

ATTACHMENT B

Proposed Amendment to Board Policy Book, Tab 15, Article 1, Sections 2, 4 and 5, and Article 2, Sections 1 and 2

Article 1

A PROGRAM ENCOURAGING THE OPPORTUNITY OF ALL MEMBERS OF THE STATE BAR OF CALIFORNIA TO PARTICIPATE IN ACTIVITIES OF THE STATE BAR

Section 2 *Recruitment*

At a time calculated to give reasonable notice to applicants that the Board will make appointments and to give applicants opportunity to apply for such appointments, the Executive Director of the State Bar, or the Executive Director's designee, shall cause the following information to be publicized in State Bar publications and [\[Insert Text Begin\]on the State Bar website and\[Insert Text End\]](#) cause notice to be circulated to all legal newspapers in California and to all local, specialty and minority bars:

- (a) The name of the committee, section, commission, board, or other body to which an appointment is to be made; the terms of office; the function and work of each; the number of appointments to be made to each; the major duties and responsibilities required of an appointee; an estimate of the total time commitment necessary to carry out such duties and responsibilities (including but not limited to traveling and attending meetings or other sessions of the particular body) and, if any, minimum qualifications required by law or reasonably related to serving as an appointee. For the purpose of these procedures, positions as chairpersons or vice-chairpersons and those positions which may be filled by reappointment of incumbents, shall be considered as vacant positions.
- (b) The manner by which applicants may file application for appointment or reappointment with the State Bar; and
- (c) [\[Delete Text Begin\]A tear out form off\[Delete Text End\]\[Insert Text Begin\]An\[Insert Text End\]](#) application for appointment or [\[Delete Text Begin\]tear out form for\[Delete Text End\]\[Insert Text Begin\]information about\[Insert Text End\]](#) requesting an application shall be publicized in State Bar publications, and may be publicized elsewhere, as feasible.

Section 4 *Encouragement of Participation*

- (a) [\[Delete Text Begin\]Encouragement of Minorities and Women's Participation :](#)
The [\[Delete Text End\]](#)Board of Trustees is [\[Delete Text Begin\]](#)determined to increase the diversity of the State Bar members participating in the operation of the State Bar. The State Bar does not discriminate against persons on the basis of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS) or mental disability, medical condition (cancer), age (over 40), marital status, denial of family care leave, political affiliation, sexual orientation, disabled veteran or Vietnam era veteran status.

The Board of Trustees resolves to actively solicit and encourage women and members of the foregoing groups ~~[Delete Text End]~~to submit applications for appointments to all bar sponsored entities.

(a)

~~[Insert Text Begin]~~**Participation of Diverse Members:**~~[Insert Text End]~~ The State Bar of California values diversity and broad-based representation in its appointments. The recruitment and selection of applicants with diverse backgrounds, experiences, outlooks, and ideas ~~[Insert Text Begin]~~and geographical diversity brings~~[Insert Text End]~~ qualities essential to the governance of the legal profession and to the services the State Bar provides to its diverse members and to the public.

~~[Insert Text Begin]~~The State Bar's~~[Insert Text End]~~ Board of Trustees is ~~[Insert Text Begin]~~committed to the active solicitation and encouragement of members with a broad array of backgrounds and life experiences including members with skills or attributes that are underrepresented in the legal profession~~[Insert Text End]~~ to submit applications for appointments to all bar sponsored entities.

The State Bar provides equal access to all applicants and ~~[Insert Text Begin]~~complies with all applicable anti-discrimination laws in its appointment process.~~[Insert Text End]~~

(b) Outreach Program: In order to implement the above policy objective, the Board of Trustees hereby encourages:

(1) Each member of the board ~~[Delete Text Begin]~~who is liaison to a particular board appointed entity to recruit and obtain minority and women applicants for each of the entities to which the board makes appointments; and~~[Delete Text End]~~

(2) Each member of the Board ~~[Insert Text Begin]~~and~~[Insert Text End]~~ the chair of each entity to recruit and obtain ~~[Delete Text Begin]~~minority and women~~[Delete Text End]~~ applicants ~~[Insert Text Begin]~~with a breadth and depth of perspective~~[Insert Text End]~~ including, but not limited to ~~[Insert Text Begin]~~the following: geographic location, practice area, size and type of law practice, length of time practicing, volunteer work, specific accomplishments, educational background, age, sexual orientation, and disability~~[Insert Text End]~~ for each of the entities to which the Board makes appointments.

