



The State Bar of California

OPEN SESSION AGENDA ITEM JULY 2022 BOARD EXECUTIVE COMMITTEE III.B

DATE: July 21, 2022

TO: Members, Board Executive Committee

FROM: Donna S. Hershkowitz, Chief of Programs/Legislative Director

SUBJECT: Approval of 2022 Work Plans for the Committee of Bar Examiners and the Council on Access and Fairness

EXECUTIVE SUMMARY

This agenda item presents the 2022 work plan of the Council on Access and Fairness and the Committee of Bar Examiners for adoption by the Board Executive Committee.

BACKGROUND

The Board Executive Committee is responsible for approving work plans adopted by the following State Bar subentities: the California Board of Legal Specialization (CBLS), Committee of Bar Examiners (CBE), and the Council on Access and Fairness (COAF). Work plans are typically presented to the Board in March of each year, to ensure alignment of the subentity's planned activities for the year with the State Bar's strategic plan, and to provide guidance and accountability for subentity work.

Since the new five-year strategic plan was just finalized in May 2022, the workplans were delayed to align them with the new strategic plan. In the meantime, subentities continued with work approved or directed in prior years, and delayed adding new bodies of work until the workplans were ripe for consideration by the Board. Given the delay in workplan adoption, workplans have been drafted to extend through the end of 2023, rather than the standard one-year timeframe.

Staff require extra time to align the work plan for the California Board of Legal Specialization to the new strategic plan, so the work of that subentity is not addressed in this agenda item.

In prior years, the Board also approved the work plan of the Legal Services Trust Fund Commission (LSTFC), but statutory changes effective January 1, 2022, which provide greater autonomy for the LSTFC, make such review and approval no longer appropriate.

DISCUSSION

Attached to this item are work plans adopted by COAF and the CBE. These subentities developed their work plans for the 2022 Board year in alignment with the five-year strategic plan that expired this year. The committees delegated authority to staff to update the work plans to tie them to the new five-year strategic plan adopted in May of 2022.

The work plans provide an overview of the charge of the subentity and then summarize the specific work the subentity is undertaking, the deadline by which the work should be completed, and whether the subentity plans to return to the Board or a Board Committee with a report on the work.

In updating the work plans to align with the current strategic plan, staff attempted to tie each work plan item to the strategic plan goal, then the identified strategy, and finally to a corresponding implementation step. When making an explicit connection to an implementation step was not possible, staff tied workplan items to the goal or strategy level/s only. This stands to reason, as State Bar subentities are expected to conduct at least some work that is not directly tied to strategic plan implementation.

The CBE work plan details significant efforts to evaluate and revise admissions procedures, rules, FAQs, website, and the applicant portal of the Admissions Information Management System in all substantive areas: testing accommodations, moral character, eligibility, special admissions, and exam administration. The plan also notes several DEI efforts, including efforts to diversify the pool of graders and exam question developers with a goal of improving the exam experience for all test takers and increasing the diversity of the bar.

The COAF work plan demonstrates the continued multidisciplinary efforts of COAF internal to the State Bar, working to improve the attorney discipline system and working closely with the Office of Admissions on a number of initiatives, as well as efforts to increase the pipeline to the profession and the advancement and satisfaction within the profession.

FISCAL/PERSONNEL IMPACT

The work plans necessarily have a personnel impact, identifying and directing key areas of effort for staff of the relevant offices. To the extent implementation of any of the individual items impose a significant cost to the State Bar not already accounted for in the State Bar budget or otherwise previously approved by the Board, such items will be brought individually to the Board.

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Updates are being made to this section of the agenda item template to reflect the 2022–2027 Strategic Plan.

RECOMMENDATIONS

Should the Board Executive Committee concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board Executive Committee approves the work plans adopted by the Committee of Bar Examiners and Council on Access and Fairness and authorizes staff to maintain the work plans and make technical edits and corrections to them as needed.

ATTACHMENTS LIST

- A.** 2022 Work Plan for the Council on Access and Fairness
- B.** 2022 Work Plan for the Committee of Bar Examiners



The State Bar of California

COUNCIL ON ACCESS AND FAIRNESS 2022 WORK PLAN

Charge: The Council on Access and Fairness is composed of ten members appointed by the Board of Trustees. The charge of the Council is as follows:

