

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~~ 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~~ Executive Director's designee, shall cause the following information to be publicized in State Bar publications and on the State Bar website and 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) ~~A tear-out form of~~ An application for appointment or ~~tear-out form for information about~~ requesting an application shall be publicized in State Bar publications, and may be publicized elsewhere, as feasible.

Section 4 Encouragement of Participation

- (a) ~~Encouragement of Minorities and Women's Participation : The Board of Trustees is 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 to submit applications for appointments to all bar sponsored entities.~~

Participation of Diverse Members: 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 and geographical diversity brings 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.

The State Bar's Board of Trustees is 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 to submit applications for appointments to all bar sponsored entities.

The State Bar provides equal access to all applicants and complies with all applicable anti-discrimination laws in its appointment process.

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

- ~~(1)~~ Each member of the ~~board who is liaison to a particular board appointed entity~~ Board and the chair of each entity to recruit and obtain ~~minority and women~~ applicants with a breadth and depth of perspective including, but not limited to 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 for each of the entities to which the ~~board~~ Board makes appointments. ~~;~~ ~~and~~
- ~~(2)~~ ~~The chair of each entity to recruit and obtain minority and women applicants 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~~ Executive Director or designee shall:

- (1) Contact local minority and specialty bar associations ~~(including, but not limited to, associations sending representatives to the Conference of Delegates)~~ 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~~ 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~~ Board to encourage applications of ~~women and minority~~ members with skills or attributes underrepresented in the legal profession.

- (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 ~~at the time of~~ when submitting its annual appointment recommendations.

- ~~(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.~~

Section 5 Applications

Applications for appointment shall be in writing. The ~~executive director~~ Executive Director or designee shall prepare a form of application to be furnished to applicants upon request and placed at locations or with organizations convenient for the applicants to obtain them.

The application shall ~~contain two parts. Part I of the application shall~~ seek the following information:

- (a) The name of the applicant.
- (b) Appointment for which the applicant is applying.
- ~~(c) Alternative appointments for which the applicant desires to be considered.~~

~~(h)~~ (g) In addition:

(1) How the applicant became aware of the vacant position(s) to be filled: ~~(a) State Bar publications; (b) local bar association (specify); or (c) other (specify).~~

- Board of Trustees (name)
- Committee chair
- Colleague
- Local bar association
- State Bar publication or State Bar website
- Other (specify)

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

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

(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)?~~ What is the size of the applicant's law office?

- ~~One (sole practice)~~ Sole practitioner
- ~~2-10 lawyers~~ lawyer office
- ~~11-35 lawyers~~ lawyer office
- ~~More than 35 lawyers~~ 36-100 lawyer office
- 101+ lawyer office
- Not applicable

(h) Questions

- (1) Statement of Interest: Please state why you wish to serve on the committee and what you can contribute that makes you a candidate for appointment.
- (2) Experience: Describe any previous work or experience you may have had with the committee.
- (3) Additional Background: Describe any additional background you would like to share relevant to your appointment to the committee, including but not limited to how you can contribute to the diversity and broad composition of the State Bar's committees and commissions.

APPLICATION PART II (RESPONSE IS OPTIONAL) OPTIONAL SECTION

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

~~Part II of the application form shall be preceded by the following statement:~~

~~PART II. The State Bar of California values diversity and broad based representation in its appointments. The legal community is diverse and it serves an even more heterogeneous population. The recruitment and selection of applicants with diverse backgrounds, experiences, outlooks, and ideas will bring 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. 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. The State Bar provides equal access to all applicants and 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.~~

~~Please complete the following portion of the Appointment Application to let us know how you can contribute to the diversity and broad composition of the State Bar's committees and commissions.~~

~~[Suggested Questions]~~

- ~~(1) What unique characteristics, perceptions, experiences, personal talents, or qualifications would you bring to the committee?~~
- ~~(2) Please describe the communication skills and leadership abilities that you possess that will lend to the activities of the committee.~~
- ~~(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.~~
- ~~(4) Is there any additional information about yourself that you would like to share with us.~~
- ~~(5) Applicants are requested, but not required, to provide the following information: Gender, Sexual Orientation, Ethnicity, Age, and Disability [pursuant to the American Disabilities Act]~~

Article 2 CRITERIA

Section 1 General

Consistent with the application of a variety of factors, and to the maximum extent practicable, the Board ~~The board~~ intends that all appointments that it makes, subject to appropriate criteria, be open to all members of the bar and, ~~to the maximum extent practicable,~~ 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 entities ~~entity and~~ so as to encourage the participation of ~~women, minorities, recent admittees and more experienced~~ attorneys with skills or attributes that are underrepresented in the legal profession.

Section 2 Criteria

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

- ~~(a) Consistent with the application of a variety of factors, and to the maximum extent practicable, 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.~~
- ~~(b)~~ (a) In considering recommendations of applicants to the ~~board~~ Board for appointment, the board committee shall:

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