



The State Bar *of California*

OPEN SESSION

AGENDA ITEM

131 MARCH 2019

PROGRAMS COMMITTEE III.A

DATE: March 14, 2019

TO: Members, Programs Committee
Members, Board of Trustees

FROM: Donna S. Hershkowitz, Chief of Programs
Hellen Hong, Director, Office of Access & Inclusion

SUBJECT: Adoption of Revised Goal 4 Re Diversity and Inclusion

EXECUTIVE SUMMARY

The State Bar's mission "is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system." At the Board of Trustees' January 2019 Planning Session, the Board adopted nine objectives related to diversity and inclusion, and adopted a guiding definition of diversity. Due to time constraints, the Board did not have the opportunity to revise the language of Goal 4, which does not currently reference diversity and inclusion. This agenda item seeks approval of a revised Goal 4 to more accurately encompass the Board's mission as it relates to access to and inclusion in the legal system.

BACKGROUND

In May 2017, the Board adopted the following mission statement for the Bar: "The State Bar of California's mission is to protect the public and includes the primary functions of licensing, regulation and discipline of attorneys; the advancement of the ethical and competent practice of law; and support of efforts for greater access to, and inclusion in, the legal system."

Effective January 1, 2019, the Bar's statutory mission statement was amended to include the language regarding access and inclusion already in the Bar's mission statement: "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.” (See Bus. & Prof. Code § 6001.1, emphasis added to reflect 2019 amendment.)

In January 2019, the Board adopted nine objectives under Goal 4 of the Strategic Plan, which relates to access to justice.

At its March 2019 meeting, the Programs Committee will be asked to approve the 2019 workplan for the Council on Access and Fairness intended to implement the new diversity and inclusion objectives.

DISCUSSION

The State Bar’s 2017-2022 strategic plan currently includes as one of its focus areas the goal to “[s]upport access to justice for all California residents and improvements to the state’s justice system.” Until January 2019, the strategic plan failed to include any objectives related to the Bar’s mission to support efforts for diversity and inclusion in the legal system. The Board remedied that at its January planning session, adding nine specific objectives related to diversity and inclusion, listed in the Strategic Plan Goals and Objective section of this agenda item. The Board also adopted as a definition of diversity the categories set forth in Gov. Code section 12011.5(n) related to the diversity of judicial candidates, judicial nominations, and the bench as a whole.

Time constraints, however, prohibited the Board from adopting revisions to Goal 4 of the Strategic Plan to reflect diversity and inclusion. Staff proposes the following be adopted as the new Goal 4 to encompass both the access and the diversity and inclusion elements of the Bar’s mission statement.

Goal 4. Support access to legal services for low- and moderate-income Californians and promote policies and programs to eliminate bias in the legal profession, promote an inclusive environment for attorneys and the public they serve, and ensure that the statewide attorney population matches the rich demographics of the state’s population.

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: g. Work with the California Accredited Law Schools and registered schools to develop enhanced demographic reporting requirements by December 31, 2019.

Objective: h. Identify means of supporting existing law school programs to improve retention by December 31, 2019.

Objective: i. No later than December 31, 2019, identify ways that diversity and inclusion principles can be institutionalized in Bar exam development and grading analyses and implement these practices no later than December 31, 2020.

Objective: j. Assuming positive results from the Productive Mindset Intervention, expand implementation by February 2020

Objective: k. Continue development and implementation of initiative to collect demographic data about licensed attorneys through all stages of their career through 2019.

Objective: l. No later than December 31, 2019, analyze available data to identify the particular obstacles to diverse attorneys' entry into, retention, and advancement in the legal profession.

Objective: m. By December 31, 2020, modify the Elimination of Bias curriculum contained in the Minimum Continuing Legal Education requirements to consider the creation of sub-topics, and expanding the number of required hours.

Objective: n. Develop and publish an annual report card on the state of the profession by January 31, 2020, and annually thereafter.

Objective: o. Partner with the Judicial Council to complete the Judicial Diversity Toolkit.

RECOMMENDATIONS

It is recommended that the Programs Committee and Board of Trustees approve the following resolution:

RESOLVED, that the Board of Trustees approve revising Goal 4 of the State Bar 2017-2022 Strategic Plan to read: Goal 4. Support access to legal services for low- and moderate-income Californians and promote policies and programs to ensure that the statewide attorney population matches the rich demographics of the state's population.

ATTACHMENT LIST

None