

OPEN SESSION AGENDA ITEM

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DATE: September 13, 2018

TO: **Members, Board of Trustees**

FROM: Leah T. Wilson, Executive Director

SUBJECT: Executive Director's Report

This report addresses three distinct topics: the State Bar's recent Summit on the Diversity of the Legal Profession and related next steps; the California Job Analysis, specifically the process for forming the study working group; and the Dashboards that are prepared for each in-person meeting of the Board of Trustees.

Summit on the Diversity of the Legal Profession

On August 28, 2018, the State Bar convened representatives of over 20 regional and statewide affinity bar associations to grapple with big questions including what the ultimate goal should be with respect to diversification of the profession. Goal options discussed included parity with the population of the state overall, county populations, the undergraduate population, or the law school population. The group also identified the various roles that the State Bar and affinity organizations might play in working to achieve established goals. A common theme that arose from the Summit was the State Bar's ability to play an important leadership role as a data collector, analyzer, and disseminator.

A summary of the discussion and proposed next steps is being prepared and will be distributed to Summit participants for review and feedback. In addition, staff will work with a small group of affinity bar representatives to develop survey questions for inclusion in the MyStateBar application designed to solicit information regarding attorneys' practice areas and career trajectories; this information would be useful in addressing one of the key challenges identified during the convening, retention. A big thank you to Board members Jason Lee, Debbie Manning, and Joanna Mendoza, who attended the convening.

Staff will recommend to the incoming Chair of the Programs Committee that the November meeting of that body include time for a discussion with representatives from the State Bar's Council on Access and Fairness about Summit results and next steps, including the need to establish clear diversity goals to ensure that the Bar can be held accountable for achieving results in this area of our mission.

On a concurrent track to these efforts I have been working with the Judicial Council on the topic of judicial diversity. Diversification of the bench is a critically important objective. As the Board is aware however, it is my view that the primary responsibility for working to achieve this goal should not lay with the Bar whose focus should be meaningful and measurable diversification of the attorney population. If executed well, a collaborative partnership with the Judicial Council

would allow the Bar to remain engaged in judicial diversity efforts albeit in a secondary role. I will continue to update the Board on my discussions in this regard.

California Job Analysis

The State Bar conducted a series of studies in 2017 to evaluate various components of the California Bar Exam, including the pass line of the exam and the alignment of the subject matters on the exam with the expected knowledge and skills of entry-level attorneys. While the studies represented a milestone in taking a comprehensive assessment of the bar exam, the study conclusions were limited partly due to the lack of current information about the expected knowledge and skills of entry-level attorneys. The California Attorney Job Analysis Study (Study) is intended to address this limitation. Study results will set the foundation for revisiting the issues of exam format, content alignment, and pass line in the coming years. The State Bar has received over \$500,000 in grant funding to support this effort.

The Board will be asked to approve a contract with the vendor selected to conduct the study, Castle Worldwide, at its September 13 meeting.

The Supreme Court will appoint a Working Group to oversee the Job Analysis. The Working Group will provide input and direction in the following areas:

- Study scope and focus including key research questions and policy issues to be incorporated into the study design and implementation plan;
- Data collection methodologies and analysis strategies;
- Decisions on major project milestones as needed; and
- Interim and final project reports.

The composition of the Working Group has been determined by the Bar Exam Studies Working Group (BESWG), established to direct last year's bar exam studies. Board members Joanna Mendoza and Alan Steinbrecher serve on the BESWG, as do representatives of the Committee of Bar Examiners and the Supreme Court. Once the Job Analysis Working Group is established the BESWG will expire. Working Group applicants representing the following constituencies or areas of expertise will be solicited; nominations will be submitted to the Supreme Court for review and appointment:

Entity/Stakeholder Group	Number of Members
Attorneys from small, medium, and large firms	3
Judicial Officers	2
Public sector and nonprofit attorneys	2
Law schools	2
The State Bar Board of Trustees	1
California Supreme Court	1
The American Bar Association	1
The National Conference of Bar Examiners	1
An Economist specialized in labor or industrial organization economics	1
The Committee of Bar Examiners	1
Senate and Assembly Judiciary Committees	2
AccessLex Institute (grant funding agency)	1
Total	18

The Board Chair will determine the selection process for the Board of Trustees nominee/s.

Dashboards

Dashboards covering the status of major Information Technology and capital projects, the Bar's fiscal position, communications efforts, and recruitment and retention statistics are prepared for each in-person meeting of the Board. Recently, a new dashboard was added to provide the Board with a snapshot overview of the status of progress on the 2017-2022 Strategic Plan. This latter dashboard is generated in an infographics format. In an effort to align the visual presentation of the various dashboards prepared for the Board, a threshold question has arisen as to the usefulness of the existing dashboards. I hope to use a portion of my Executive Director remarks on the September 14 agenda to discuss this topic with the Board.