

COUNCIL ON ACCESS AND FAIRNESS MEETING
Meeting Summary and Action Items
Friday, May 21, 2021, 10:00 a.m. – 4:00 p.m.
State Bar of California (Conference Call via Zoom)

Roll Call		
Members Present	Liaisons	Staff
Chair Judge Esther Kim	Pat Lee (California LAW)	Christal Bundang
Vice Chair Ryan Harrison	Melanie Shelby (BOT)	Erica Carroll
Heather Anderson	Jose Cisneros (BOT)	Lisa Chavez
Novella Coleman		Donna Herskowitz
Sarah Good	Public Members	Elizabeth Hom
Michael Rhoads	None	Gagan Kaur
Judge Kristin Rosi		Natalie Leonard
Stephanie Chu Santoro		-----
		Members Absent
		Chalak Richards
		Sal Torres

OPEN SESSION

Chair Judge Esther Kim called the meeting to order at 10:03 a.m.

I. ROLL CALL

Roll call was taken, and quorum was established.

II. CALL FOR PUBLIC COMMENT

Judge Esther Kim invited members of the public to comment on any items on the agenda. No public comment was made.

III. CHAIR'S REPORT

Judge Esther Kim welcomed everyone and invited Board of Trustee (BOT) liaisons Jose Cisneros and Melanie Shelby to introduce themselves. She also shared that there will be one COAF member appointed by the BOT for the upcoming year.

IV. CONSENT

A. Approval of Meeting Summary and Action Items from February 5, 2021 Meeting

The Council approved the February 5, 2021 meeting summary and action items by unanimous roll call vote (Ryan Harrison moved, Michael Rhoads seconded).

V. STATE BAR REPORTS

A. Update on Office of Access & Inclusion Activities and Staffing

Program Manager Elizabeth Hom reported that the Office of Access & Inclusion (OA&I) is currently recruiting for two Senior Program Analysts positions and one Senior Fiscal Analyst position.

The Legal Services Trust Fund Commission also met in May to finalize the 2021-2022 Provisionally Licensed Lawyers (PLL) grants for 20 organizations. This grant aims to expand the reach of legal aid organizations by offering public interest jobs to new provisionally licensed lawyers. In response to the pandemic, in July 2020, the California Supreme Court approved the provisional licensure program which provides a limited license to practice law under the supervision of a licensed attorney. This program also enables recent law graduates to begin practice without taking a bar exam.

B. Update on Initiatives to Improve the Attorney Discipline System

Program Director Lisa Chavez shared updates to Professor Chris Robertson's recommendations on potential reforms to address racial disparities in the attorney discipline system related to Reportable Action Bank Matters, complaints closed without discipline and attorney representation. For the upcoming year, staff has initiated a research plan to understand allegation patterns and case closure reasons and expects to share results with the Board of Trustees in the fourth quarter.

Lisa also shared background and demographic information about newly formed the Ad Hoc Commission who is charged with taking a comprehensive look at the attorney discipline system. The Commission is comprised of 23 members from a variety of stakeholder groups, including COAF, and is divided into two subcommittees, Effectiveness and Fairness. Sarah Good was appointed to the Commission as COAF's representative and serves on the Fairness Subcommittee. The kick-off meeting was in April with subsequent subcommittee meetings planned for the summer.

C. Update on Diversity, Equity, & Inclusion Plan: 2021-2022, Biennial Report to the Legislature

Elizabeth Hom thanked all COAF members for their hard work on all of the DEI initiatives and thanked Chair Judge Esther Kim and Vice Chair Ryan Harrison for their feedback on report drafts. She provided an overview of the Biennial Report to the Legislature and highlighted updates regarding the State Bar's Diversity, Equity, and Inclusion (DEI) areas of focus – Statewide Leadership, Creating a Culture of Diversity, Pipeline to the Profession, Promoting Judicial Diversity and Statewide Leadership, and Retention and Advancement in the Profession.

VI. DISCUSSION AND ACTION ITEMS

A. Review COAF Work Plan, approved March 2021

Elizabeth Hom reviewed COAF's Work Plan, which was approved by the Board of Trustees in March, and shared proposed language regarding the DEI Leadership Seal Program under objective I. Judge Esther Kim also said that the program would be used as a publicity tool and affirmed commitment from law firms and other organizations. Sarah Good opined that the proposed program may not be a good use of the State Bar's resources.

The Council approved addition of COAF Work Plan items by majority roll call vote (Ryan Harrison moved, Heather Anderson seconded).

Yes (7): Judge Esther Kim, Ryan Harrison, Heather Anderson, Novella Coleman, Michael Rhoads, Judge Kristin Rosi, Stephanie Chu Santoro

No (1): Sarah Good

Abstentions (0): N/A

Following the motion passing, Ryan Harrison, Heather Anderson, and Michael Rhoads volunteered to form a working group for this project.

B. Update on Diversity Summit (Goal 4, Objective I)

Elizabeth Hom thanked Michael Rhoads, Stephanie Chu Santoro, and Judge Kristin Rosi for their help in planning the Government/Public Sector Summit and reminded the Council that the Summit is next week, and that Judge Kristin Rosi will moderate the panel. Elizabeth encouraged COAF members to attend or share the event with people they might know in this sector to attend.