- (c) Encouragement of Bar Associations' Participation: In consultation with the designated board committee [Nominations and Appointments Committee], and to the extent practicable, the Executive Director or designee shall:

(1) Contact local minority and specialty bar associations [Delete Text Begin]([Delete Text End] including, but not limited to[Delete Text Begin], associations sending representatives to the Conference of Delegates) [Delete Text End]and appropriate law related organizations for the purpose of publicizing and announcing these procedures and enlisting their aid in encouraging members of the State Bar to apply for appointment to bodies to which the Board has the authority to make appointments;

(3) Provide appropriate assistance to any section executive committee and any standing or special committee created by the Board to encourage applications of [Delete Text Begin]women and minority[Delete Text End] members [Insert Text Begin]with skills or attributes underrepresented in the legal profession[Insert Text End].

- (d) Recruitment Plan: Each State Bar section executive committee and each State Bar committee and commission shall submit an individual plan for improving the diversity of its applicant pool and report on the implementation of that plan [Delete Text Begin]at the time of[Delete Text End] [Insert Text Begin]when[Insert Text End] submitting its annual appointment recommendations.

[Delete Text Begin](e) The Board of Trustees reaffirms its commitment to discussion about and implementation of steps to increase the participation of gay and lesbian attorneys within the leadership structures of the State Bar, the Board directs all State Bar boards, committees and sections to take affirmative steps to achieve sexual orientation diversification within their ranks and to conduct outreach efforts to recruit gay and lesbian members.[Delete Text End]

Section 5 Applications

Applications for appointment shall be in writing. The Executive Director or designee shall prepare a form of application to be furnished [Insert Text Begin]to[Insert Text End] applicants upon request and placed at locations or with organizations convenient for the applicants to obtain them.

[Delete Text Begin]The application shall contain two parts. Part I of [Delete Text End]The application shall seek the following information:

- (a) The name of the applicant.
- (b) Appointment for which the applicant is applying.

[Delete Text Begin](c) Alternative appointments for which the applicant desires to be considered.[Delete Text End]

([Delete Text Begin]h[Delete Text End][Insert Text Begin]g[Insert Text End]) In addition:

(1) How the applicant became aware of the vacant position(s) to be filled:
[Delete Text Begin](a) State Bar publications; (b) local bar association (specify); or (c)[Delete Text End][Insert Text Begin].[Insert Text End]

- [Insert Text Begin]Board of Trustees (name)[Insert Text End]
- [Insert Text Begin]Committee chair[Insert Text End]
- [Insert Text Begin]Colleague[Insert Text End]
- [Insert Text Begin]Local bar association[Insert Text End]
- [Insert Text Begin]State Bar publication or State Bar website[Insert Text End]
- Other (specify)[Delete Text Begin].[Delete Text End]

(2) Which one of the following best describes the applicant's occupation?

- Private [Delete Text Begin]law [Delete Text End]practice
- [Insert Text Begin]Publicly employed lawyer[Insert Text End]
- [Delete Text Begin]Employed by corporation ([Delete Text End][Insert Text Begin]Corporate [Insert Text End]law department[Delete Text Begin])[Delete Text End]
[Delete Text Begin]- Employed by government (federal, state, local)[Delete Text End]
- [Delete Text Begin]Employed by nongovernmental [Delete Text End]legal services organization [Delete Text Begin](Legal Aid, etc.)[Delete Text End]
- Law teaching
- Quasi-judicial officer
- [Insert Text Begin]Non-governmental[Insert Text End] legal services organization
- [Insert Text Begin]Non-profit organization[Insert Text End]
- [Insert Text Begin]Retired justice or judge[Insert Text End]
- Retired [Delete Text Begin](inactive member of the Bar)[Delete Text End][Insert Text Begin]lawyer[Insert Text End]
- Other (specify)

[Delete Text Begin](3) If engaged in law practice, what is the total number of lawyers associated in or with the member/applicant (or law department, if employed)? [Delete Text End]

(3) [Insert Text Begin] What is the size of the applicant's law office?[Insert Text End]

- [Delete Text Begin]One ([Delete Text End] Sole [Delete Text End]practice)[Delete Text End][Insert Text Begin]practitioner[Insert Text End]

- 2-10 [Delete Text Begin]lawyers[Delete Text End] [Insert Text Begin]lawyer office[Insert Text End]
- 11-35 [Delete Text Begin]lawyers[Delete Text End] [Insert Text Begin]lawyer office[Insert Text End]
- [Insert Text Begin] 36-100 lawyer office[Insert Text End]
- [Insert Text Begin]101+ lawyer office[Insert Text End]
- [Delete Text Begin]More than 35 lawyers[Delete Text End][Insert Text Begin]Not applicable[Insert Text End]

[Delete Text Begin]APPLICATION PART II (RESPONSE IS OPTIONAL) [Delete Text End]

