



THE STATE BAR
OF CALIFORNIA

Council on Access & Fairness

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TO: Members, Board Committee on Stakeholder Relations

FROM: Teri Cannon, Chair, Council on Access & Fairness (COAF)
Patricia Lee, Special Assistant on Diversity & Bar Relations

RE: Summary of 2010 - 2011 Activities and Accomplishments

The Council on Access & Fairness (COAF) serves as the diversity “think tank” on behalf of the State Bar of California and focuses on programs and initiatives designed to further the State Bar goals and strategies to increase diversity in the legal profession and judiciary. The COAF structures its work along the segments of the diversity pipeline as follows:

EARLY EDUCATION PIPELINE (Preschool through high school):

California Law Academy Strategic Task Force (CLAS): In 2010 the California Department of Education and the State Bar of California partnered to create the first high school law academies in California, governed by the California Partnership Academy statutes. CLAS was created to convene representatives from the legal profession and key stakeholders in various counties to help create the local law academies. As a result of the partnership, the following law academies were created: McClatchy and Florin High Schools (both in Sacramento), Wilson High School (Los Angeles), Crawford High School (San Diego), and De Anza High School (Richmond). Close to 400 students participated in the law academies in the initial year. These students will continue into the 11th grade and an additional class of 10th graders will enter the academies this coming year. An additional law academy has just been created at Cabrillo High School (Long Beach). Also, existing academies in Contra Costa County were converted into law academies at Richmond High School, Kennedy High School (Richmond) and Deer Valley High School (Antioch). We also have teams in Santa Clara County and Orange County preparing for the creation of future law academies.

School Discipline Policies and Impact on Early Education Pipeline: Collaborated with the National Bar Association to present a program on the disparate disciplinary policies in public schools towards minority students and implications for the diversity pipeline (e.g. the “school to prison pipeline”). Conducted outreach and research with entities on the scope and impact of the discipline policies for further review and consideration by the COAF during its annual planning retreat for future initiatives. Note: Judge Trina Thompson, COAF member, was appointed by President Obama to the National Coordinating Council on Juvenile Justice and Delinquency Prevention and has been updating the COAF on national issues and initiatives to assist COAF in its ongoing review and evaluation of this issue.

COLLEGE AND LAW SCHOOL (including bar exam passage)

ABA Law School Accreditation Standards: The ABA Standards Review Committee (SRC) is in a protracted process of reviewing all law school accreditation standards to determine proposed revisions. As part of its review process, the SRC has asked for preliminary feedback from various entities re: specific standards to determine implications of possible proposed revisions. The COAF has offered commentary on those standards that align with the COAF diversity pipeline initiatives, including concrete actions by law schools to demonstrate a commitment to diversity, reliance on the LSAT exam as the only test for law school admissions criteria, support for the requirement of articulated outcomes for law schools, as well as the addition of “multicultural competence as a critical skill for law school graduates, and the addition of specific consideration by law schools for students/faculty/administrators with disabilities and LGBT students/faculty/administrators. Commentary has been shared with State Bar entities and other stakeholders focusing on law school admissions and accreditation. The SRC has been involved in this review process for the past two years and will take approximately another year before the review is complete. Once the SRC has agreed upon its proposed revisions, the proposed revised standards will be issued for official public comment. At that time the COAF will present recommended comments to the Board of Trustees for approval and submission.

US News Law School Rankings: The COAF initiated a dialogue with US News & World Reports in 2010 to recommend that diversity factors be incorporated in the overall ranking of law schools. Concurrent with those discussions, COAF also shared its recommendations and enlisted the support of various diversity stakeholders including the ABA diversity entities, statewide and local bar associations, statewide and national minority and affinity bar associations, and national diversity entities. COAF recently held a meeting with US News editorial staff, General Counsel and Director of Communications to discuss the rationale for including diversity factors and to offer recommendations for specific factors and metrics for consideration by US News. US News responded favorably to COAF comments and expressed its appreciation for the input from the State Bar of California and the legal profession. COAF will be assisting US News in convening an Advisory Council of key legal profession entities to further identify and recommend diversity factors and metrics for use by US News.

