

OPEN SESSION AGENDA ITEM

54-131 JULY 2018 PROGRAMS ITEM III.C.

DATE: July 19, 2018

TO: **Members, Programs Committee**
Members, Board of Trustees

FROM: Patricia Lee, Office of Legal Services

SUBJECT: Submission of Council on Access and Fairness Annual Report

EXECUTIVE SUMMARY

The Council on Access & Fairness (COAF) serves as the State Bar's diversity think tank and is charged with implementing the Bar's goal of increasing diversity and inclusion in the legal profession. COAF presents its 2017 Year End report to the Programs Committee and Board of Trustees for informational purposes.

BACKGROUND

The Council on Access & Fairness (COAF) serves as the State Bar's diversity think tank charged with implementing the Bar's goal of increasing diversity and inclusion in the legal profession. COAF organizes its work along the segments of the diversity pipeline including Early Education, College/Law School and bar passage, the Legal Profession and the Judiciary. COAF also undertakes specific projects that encompass and support that work including communications and outreach, MCLE on elimination of bias (EOB), strategic planning and fundraising.

In May 2008 COAF adopted the following strategic goals to guide its work:

1. **Produce Institutional and Attitudinal Changes** to create a culture of inclusion within the legal profession and judiciary that fosters diversity.
2. **Communicate to Inspire and Engage Diversity** by serving as a catalyst for change by framing and communicating ways to respond to diversity challenges to inspire and empower potential lawyers from diverse communities..
3. **Partner, Collaborate and Coordinate to Achieve Diversity** by partnering, collaborating, and coordinating with existing entities and individuals already working toward the goal of diversity and inclusion within the justice system.

Measure Change by creating mechanisms to measure change in the diversity of the legal profession over time.

DISCUSSION

ACCOMPLISHMENTS IN 2017:

1. Promoting expansion of and providing program support for California Partnership High School Law Academies:

(Background: In 2010, the State Bar created a partnership with the California Department of Education (CDE) to build its first 6 high school law academies under the California Partnership Academy (CPA) model. Adding to the close to 500 Partnership Academies that existed throughout the state, the original law academies were located in San Diego, Long Beach, Los Angeles, Richmond, Elk Grove and Sacramento. Created by the California Legislature in 1986 (Education Code §§54690 - 54697), the CPA model required the academies to be in public high schools having 350 or more students, and required that 50% of students in law academies be “at risk” as defined in the Education Code. These requirements led to classrooms that reflected the diverse population of California. Starting in the 10th grade, high school students receive a law class every day for 3 years. The dream of becoming a lawyer became a reality for the first time for many of these students. The law academies are supported by a volunteer group of lawyers and judges under the auspices of the California Law Academy Support Council (CLAS) which was convened by the State Bar. More than 1200 legal professionals give of their time, energy and funds to work with these students. With outreach by COAF and staff at California LAW, Inc., the academies continue to grow and as of 2017 number 18 with more in the planning stages. The ABA awarded the California Partnership Law Academy program with the Alexander Award for exemplary leadership in diversity pipeline work.)

Added Two Law Academies in 2017: The two academies added in 2017 were located in San Juan Hills and Santa Ana, bringing the total law academies to 18 statewide. Since the graduation of approximately 300 seniors combined from the original 6 law academies in 2010, an estimated 40-50 additional students graduate each year from each of the law academies.

Convened the 7th Annual California Law Academy Support Council (CLAS)

Summit and Faculty Professional Development: When the California Partnership Law Academies were created in 2010, the State Bar recruited volunteer lawyers and judges and created the California Law Academy Support Council (CLAS) to ensure sharing of updates from the CDE and ongoing communication, collaboration and support among the law academies. The 7th Annual CLAS Summit was convened by the State Bar in June 2017 with topics including CDE reports on partnership academy programming and status of ongoing state funding, COAF Early Pipeline Initiatives, the pathway to law overview, addressing implicit bias/growth mindset/stereotype threat in the classroom, online legal research pilot program through Fastcase and teacher identified hot topics including managing the classroom in the current political climate and how to support/educate students with opposing viewpoints.

The CLAS Summit also provided a day of professional development for the law academy faculty. Topics included a primer on teaching the “Street Law” curriculum (the primary curriculum used in the Law Academies), what teachers need to know about immigration laws and DACA, and a briefing on first amendment rights and responsibilities.

