

**COAF Meeting -- September 29, 2019**  
**Resource Materials**

**FEE BILL LANGUAGE:**

**Language Included in AB 3249 – State Bar Annual Fee Bill – bill signed by Governor**

**Section 6001.1 of the Business and Professions Code is amended to read:**

6001.1. Protection of the *public, which includes support for greater access to, and inclusion in, the legal system*, shall be the highest priority for the State Bar of California and the board of trustees in exercising their licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

**Section 6001.3 is added to the Business and Professions Code, to read:**

6001.3.

(a) It is the intent of the Legislature that the State Bar maintain its commitment to and support of effective policies and activities to enhance access, fairness, and diversity in the legal profession and the elimination of bias in the practice of law.

(b) The Legislature finds and declares the following:

(1) The rich diversity of the people of California requires a justice system that is equally accessible and free of bias and is a core value of the legal profession.

(2) Diversity and inclusion are an integral part of the State Bar's public protection mission to build, retain, and maintain a diverse legal profession to provide quality and culturally sensitive services to an ever-increasing diverse population.

(3) Diversity increases public trust and confidence and the appearance of fairness in the justice system and therefore increases access to justice.

(4) The State Bar should continue to increase diversity and inclusion in the legal profession.

(c) The State Bar shall develop and implement a plan to meet the goals set forth in this section, which may include, but is not limited to, an assessment of needed revenue and shall include a review of the impact of the passing score of the bar examination on the diversity of the legal profession. The State Bar shall prepare and submit a report to the Legislature, by March 15, 2019, and every two years thereafter, on the plan and its implementation, including a description of activities undertaken to support the plan, their outcomes, and their effectiveness.

## **Windtunneling Process: Latest Version**

(approved by COAF June 9, 2018—subject to revisions as part of State Bar Diversity & Inclusion Strategic Planning)

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### **INSTRUCTION:**

The State Bar of California’s Council on Access & Fairness is responsible for implementing the State Bar’s public protection mission through the goal of increasing access to and inclusion in the legal system. We are asking for your input to help us achieve this goal. Please contribute your thoughts and experiences on the following 4 topics.

***(NOTE: For the purposes of this initial discussion, “diversity” refers to inclusion in the legal system on the basis of race, ethnicity, gender, sexual orientation, gender identity, disability and veteran status.)***

#### **Topics:**

- **Ways diversity strengthens public trust and confidence in the legal system.**
- **Current barriers to fairness and freedom from bias in the legal system.**
- **Ways to enhance fairness and freedom from bias in the legal system**
- **Ways to achieve a diverse and inclusive legal profession.**

Everyone is encouraged to participate, including but not limited to judges, lawyers from all practice settings, clients, educators and students from all education levels, community representatives and members of the public. Participate as often as you like. Remember, your comments are **anonymous**. All opinions are valuable and will help to inform the decisions made by the Council on Access & Fairness as to the best ways to achieve diversity and inclusion in the legal profession.

## **MENTORING PILOT PROJECT**

(Status Report)

BOT referral to COAF, as part of public protection mission, to create and propose a pilot mentoring program for review and approval by the BOT.

### **Created Mentoring Task Force:**

- Focused on a statewide mentoring program open to new/young lawyers
- Researched all aspects of prior and existing legal profession mentoring programs
- Identified program features that could be incorporated into a technology platform
- **Conclusion:** Given numbers of potential mentees (estimate 6,000 new lawyers each year), inability to recruit enough mentors, and unsuccessful attempts by former State Bar Business Law Section and CYLA, State Bar could not fund and administer a statewide mentoring program.
- **Recommended** to BOTs further review and recommendations for alternative program(s) - BOT approved creation of a working group to conduct further research and to identify other options for recommendation to the BOTs

### **Created Mentoring Working Group:**

- Working Group reviewed prior research conducted by Task Force
- Reviewed input from California local and minority bars and other entities providing mentoring programs
- Reviewed program administrative needs
- Worked with potential technology vendors to create a technology platform to meet local program needs
- **Recommendation:**
  - **No longer recommending a statewide program administered and managed by the State Bar**
  - Create a central technology platform through the State Bar
  - Identify tech vendor to design platform and to provide support to State Bar and local programs
  - Offer access to technology platform to local programs to administer, expand or create new mentoring programs for young/new lawyers
  - Provide ability for State Bar and local programs to administer/manage programs and to evaluate/identify program outcomes
  - Create 2-year pilot program

### **Current Status:**

Mentoring Project will be one of the topics for discussion during the Programs Committee Planning Session on November 15, 2018.

## **New Ideas for Diversity & Inclusion Strategies/Initiatives:**

- 1. Civic Action Project**
- 2. Leadership Conference on Diversity & Inclusion in the Legal Profession**

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### **1. Civic Engagement: Civic Action Project**

Partner with the Constitutional Rights Foundation to develop and make available law academy curriculum focusing on the Civic Action Project model... a free project-based learning program for civics and government, providing students the opportunity to apply what they have learned in the real world and impact issues that matter to them. From the CAP curriculum, students are first taught three lessons that are tied to government/civics content. These lessons provide content that students will need to start their own CAP projects. Once students start working on their own CAP issues, they will be taught two more lessons that focus on policy analysis.

Through the LAW Academy website, a message board will be made available for students and teachers across California to share ideas, resources.

COAF can provide a list of attorney/judges/law professor resources/speakers in the various locations where academies are located.

#### **Intended impact:**

Students gain knowledge and critical thinking and writing skills re: practical government/civics/law related issues and how to develop policy solutions to addressing key real-life, law related issues.

#### **How will we measure success:**

CAP lessons identified and taught in classroom; practical policy solutions created;

Number of academies participating in the program. Goal of five academies in the first year, 8 in the second year and all academies in the third year.

Types of issues identified by students through the message board and as reported by the academies.

Policy analysis conducted and solutions created through the message board and as reported by the academies.

Feedback from participants via the message board and as reported by the academies through a survey sent.

Via Message Board: Communication

## **2. Career Development/Leadership Conference on Diversity & Inclusion in the Legal Profession (Proposed Convening in Winter 2019):**

**Purpose:** To create access for lawyers who are developing strategies to expand and promote within their career, transition into new sectors, and/or share wisdom and skills as experienced members of the profession. In addition, to provide CLE credit for Elimination of Bias and possibly law firm management.

**Target audience:** California lawyers, statewide. The conference would be open to students and all practitioners, with a focus on targeting diverse practitioners who are interested in pursuing leadership roles in all sectors related to the profession.

**Advancement of State Bar public protection mission:** Diversity and inclusion (D&I) in the legal profession and justice system helps maintain public confidence in the rule of law and administration of justice through the courts. Especially in California, the representation of members of the public-at-large being reflected in the bar, the bench, and the administrative offices of the courts is essential to advancing the protection of the interests and rights of the people of this State.

### **Proposed Outline for convening:**

A day-long conference that will bring together experienced presenters from the private sector, public interest sector, judicial system, public sector, and academia to discuss, among other things, how to make partner; what resources are available to help develop leadership skills and networks; what it takes to be a serious contender for a judicial position; what advancement looks like in agencies that use lawyers for more than litigation; how to network effectively so opportunities are not missed; where there are leadership opportunities within public service; how the tenure track is changing, what support networks exist and what resources can you count on to enter and advance in academia.

**Resources:** Approximately \$10,000 is available from the State Bar Foundation to fund expenses related to this convening. In addition, State Bar/ COAF can consider charging a modest fee of \$50 to participants, and provide CLE credits as part of the program.