- (1) [Insert Text Begin]Statement of Interest: Please state why you wish to serve on the committee and what[Insert Text End] you can contribute [Insert Text Begin]that makes you a candidate for appointment.[Insert Text End]
- (2) [Insert Text Begin]Experience: Describe any previous work or experience you may have had with the committee.[Insert Text End]
- (3) [Insert Text Begin]Additional Background: Describe any additional background[Insert Text End] you would like to share [Insert Text Begin]relevant to your appointment to the committee.[Insert Text End]

[Insert Text Begin] OPTIONAL SECTION[Insert Text End]

- (i) **[Delete Text Begin]Part II[Delete Text End] [Insert Text Begin]A portion[Insert Text End] of the application form shall be voluntary, and may solicit information concerning [Delete Text Begin]professional and/or community activities; gender, age, race and ethnicity[Delete Text End] gender, sexual orientation, ethnicity, age, and disability [pursuant to the [Insert Text Begin]Americans with Disability Act][Insert Text End] contributing to diversity and broad representation; and other characteristics the applicant believes will contribute to diversity of representation on the particular entity.**

[Delete Text Begin]Part II of the application form shall be preceded by the following statement:[Delete Text End]

[Delete Text Begin]PART II. [Delete Text End]The State Bar of California values diversity and broad-based representation in its appointments[Delete Text Begin]. The legal community is diverse and it serves an even more heterogeneous population[Delete Text End]. The recruitment and selection of applicants with diverse backgrounds, experiences, outlooks, and ideas [Delete Text Begin]will bring [Delete Text End]qualities essential to the governance of the legal profession and to the services the State Bar provides to its diverse members and to the public. [Delete Text Begin]It is therefore the policy of the State Bar's Board of Trustees to encourage the participation of all State Bar members in order to obtain broad representation on each entity. To the extent available, the State Bar will consider factors which encourage breadth and depth of perspective including, but not limited to the following: geographic location of residence and work, practice area, size of law practice, length of time practicing, specific accomplishments, volunteer work, educational background, ethnicity, gender, age, sexual orientation, and disability. [Delete Text End]The State Bar provides equal access to all applicants and [Delete Text Begin]does not discriminate against persons on the basis of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS) or mental disability, medical condition (cancer), age (over 40), marital status, denial of family care leave, political affiliation, sexual orientation, disabled veteran or Vietnam era veteran status. [Delete Text End]

[Delete Text Begin]Please complete the following portion of the Appointment Application to let us know how [Delete Text End]you can contribute [Delete Text Begin]to the diversity and broad composition of the State Bar's committees and commissions. [Delete Text End]

[Delete Text Begin][Suggested Questions][Delete Text End]

[Delete Text Begin](1) What unique characteristics, perceptions, experiences, personal talents, or qualifications would you bring to the committee?[Delete Text End]

[Delete Text Begin](2) Please describe the communication skills and leadership abilities that you possess that will lend to the activities of the committee.[Delete Text End]

[Delete Text Begin](3) Please describe any hardship or disadvantage you have had to overcome and how this experience will contribute to your service with the State Bar.[Delete Text End]

(4) [Delete Text Begin]Is there any additional information about yourself that [Delete Text End]you would like to share [Delete Text Begin]with us.[Delete Text End]

(5) [Delete Text Begin]Applicants are requested, but not required, to provide the following information: [Delete Text End]Gender, Sexual Orientation, Ethnicity, Age, and Disability [pursuant to the [Delete Text Begin]American Disabilities Act][Delete Text End]

Article 2 CRITERIA

Section 1 General

Consistent with the application of a variety of factors, and to the maximum extent practicable, the Board intends that all appointments that it makes, subject to appropriate criteria, be open to all members of the bar and[Delete Text Begin], to the maximum extent practicable[Delete Text End], the criteria for appointment shall be applied so as to achieve diversification and broad representation on each committee, commission, executive committee of sections or other [Delete Text Begin]entity and[Delete Text End][Insert Text Begin]entities [Insert Text End]so as to encourage the participation of [Delete Text Begin]women, minorities , recent admittees and more experienced[Delete Text End] attorneys [Insert Text Begin]with skills or attributes that are underrepresented in the legal profession[Insert Text End].

Section 2 Criteria

The Board adopts the following criteria to guide the board committee which reviews, reports on and makes recommendations to the Board concerning such appointments:

(a) Consistent with the application of a variety of factors, and to the maximum extent practicable, [Delete Text Begin]the criteria for appointment shall be applied so as to achieve diversification and broad representation on each committee, commission, executive committee of sections or other entity and so as to encourage the participation of women, ethnic minorities, racial minorities, recent admittees and more experienced attorneys.[Delete Text End]

(a) (b) In considering recommendations of applicants to the Board for appointment, the board committee shall:

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