C. Update on 2020 Impact Survey (Goal 4, Objective k)

Elizabeth Hom reported that the Impact Survey was released in April for two weeks and the State Bar received 10,000 responses. Staff is currently reviewing and analyzing the survey data and will provide an update at the next COAF meeting. Michael Rhoads volunteered to serve on this working group and Elizabeth Hom will reach out to the Council for additional members.

D. Update on Plan to Address Law School Retention (Goal 4, Objective h)

Lisa Chavez and Senior Program Analyst Christal Bundang reported on updates and preliminary findings regarding the Law School Retention Study. The Study is comprised of the Law School Retention Survey, ABA 509 Report, and State Bar Annual Report. There was an overall response rate of 87% for the survey. Lisa shared initial data regarding Academic Support Programs, Recruitment Programs, Nonacademic Support, Mentorship Programs and Career Development. Staff is still in the process of reviewing survey responses and will coordinate next steps with the working group to provide a substantive update by the next COAF meeting.

E. Update on Committee on State Bar Accredited and Registered Schools (CSBARS) Proposed Rules Revisions (Goal 4, Objective h)

Elizabeth Hom reported that the Board of Trustees approved the updated CSBARS Rules Revisions at its May 13 meeting. The rule revisions focused on consumer protection, DEI, and licensure. Judge Kristin Rosi and Sarah Good thanked Natalie Leonard for her assistance and guidance during this process.

F. Update on Efforts to Institutionalize Diversity and Inclusion Goals in Bar Exam Question Development and Grading (Goal 4, Objective i)

COAF member Heather Anderson reported that the working group had its second meeting on April 14 with representatives from Scantron, the organization that conducted the initial differential item functioning (DIF) analysis. According to the analysis, there may be potential bias against out of state test takers due to regional language differences and in specific subject matter questions. The working group will develop a best practice guide on how to prevent future bias in exam questions.

G. Update on Implicit Bias Online Training Module (Goal 4, Objective m)

Senior Program Analyst Erica Carroll provided an update on the development of the implicit bias online MCLE. The training course is now at the storyboarding phase and will contain three modules including implicit bias and microaggressions. Staff anticipates that an alpha version will be available in the next few weeks and will be completed in mid-July.

H. Update on Addressing Retention in the Legal Profession through Law School Loan Repayment (Goal 4, Objective l)

COAF member Judge Kristin Rosi provided an update on behalf the working group, comprised of members from COAF, the California Access to Justice Commission, and the Legal Services Trust Fund Commission. The working group met three times to assess the statutory loan repayment assistance program, identify research opportunities to make Public Service Loan Forgiveness more effective, and discuss potential bond refinancing for public interest lawyers. The working group plans to send a survey in June to public interest attorneys about their student debt and will make recommendations to COAF and LSTFC based on the survey findings.

I. Update on Early Pipeline to the Profession Outreach Materials Development (Goal 4, Objective l)

Elizabeth Hom reported that the working group's next project is to work on a follow-up outreach video from Golden State Warriors. Heather Anderson confirmed that Disney is on board to participate. Heather Anderson, Ryan Harrison, Sarah Good, and Judge Kristin Rosi volunteered to serve on this working group.

J. Update on Judicial Council Requests for Assistance on Judicial Diversity Initiatives (Goal 4, Objective o)

Judge Esther Kim reported that she spoke with Judge Yew regarding the new Judicial Appointment's Secretary, Luis Céspedes. Judge Esther Kim recommended that COAF members have an initial conversation to try and establish a relationship with Secretary Céspedes. Elizabeth Hom will email COAF members to see who is interested in this working group.

K. Discussion of additional Diversity and Inclusion Initiatives

Elizabeth Hom shared that the ABA is working on its DEI resolution language, which they will be presenting to the House of Delegates in August. If approved, COAF may want to develop similar language for the State Bar. This project can be folded into the work under the Leadership Seal program.

VII. LIAISON REPORTS

A. California Lawyers Association (CLA) Report on Diversity and Inclusive Initiatives

No updates were provided for this agenda item.

B. California Leadership Access Workforce (LAW) Report on Diversity and Inclusion Initiatives

Liaison Pat Lee shared updates regarding California LAW's Law Day program, Lawyers Rights program, and ongoing preparations for the 2022 Pathway to Law Summit. She also reported that SB770 is currently in legislation and will be presented to the Finance Committee.

C. Judicial Council Report on Diversity and Inclusion Initiatives

Elizabeth Hom reported on Judicial Council updates on behalf of Liaison Judge Yew. Judicial Council held presentations in February and March and has another presentation planned for July. Judicial Council is also kicking off its Fireside Chat event which will be held from August 4 – September 8. Judicial Council continues to work with State Bar’s Commission on Judicial Nominations Evaluation on DEI training.

VIII. ADJOURN

There being no other business, the meeting was adjourned at 1:36 p.m.

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