Dialogues with Law School Deans: COAF initiated dialogues with law school deans throughout the state, to discuss the full range of issues concerning diversity in law school from admissions to graduation and bar pass. The dual purposes were to conduct a qualitative analysis, gathering information about law school practices and challenges and to promote good practice on matters that promote access and success for diverse students. Discussions focus on what the law schools are looking for in students and faculty; how schools promote success of diverse students and faculty; and the challenges are being faced by the schools. COAF also briefed and gathered feedback from the Deans on COAF’s ongoing initiatives and identified ways COAF could be of assistance to the schools. To date the COAF has met with deans from USF, Berkeley, Loyola, Hastings, UC Irvine, and have plans to meet with UCLA and Southwestern, as well as schools in San Diego and in the Sacramento area.

LEGAL PROFESSION (recruitment, hiring, retention, advancement)

Statement of Diversity Principles: COAF reviewed and confirmed the State Bar Statement of Diversity Principles (first adopted in 2005) and developed an addendum to provide legal

employers with resources for the creation, maintenance and expansion of their in-house diversity and inclusion programs. The Statement will be circulated to legal employers in the key practice settings, including law firms, government/public sector, corporate counsel and public interest entities, as well as to law schools to encourage them to become signatories to the statement.

Legal Employer Focus Groups: COAF convened focus groups of key legal employers from all practice settings to learn about the challenges to recruitment, employment, retention and promotion of attorneys from diverse backgrounds; to identify and address the impact of the ongoing economic downturn on diversity efforts; and to identify best practices by employers in changing criteria and approaches used to expand the diversity pipeline. Focus groups were held in San Francisco, Silicon Valley, Los Angeles and San Diego. The COAF will generate a report and recommendations and identify model programs to be shared with legal employers as a resource for ongoing diversity programming.

Effective Lawyering Focus Groups and Symposia: COAF consulted with Professor Marjorie Shultz (UC Berkeley Law) and Dr. Sheldon Zedeck (UC Berkeley) about the application of findings from their 10-year study identifying 26 factors for effective lawyering and how to use their testing tools to supplement the LSAT exam in the law school admissions process. During these conversations we recognized the value of the effective lawyering factors in the legal employment setting and developed a plan for sharing the information with legal employers to determine their interest in using the same tools re: recruitment, hiring, retention, evaluation, promotion and ongoing professional development. With assistance from Shultz and Zedeck, COAF conducted focus groups in Los Angeles, Silicon Valley and San Francisco including representatives from private practice, government sector, corporate counsel and public interest offices, as well as in-house diversity and career development representatives. With positive feedback from the focus groups, COAF convened two symposia (at the Los Angeles and San Francisco State Bar Offices) to gather further legal employer feedback. A report was generated summarizing the dialogue and findings and COAF is in the process of identifying “next steps” to generate resources and to engage legal employers in the implementation of this initiative.

JUDICIAL DIVERSITY (outreach, recruitment, mentoring)

Judicial Summit: The State Bar, Judicial Council and Administrative Office of the Courts partnered to present the 2011 Judicial Summit as a 5-year follow up to the original Judicial Summit held in 2006. The Summit objectives were to provide a 5-year status report on accomplishments since the 2006 Summit, to identify model programs and best practices, to identify ongoing and new challenges, to develop Initiatives to address the identified challenges, and to create a five-year action plan to achieve greater diversity among the judiciary. A report and recommendations has been issued and a joint working group of the COAF and the Judicial Council Access and Fairness Advisory Committee will oversee the implementation of the action plan.

Judicial Appointments Outreach and Education: COAF has established a close working relationship with the Governor’s Office for ongoing outreach and recruitment of attorneys from diverse backgrounds to apply for judicial appointments. COAF met with the Governor’s judicial appointments staff to share data and information on the appointments process, factors

considered by the Governor, and a strategy for conducting outreach in particular counties with ongoing vacancies.

Judicial Qualifications Criteria: COAF's Judicial Committee created a set of resource materials to assist the State Bar Commission on Judicial Nominees Evaluation (JNE) in the application of Govt. Code 12011.5(d) requiring the State Bar to "consider legal experience broadly" in the ranking of judicial applicants. The materials include a broad range of practice settings and the skills acquired in each setting that are transferable to judicial positions. The materials have been shared with JNE in a recent training session and will be distributed to all local, minority and affinity bar associations and other stakeholders that engage in vetting judicial applicants.

Online Application for Judicial Appointment: COAF's Judicial Committee created a set of "Tips" and a Checklist for the completion of the online judicial appointments application. COAF continues to coordinate with the Governor's Office to modify the "Tips" when the application form is changed and to alert the Governor's office when COAF becomes aware of issues impacting the use of the online process. The "Tips" are posted online and are presented during all COAF Judicial Appointments Workshops.

