursue legal careers, and/or 3) increased advancement opportunities for lawyers who have been historically under-represented in all practice areas and levels of the legal profession.

ISSUE

This item proposes the addition of an “Organization” category in recognition of the growing activity by entities statewide in developing and expanding innovative diversity programs to increase and retain diverse attorneys in the practice of law.

This item also proposes non-substantive edits to current language describing the existing award categories as follows:

- The proposed edits to the Bar Association language clarify that *all types* of bar associations are eligible for nomination.
- The title of the Law Firm category is proposed to be re-named the “*Legal Employer*” category to include law firms and similar entities (e.g. private law firms, government/ public agencies, corporate law departments and public interest law firms).
- The Individual lawyer category is edited to provide for practice in a variety of practice settings and indicates the diversity contributions of the individual lawyer will be considered both in the scope of the attorney’s employment and/or as a volunteer.

The specific additions to the Award Guidelines to describe the new “Organization” category and the language edits appear in Attachments A and B. (Attachment A is the clean version of the revised Guidelines; Attachment B reflects the deleted text). The Nomination Form reflecting the addition of the new “Organization” category is found at Attachment C.

FISCAL / PERSONNEL IMPACT:

No additional fiscal impact. The current budget allocation from the Elimination of Bias Fund for the Diversity Awards activities will be sufficient to cover this additional category.

RULE AMENDMENTS:

None.

BOARD BOOK IMPACT:

None.

RECOMMENDATION

It is recommended that the Diversity Award Guidelines be amended to add a new Organization category and to edit current language for clarification purposes (see Attachment A).

It is further recommended that the Diversity Award Nomination Form be amended to reflect the proposed new Organization Category (see Attachment C).

PROPOSED BOARD COMMITTEE RESOLUTION:

Should the Nominations and Appointments Committee agree with the above recommendation, the following resolution would be appropriate:

RESOLVED, upon recommendation of the Council on Access and Fairness, that the Nominations and Appointments Committee recommends that the Board add an Organization category and clarification to existing language to the Diversity Awards; and it is

FURTHER RESOLVED, that the Board amend the Awards Guidelines and Nomination Form as set forth in the form attached to the minutes and made a part thereof.

PROPOSED BOARD OF GOVERNORS RESOLUTION:

Should the Board concur with the Nominations and Appointments Committee's recommendation, the following resolutions would be in order:

RESOLVED, that upon the recommendation of the Nominations and Appointments Committee, the Board hereby adds an Organization category and clarification to existing language to the Diversity Awards; and it is

FURTHER RESOLVED, that the Board amends the Awards Guidelines and Nomination Form as set forth in the form attached to the minutes and made a part thereof.