- Assist and advise the Board of Trustees in defining and advancing the State Bar's diversity and inclusion strategies and goals.
- Study, recommend, and help devise curricula designed to educate California attorneys on diversity and inclusion principles.
- Promote programs and strategies to improve diversity initiatives impacting the pipeline, particularly at California law schools, for the bar exam and within the legal profession.
- Evaluate the state of diversity and inclusion in the profession annually.
- Identify barriers to entry into, and retention and advancement in the legal profession, and propose solutions to address barriers.
- Explore, promote, encourage, and partner in collaborative efforts to increase diversity and inclusion in the profession and in the judiciary.
- Comment and advise, when requested by the Board of Trustees or the Executive Director, on barriers directly related to access opportunities within the profession for attorneys from diverse backgrounds.
- Facilitate communication and coordination on diversity and inclusion efforts by providing reciprocal liaisons to California Lawyers Association (CLA) Diversity Outreach Committee and California Leadership Access Workforce (LAW), and with a liaison from the Judicial Council of California Advisory Committee on Providing Access and Fairness
- Serve as a representative of the State Bar, as requested by the Board of Trustees, on issues of diversity and inclusion.

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To BOT (y/n)/date
Goal 1: Protect the public by strengthening the attorney discipline system	Diversity, Equity, and Inclusion: Continue to address any racial or other disparities in the attorney discipline system.	Implement reforms and recommendations to reduce inequities identified in the 2019 report: <i>Discrepancies by Race and Gender in Attorney Discipline by The State Bar of California: An Empirical Analysis</i> .	Provide input and feedback on the State Bar efforts to ensure an effective and fair attorney discipline system	Ongoing	No
Goal 1: Protect the public by strengthening the attorney discipline system	Consumer Focus: Assist members of the public needing assistance in submitting complaints and resolving problems by providing clear information about how the system works, outlining what constitutes a viable complaint, and facilitating connections with other resources where consumer issues do not	Identify and implement strategies to address other disparities in discipline rates and outcomes, including those related to solo and small firm practitioners.	Review data on violations of Rule 8.4.1, and based on review, make recommendation of potential interventions or actions to BOT.	12/31/22	No

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To BOT (y/n)/date
	warrant attorney discipline.				
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Diversity, Equity, and Inclusion: Support the law school to profession pipeline to foster a diverse legal profession representative of California's communities, particularly as related to race, ethnicity, and socio-economic status.	Publish an annual report card on workforce diversity and retention trends in the legal profession.	Continue to review Attorney Census data	Ongoing	No
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Diversity, Equity, and Inclusion: Support the law school to profession pipeline to foster a diverse legal profession representative of	Increase the numbers of diverse attorneys in the legal profession through diversity pipeline programs that support aspiring attorneys in graduating from law	Recommend specific rules, terms, or language/develop State Bar rule to codify diversity and inclusion principles in bar exam development; including outreach to and feedback from bar exam preparation network.	12/31/22 12/31/22	Yes/2022 No

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To BOT (y/n)/date
	California's communities, particularly as related to race, ethnicity, and socio-economic status.	school and passing the bar exam.	Recommend to Office of Admissions ongoing review and comparison of bar examinations to gauge impact of the Guiding Principles in Examination Development to Minimize Potential Bias in Bar Exam Questions		
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Diversity, Equity, and Inclusion: Support the law school to profession pipeline to foster a diverse legal profession representative of California's communities, particularly as related to race, ethnicity, and socio-economic status.	Increase the numbers of diverse attorneys in the legal profession through diversity pipeline programs that support aspiring attorneys in graduating from law school and passing the bar exam.	Invite researchers or other experts to make presentations to COAF, at minimal cost to the State Bar, to assist COAF in identifying issues in the pipeline to the profession and make recommendations on how to address pipeline to the profession issues	Ongoing	No
			Support presentations to underrepresented high school, community college, and university students on how to prepare for becoming a lawyer at programs convened by non-profits and other appropriate entities	Ongoing	No
			Discuss partnering with CLA on one-day Pipeline Summit to obtain a status report on the state of diversity in the legal profession.	12/31/22	No

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To BOT (y/n)/date
			<p>Continue to partner with diverse General Counsels for professional sports team (e.g., the Golden State Warriors), the entertainment industry, or similar groups, to jointly produce engaging content, at minimal cost to the State Bar, reflecting diverse lawyers in nontraditional legal roles, with a view toward posting links to those videos on the State Bar website, and report back to the State Bar on any recommended next steps</p> <p>Distribute and publicize via social media and other outlets the State Bar's "Be a Lawyer: Make a Difference" brochure.</p>	Ongoing	No
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Diversity, Equity, and Inclusion: Support the law school to profession pipeline to foster a diverse legal profession	Identify data-supported practices that promote retention and advancement of a diverse and inclusive legal profession and share those practices	<p>Participate in the Law School Assembly</p> <p>Review demographic data provided by the CALS and registered law schools to determine next steps based on attrition data reported.</p>	<p>Ongoing</p> <p>Ongoing</p>	<p>No</p> <p>No</p>