Created Resources to Support the Law Academies:

- **Updated mentor and mentee handbooks** were distributed to all academies for use in their required local mentoring programs. The Mentor Handbook provided a program overview, sample mentoring topics and examples of speakers for each session, interviewing and on-the-job tips, and suggestions for relating to and counseling students on goal setting and achieving goals. The Student Handbook provided information to help prepare the students for the mentoring relationship and included the topics to be addressed, sample questions students could pose to the mentors, tips on drafting resumes, preparing for interviewing and on-the-job experiences, as well as student goal setting information, etc.
- **Developed Pilot Program for Free Access to Online Legal Research** through FastCase for all Law Academy students and teachers (also note below the free service is also offered to the students and teachers in the Community College Pathway Program). We were fortunate to have developed this partnership, and were able to provide this pilot program in the law academies at Florin High School (Sacramento), Jesse Bethel High School (Vallejo), De Anza High School (Richmond), Crawford High School (San Diego) and Highland High School (Bakersfield).
- **Presented programs to educate and engage students on key legal areas:** COAF continued to partner with representatives from the National Bar Association to conduct ongoing presentations of the “Know Your Rights” Program to educate students about their rights and responsibilities when detained by law enforcement officials. Also, to address ongoing concerns by parents and students, COAF arranged for presentations on immigrant rights and the current status of DACA (deferred action for childhood arrivals).

Conducted the 6th Annual Law Academy Essay Contest: COAF invited law academy students to submit essays on a selected theme. The contest is designed to educate students about key legal concepts, as well as to encourage the development of critical analysis and writing skills. In 2017, students were asked to apply the holdings in the cases of *Loving v. Virginia* and *Obergefell v. Hodges* to discuss the importance of the 14th amendment guarantees, as related to the right to marry.

2. **Promoting expansion of and support for 2+2+3 Pathway to Law Program:**
(Background: Established in 2014 when 24 California Community Colleges, 6 undergraduate institutions and 6 law schools all signed a Memorandum of Understanding as the inaugural class of the Community College Pathway to Law School initiative. The Community College Pathway to Law School initiative is an innovative program, without precedent in the United States. The program provides a clear pathway from community college to law school with the purpose of increasing diversity in the legal profession. Support for the students, including mentoring and pre-law counseling, are included in order to provide students with the best possible chance for success. Professional development activities are provided to faculty members (“faculty champions”).

The Community College Pathway to Law School initiative requires the completion of courses that are based on a defined set of “success factors” that help make effective lawyers. The intention of this initiative is to align criteria from the “success factors” with California Community College courses already approved in corresponding Intersegmental General Education Transfer Curriculum (IGETC)

areas in order to prepare students for law school and the legal profession prior to transfer.

California's community college system has the most diverse student population of the three public postsecondary systems in California, providing opportunity for everyone who aspires to obtain a college education, including students from the least affluent communities in California, first generation students, students of color, students with disabilities, veterans, and those who have work and family responsibilities. Thousands of talented and promising students leak out of the education pipeline from community college to law school every year because of lack of support, mentoring, financial resources, and information about what is needed to gain admission and succeed in law school.)

Collaborated with and supported California LAW, Inc.: The day-to-day management, operation and expansion of the 2+2+3 Pathway to Law Program has been shifted to California LAW. COAF provided support through the transition stages of the transfer and continues to serve in a liaison role to help support the ongoing operations, planning and convening of the Annual Pathway to Law Summit and promoting the Pathway to Law program statewide among California community colleges, undergraduate colleges and universities, and law schools, as well as among local attorneys and judges to serve as volunteers for the various Pathway Programs. Three additional community colleges were added in 2017 including East Los Angeles College, West Los Angeles College and Saddleback College.

Supported the Planning and Convening of the 4th Annual Pathway to Law Summit and Professional Development Workshop: The Annual Summit was held in February 2017 at U.C. Irvine School of Law. The Annual Pathway to Law Summit was created to convene all Pathway to Law partners including representatives from high schools, community colleges, undergraduate universities/colleges and law schools to ensure the smooth operation of the program at all levels and to solidify the pathway to law school. Dean Erwin Chemerinsky provided the opening Keynote. The summit programming included details about the administrative policies and procedures adopted by community colleges, undergraduate entities and law schools to facilitate the smooth transition for students through all levels of the education pathway; building functioning Advisory Councils; and providing faculty champion support through the Law School Admissions Council "Discover Law" Program. The professional development training for faculty champions focused on "The Science of Success: Neuroscience, Stereotype Threat and Implicit Association"-- how the concepts are manifested in the classroom and strategies to reduce the effects to maximize performance by students from diverse backgrounds.

