

**COUNCIL ON ACCESS AND FAIRNESS (COAF)
NOTES AND ACTION SUMMARY**

Wednesday, September 25, 2019
10:00 a.m. - 4:00 p.m.
State Bar of California
180 Howard Street, Room 4A-C, San Francisco

I. CHAIR'S REPORT

A. Roll Call

2019-2020 Members

Chair Judge Brenda Harbin-Forte
Vice-Chair Esther Kim
Heather Anderson
Connie Broussard
Ryan Harrison
Geneviève Jones-Wright
Judge Kristin Rosi
Donna Schuele
Sal Torres

2018-2019 Members

Judge Holly Fujie
Adeyinka Glover
Catalina Lozano
Mark Shem

Staff

Carolina Almarante
Lisa Cummins
Brady Dewar
Donna Hershkowitz
Elizabeth Hom
Hellen Hong

I. CHAIR'S REPORT

A. ROLL CALL

Roll call was taken and a quorum was established.

B. CALL FOR PUBLIC COMMENT

Chair Judge Brenda Harbin-Forte inquired if there was any member of the public wishing to make a public comment. No member of the public came forward.

II. WELCOME AND INTRODUCTIONS

2018-2019 Chair Judge Fujie welcomed both outgoing and incoming COAF members. She recognized Judge Harbin-Forte, highlighting her commitment to diversity and to COAF. Judge Fujie thanked past and present COAF members and staff.

There were introductions around the room.

Judge Harbin-Forte thanked and acknowledged outgoing COAF members, Adeyinka Glover, Melissa Hung, Catalina Lozano, Kwixuan Maloof, Gary D. Roberts, Mark Shem, and Barry Weissman. Judge Brenda gave special acknowledgement to Judge Holly and presented her with

a gift from COAF members. Judge Harbin-Forte then welcomed new members: Heather Anderson, Ryan Harrison, Kristin Rosi, and Sal Torres.

III. CONSENT

A. Approval of Meeting Summary and Action Items from June 7, 2019 meeting

The Council approved by roll call vote (Torres moved, Rosi seconded) the Meeting Summary and Action Items from the June 7, 2019 meeting.

IV. STATE BAR REPORTS

A. Diversity Summit Update

Office of Access & Inclusion Director Hellen Hong thanked COAF members for participating in the Diversity Summit. She provided an overview of the attorney census data presented as well as a summary of the presentation by Dr. Arin Reeves. COAF members that attended the Summit shared their takeaways, including shifting focus to inclusion first and then diversity, how generations differ in their views on diversity and inclusion, and aligning an organizations culture, climate, and choice. There was a discussion on how to best utilize the State Bar attorney census data to effect change and drive strategies. COAF members requested members be involved in the planning process for the 2020 Diversity Summit.

V. DISCUSSION AND ACTION ITEMS

A. Update from Data Work Group and Approval of Next Steps (Strategic Plan, Goal 4, Objective i and Goal 4, Objective n)

Hellen lead a discussion on the sample report cards of the legal profession. The goal is to publish a report on the diversity of legal profession annually. There was discussion about the intended audience and communication strategy for the report card. COAF members expressed that it would be important to emphasize key disparities and gaps in addition to presenting graphs and charts. Judge Rosi volunteered to help review language around the My State Bar Profile instructions to emphasize the importance of participation. Sal and Ryan volunteered to be on the Report Card Working Group.

B. Update on Judicial Diversity Toolkit (Goal 4, objective o)

Program Supervisor Elizabeth Hom reported that the Judicial Council recently approved the updated Judicial Diversity Toolkit, which is a website of resources to promote judicial diversity. Elizabeth reported that Judicial Council staff thanked Judge Fujie and Judge Harbin-Forte for their input and partnership in updating the Toolkit. Judge Fujie and Judge Harbin-Forte discussed promotion of the Toolkit and the specific resources available. Judge Harbin-Forte, Esther, and Judge Rosi expressed interest in participating in future efforts to promote judicial diversity.