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To BOT (y/n)/date
	representative of California's communities, particularly as related to race, ethnicity, and socio-economic status.	through toolkits and other resources.	Track law school attrition data for California ABA schools to identify trends	Ongoing	No
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Diversity, Equity, and Inclusion: Support the law school to profession pipeline to foster a diverse legal profession representative of California's communities, particularly as related to race, ethnicity, and socio-economic status.	<ul style="list-style-type: none"> o Identify data-supported practices that promote retention and advancement of a diverse and inclusive legal profession and share those practices through toolkits and other resources. o Engage DEI leaders and other stakeholders to encourage legal employers to set and publicly commit to measurable diversity, equity, and inclusion goals through the 	<p>Identify and recognize diversity and inclusion programs at law firms, in-house legal departments, nonprofits and government agencies; develop, create, and disseminate best practices resources; develop Leadership Seal program</p> <p>Plan and participate in Diversity Summits</p>	<p>12/31/22</p> <p>12/31/22</p>	<p>No</p> <p>No</p>

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To BOT (y/n)/date
		State Bar Diversity Leadership Seal Program.			
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Diversity, Equity, and Inclusion: Support the law school to profession pipeline to foster a diverse legal profession representative of California's communities, particularly as related to race, ethnicity, and socio-economic status.	Continue the Mindsets in Legal Education Initiative and evaluate the merits of expanding the program.	Continue to monitor Mindsets in Legal Education Initiative and review findings	12/31/22	No
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Diversity, Equity, and Inclusion: Support the law school to profession pipeline to foster a diverse legal profession representative of California's communities, particularly as	Provide implicit bias trainings for bar exam proctors and graders to reduce any potential bias.	Recommend the State Bar require and provide implicit bias training during annual onboarding and/or orientation of all proctors, graders and EDG team	Ongoing, to monitor progress	No

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To BOT (y/n)/date
	related to race, ethnicity, and socio-economic status.				
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Diversity, Equity, and Inclusion: Support the law school to profession pipeline to foster a diverse legal profession representative of California's communities, particularly as related to race, ethnicity, and socio-economic status.	Continue to diversify the exam development and grading pool.	Work with the Office of Admissions and develop and implement key performance factors that will ensure State Bar is broadening education and outreach to the legal community, including consideration of broadening geographic restrictions, and targeted outreach to affinity bar associations to widen recruitment of graders and pre-testers.	Ongoing	No
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Policy and Systems Change: Identify and advocate for innovative policy and regulatory reforms needed to increase access to legal services, particularly by disenfranchised,	Collaborate with legislative and other stakeholders to establish a law school student loan forgiveness program to make legal aid an attractive and sustainable career goal.	Provide input and feedback on recruitment and retention, including loan forgiveness and loan repayment assistance programs	12/31/22	No

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To BOT (y/n)/date
	underserved, and rural communities.				
Goal 3: Protect the public by regulating the legal profession	Diversity, Equity, and Inclusion: Support retention, development, and advancement of a diverse legal profession, with a focus on preventative measures to address disproportionate complaint and discipline rates.	<ul style="list-style-type: none"> o Provide effective support for attorneys experiencing practice management and other challenges that affect competency. o Create a licensee resource page on the State Bar website to provide information and tools on emerging topics and issues including mental health, financial literacy, and navigating imposter syndrome in the workplace. o Support attorneys from disenfranchised and underserved communities who may experience unique practice 	Explore imposter syndrome and its impact on diversity, equity, and inclusion in the legal profession, including potentially developing a resource page on the State Bar website or link to other resources.	12/31/22	No
			Review feedback on the <i>Disrupting Implicit Bias</i> online module and consider additional online EOB training modules to develop (e.g. discuss the possibility of incorporating anti-racism component into EOB curriculum, microaggressions, objective performance evaluation, imposter syndrome, moving beyond EOB training)	12/31/22	No

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To BOT (y/n)/date
		management and other challenges.			



The State Bar
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COMMITTEE OF BAR EXAMINERS 2022 WORK PLAN

Charge: The Committee of Bar Examiners (CBE) is comprised of 19 members:

- Three public members appointed by the Speaker of the Assembly;
- Three public members appointed by the Senate Rules Committee;
- Three public members appointed by the Governor; and
- Ten members appointed the California Supreme Court, including one judge and nine attorneys (one of whom must have been admitted to practice law within three years of their appointment).

The charge of the committee is as follows:

- Examine all applicants for admission to practice law.
- Administer the requirements for admission to practice law.
- Certify to the Supreme Court for admission those applicants who fulfill the requirements.
- Determine the pre-legal and legal education eligibility of applicants.
- Determine whether an applicant possesses the requisite good moral character to practice law.
- Accredit law schools and register unaccredited and correspondence law schools, in accordance with the State Bar Rules, in California.