Judicial Diversity "Tool Kit": COAF participated on the Judicial Council Access & Fairness Advisory Committee Task Force to create a Diversity Tool Kit. The Tool Kit includes examples of diversity programs and initiatives and is designed to assist members of the bench in the creation and implementation of local programs to increase diversity among attorney applicants for judicial appointment.

OUTREACH AND EDUCATION:

State Bar Appointments: COAF engages in outreach and recruitment among local and diversity/affinity bars to demystify the State Bar appointments process, to encourage diverse attorneys to apply for appointment and to assist with the completion of the application forms. To facilitate the process, COAF held appointments workshops in Los Angeles and San Francisco to provide hands-on assistance to potential applicants. Panelists included COAF members, JNE Chair, State Bar Legal Specialization Staff Director, and former State Bar Board members to share their expertise, tips and advice to ensure that applicants submit a compelling and competitive application.

COAF Road Show: COAF has created a set of PowerPoint slides that are used to demonstrate the status of diversity in the legal profession and strategies for the elimination of bias. The slide show provides the "case for diversity" and tracks demographic information and other data along the diversity pipeline from the education pipeline, to the legal profession, to the judiciary. The data and slides are made available to various bar associations and other stakeholders who contact the COAF and State Bar seeking such data for their respective diversity discussions and presentations.

Diversity Articles: COAF authored articles that were printed in the Daily Journal and Recorder. The articles focused on the COAF efforts in the California Law Academy Strategic Task Force and encouraged members of the bar to participate in the local law academy

programs; and on the Shultz/Zedeck Effective Lawyering Factors, encouraging attorneys and legal employers to consider the application of the tools in the legal employment setting.

State Bar Annual Meeting Programming: COAF presented two successful MCLE programs at the State Bar Annual meeting – one focusing on (implicit bias) with over 200 participants and the other a combination of elimination of bias and ethics also with over 200 participants. Also, the Annual Diversity Stakeholder Forum is held during the State Bar Annual Meeting. The forum provides the opportunity for open dialogue between the COAF and diversity stakeholders and focuses on addressing issues along the diversity pipeline and on ongoing collaboration between the COAF and the various affinity/diversity bar associations and organizations throughout the state. The 2011 program focused on the benefits of diversity programming and initiatives for solo and small firms and was co-sponsored by the State Bar Section on Solo and Small Firms.

Diversity and Education Pipeline Awards: COAF annually screens all nominations and makes recommendations to the Board of Trustees for the State Bar Diversity Awards, which acknowledge the contributions by an attorney, law firm, bar association and separate organization toward increasing diversity in the profession. COAF also screens nominations and makes recommendations to the Board of Trustees for the State Bar Education Pipeline Award for exemplary work educating students about the legal system and encouraging students to consider a career in the law. COAF also sponsors the Awards Reception during the State Bar Annual Meeting for the presentation of the awards. This past year the awards were presented during the State Bar Annual Meeting at the 10th Anniversary Diversity Awards Reception, with over 300 attendees. Speakers included Chief Justice Tani Cantil-Sakauye and Dean Erwin Chemerinsky from UC Irvine School of Law.

Resource Materials: Access and fairness materials are either posted online at www.calbar.org/AFCouncil and/or are available electronically or in hard copy through the State Bar Office on Access and Fairness Programs. During the year, materials were requested by various local, minority and affinity bar associations, the courts, law schools, high school law academies and other diversity stakeholders for use in training and outreach events (with proper attribution to the State Bar Council on Access & Fairness). Materials were also distributed at COAF sponsored meetings, events and programs. The available resources include:

- Diversity Pipeline Task Force Report (including Model Diversity Programs)
- Statement of Diversity Principles
- Challenges to Practice of Law for Attorneys from Diverse Backgrounds
- Challenges to Practice of Law for Attorneys with Disabilities
- Diversity Pipeline Road Show Slides
- Diversity Pipeline Task Force Courts Working Group Report
- Judicial Diversity Commentary and Resources
- Tips/Checklist on Completing the Online Judicial Application
- Resource Materials to Evaluate Judicial Qualifications Criteria [Govt. Code 12011.5(d)]
- State Bar Appointments Overview and Tips for Applicants
- Brochure: “Want to be a Lawyer?”
- Brochure: “Disability Awareness: How to Accommodate Persons with Disabilities”
- Brochure: “Creating a Model Work Environment for LGBT Individuals”

- Brochure: “Understanding Transgender Law and Transgender Clients”