C. Update from Law School Retention Working Group and Approval of Next Steps (Goal 4, Objective h)

The Law School Retention working group has focused on effectuating Strategic Plan, Goal 4, objective h, which is to “identify the means of supporting existing law school programs to improve retention by December 31, 2019.” Elizabeth thanked working group members Catalina Lozano, Donna Schuele, and Mark Shem for their contributions and participation. Elizabeth provided an overview of the research and data reviewed and discussed by the working group as well as the working group recommendations. COAF encouraged the working group to consider how to share the research and survey findings with the public, including law schools and law students.

After discussion, the Council approved by roll call vote (Torres moved, Schuele seconded) the following working group recommendation: in order to identify the place in the pipeline that is challenging for diverse law school students and identify how the law schools can intervene, COAF will work with staff to design specific and concise questions to be incorporated in State Bar’s survey that will be sent to all law school students in March 2020.

The Council approved by roll call vote (Broussard moved, Torres seconded) the following working group recommendation: based on the data from the survey, COAF will create a best practices guide for the law schools. COAF will also discuss strategies to engage the law schools in developing and implementing the guide.

Staff requested volunteers to continue the work of the working group. Donna agreed to continue, and Sal volunteered to join the working group.

D. Update from Modification of Elimination of Bias MCLE Working Group and Approval of Next Steps (Goal 4, Objective m)

Chief of Programs Donna Hershkowitz acknowledged working group members Esther Kim and Connie Broussard for their time and efforts. Donna reported that there is current legislation (AB 242) that would require the State Bar to adopt regulations to require MCLE curricula to include implicit bias and bias reducing strategies by January 2022. This working group recommended proposed rules changes to MCLE as well as the production and provision of free MCLE on Elimination of Bias via the State Bar e-learning platform. Donna acknowledged that version of the proposed rules posted for the meeting were not the redline version and assured COAF members that the redline documents would be posted as soon as possible.

After discussion, the Council approved by roll call vote (Kim moved, Torres seconded) the working group recommendation to request that the State Bar Board of Trustees make available for public comment the proposed changes to State Bar rules dealing with MCLE, and that the State Bar develop at least one hour of MCLE training, which will be made available to attorneys for free, that COAF assist State Bar staff in developing training, and that the training be reviewed and updated every three years.

E. Update on Bar Exam question development and grading analyses (Goal 4, Objective i)

Chief of Programs Donna Hershkowitz and Office of Admissions Program Manager Lisa Cummins explained current practice of question development and grading analyses for the bar exam. Genevieve and Heather volunteered for the working group to draft rules to institutionalize the question development practices. COAF also requested demographic data on the graders, pretesters and Exam Development and Grading (EDG) team. COAF assistance was also requested to review the solicitation for graders, pre-testers and EDG team members, as well as to distribute the solicitation to individual networks to help meet the goal to diversify this pool of volunteers.

F. Discussion of Early Pipeline Proposal for Board of Trustees and Approval of Next Steps

Donna Schuele presented a proposal to the Board of Trustees to include the early pipeline in the work of COAF. Donna Hershkowitz provided additional context for the Board of Trustees' decision to focus the work of the State Bar and COAF in areas where it could be most impactful.

After discussion, COAF approved by roll call vote (Harrison moved, Kim seconded) a motion to recommend that the State Bar Board of Trustees amend COAF's mission statement to include advancement of programs and initiatives at both high school and college levels; that COAF shall engage with and support California LAW efforts; that COAF will appoint a COAF member to serve as liaison to California LAW; that COAF will serve as a resource for Law Partnership Academies' Advisory Council volunteers; that COAF shall organize presentations to college and law school students of under-represented groups on the path to becoming an attorney.

Donna Hershkowitz suggested that COAF communicate this recommendation to the Board of Trustees via the Programs Liaisons and Diversity Liaison. Judge Harbin-Forte, Esther Kim, and Donna Schuele volunteered to work on this letter.

COAF members requested that the issue of COAF member size be added to the November COAF meeting agenda for discussion.

There being no other business, the meeting was adjourned.

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