Developed Pilot Program for Free Access to Online Legal Research through Fastcase for all Community College Pathway to Law students and faculty champions (This is a joint program with the law academies as described above.). Community colleges participating in the pilot include Bakersfield College, Chabot College, Los Angeles Mission College, Santa Monica College, Fresno College and Hartnell College.

3. Bar Passage Activities:

Initiated Discussions re Bar Passage initiatives: Having identified the Productive Mindset bar passage concept and participated in preliminary discussions with the expert research team to design and implement the project, COAF conducted outreach through the law school network to encourage students to participate in the program. (**Note:** *The program was transitioned to the Office of Admissions and Office of Research and Institutional Accountability to carry out and is being implemented for takers of the July 2018 bar exam.*)

4. Provided Support for Members of the Legal Profession;

Promotion and distribution of State Bar EOB Video entitled “Walk the Walk”:

COAF continues to promote the State Bar EOB video, produced by award winning producer Abby Ginzberg. The video is a compilation of vignettes depicting real life experiences of bias in the work place on the part of attorneys from diverse backgrounds. Accompanying the video is the COAF focus group report on model in-house diversity programs in different practice settings (e.g. small, medium and large law firms, government, public interest, and in-house counsel.) In 2017, COAF began the process of updating the report by focusing on in-house counsel in the entertainment industry with the sending of an introductory communication to the various industry General Counsels and drafting a survey to gather information on existing diversity programs and changes since the prior focus group discussions.

5. Judicial Diversity Activities

Presented Judicial Appointments Workshops: Appointments Workshops were presented in various counties throughout California for the purpose of increasing diversity in the judicial applicant pool by demystifying the judicial appointments process. Panelists included the Chair of the COAF Judicial Committee, a representative from the JNE commission, representatives from local bar judicial screening committees and recently appointed judges who were able to share their firsthand experiences and advice on the process. A representative from the Governor’s Office also participated, depending on scheduling. Mentoring workshops were presented to provide one-on-one feedback on draft judicial applications submitted by workshop participants. Workshops were presented in Martinez, Bakersfield, Fresno, Los Angeles and San Francisco, and for the Legal Aid Association of California (LAAC) and the California Association of Black Lawyers (CABL).

Conducted JNE EOB Training: The COAF Judicial Committee presented its annual elimination of bias training for the JNE Commission. (Note that Gov. Code 12011.5 requires JNE commissioners to undergo EOB training every year.) The training is designed to raise awareness among the JNE Commissioners of the existence of bias and how to overcome biases in the review of applications submitted by attorneys from diverse backgrounds, different practice settings, etc.

- 6. Fundraising:** COAF engages in annual fundraising to supplement the approved COAF annual budget and to enable COAF to conduct additional programs and events aligned with its approved mission and goals. Given the anticipated shortfall in contributions to the EOB fund in 2017 with the lack of legislative approval of the annual licensing fee, COAF outreach was focused on encouraging attorneys to contribute the voluntary \$10 EOB donation with their 2017 licensing fees. Despite the short outreach timeframe, over \$86,000 was generated through these voluntary donations to help fund ongoing Diversity and Inclusion efforts in 2017.
- 7. Annual Planning Retreat:** COAF conducted its annual planning retreat in November 2017 to focus on the existing Long Range Strategic Plan and to discuss new trends and challenges for future consideration. COAF recognized that the existing plan was overly ambitious, exceeded the capacity and resources available to COAF, and would result in the inability to meet the stated goals in a manner that would produce meaningful and measurable outcomes. As a result, COAF identified two priority areas and two appropriate roles for COAF to assume:

- **COAF Priorities:**
 - **Elimination of Bias/Inclusion in the Profession--** Development of the legal profession's understanding of current issues related to diversity and inclusion as inherent to the State Bar's public protection mission
 - **Diversity Pipeline** – ensuring ongoing involvement of students and attorneys from diverse backgrounds moving along the diversity pipeline (e.g. educating pre-college students who may consider the law as a career; encouraging diverse candidates entering legal education; enhancing opportunities for employment in the legal profession, encouraging and educating qualified candidates to seek judicial appointment)
- **COAF Roles/Opportunities:** The revised Plan reflects the nature and scope of initiatives designed to address the priorities, with opportunities for COAF
 - to exercise its **leadership role** in developing and implementing initiatives
 - to engage in a **supporting role** by partnering and collaborating with stakeholders to promote, support and expand existing initiatives

FISCAL/PERSONNEL IMPACT

None

RULE AMENDMENTS

None

BOARD BOOK AMENDMENTS

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: 4. Support access to justice for all California residents and improvements to the state's justice system.

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

RECOMMENDATION

None

ATTACHMENT(S) LIST

None