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To Board (Y/N) / Date
Examinations					
Goal 2: Protect the public by enhancing access to and inclusion in the legal system.	Effectiveness: Increase representation through the State Bar's existing regulatory and oversight authority, including special admissions and pro bono practice programs.		<p>As part of the review of admissions rules relevant to testing accommodations, revise forms and materials aimed at gaining efficiencies that will improve productivity.</p> <p>Engage an ADA Expert to train staff and Committee on improved methods for reviewing accommodation requests.</p>	Ongoing	<p>N</p> <p>Y (contract approved)</p>
Operations and Management					
Goal 4: Protect the public by engaging partners	Diversity, Equity, and Inclusion: Ensure that communications materials and resources are accessible to California's diverse communities		For continued systems improvements, review and recommend revisions to the applicant facing side of the Admissions Information Management System (AIMS).	Ongoing	N
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Effectiveness: Increase representation through the State Bar's existing regulatory and oversight		Review admissions rules relevant to eligibility, special admissions & exam administration to make recommendations that facilitate greater	Ongoing	N

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To Board (Y/N) / Date
	authority including special admissions and pro bono		transparency, accountability, efficiency, and access.		
None – Core business operations			<p>Improve performance accountability as AIMS allows the creation of useful reports, including dashboards.</p> <p>Provide professional development opportunities and training for staff.</p>	Ongoing	
Educational Standards					
Goal 4: Protect the public by engaging stakeholders	<p>Effectiveness: Increase public trust and consumer awareness by demonstrating competence, consistency, and transparency</p> <p>Consumer Focus: Establish collaborative relationships with community and consumer facing organizations and engage partners in collaborative workgroups.</p>	Create and sustain partnerships with other organizations, entities, and stakeholder groups	Upon implementation of revised accreditation rules, evaluate feasibility of integrating Educational Standards into AIMS.	Ongoing	

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To Board (Y/N) / Date
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Effectiveness: Increase representation through the State Bar's existing regulatory and oversight authority including special admissions and pro bono		Implement revised rules for accredited law schools. Review unaccredited law school rules.	Ongoing	
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	<p>Effectiveness: Increase representation through the State Bar's existing regulatory and oversight authority including special admissions and pro bono</p> <p>Diversity, Equity, and Inclusion: Support the law school to profession pipeline to foster a diverse legal profession representative of California's communities, particularly as related to</p>	<p>Revise admissions requirements to be more relevant to the practice of law in alignment with the recommendations of the Blue Ribbon Commission on the Future of the Bar Exam</p> <p>Increase the numbers of diverse attorneys in the legal profession through diversity pipeline programs that support aspiring attorneys in graduating from</p>	Collaborate with the Office of Access & Inclusion and other partners such as LGBTQ+ bars to diversify pathways to law licensure.		

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To Board (Y/N) / Date
	race, ethnicity, and socioeconomic status.	law school and passing the bar exam			
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Diversity, Equity, and Inclusion: Support the law school to profession pipeline to foster a diverse legal profession representative of California's communities, particularly as related to race, ethnicity, and socioeconomic status.	Increase the numbers of diverse attorneys in the legal profession through diversity pipeline programs that support aspiring attorneys in graduating from law school and passing the bar exam	Implement Phase III expansion of data collection on veteran status and disability as part of 2022 Periodic Compliance Reports.	Collection by November 2022	N
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Diversity, Equity, and Inclusion: Support the law school to profession pipeline to foster a diverse legal profession representative of California's communities, particularly as related to race, ethnicity, and socioeconomic status.	Increase the numbers of diverse attorneys in the legal profession through diversity pipeline programs that support aspiring attorneys in graduating from law school and passing the bar exam	Collaborating with Access & Inclusion and ORIA to expand data collection, review, and supplement through focus groups.	December 2020 Ongoing	N

Strategic Plan Goal	Strategy	Implementation Step	Work Plan	Deadline	To Board (Y/N) / Date
Goal 2: Protect the public by enhancing access to and inclusion in the legal system	Diversity, Equity, and Inclusion: Increase the numbers of diverse attorneys in the legal profession through diversity pipeline programs that support aspiring attorneys in graduating from law school and passing the bar exam	Continue the Mindsets in Legal Education Initiative and evaluate the merits of expanding the program.	Engage with CSBARS/LSC/Law School Assembly to assist with expanded implementation to encourage participation in this program [Productive Mindsets Intervention].	Ongoing	N
Moral Character					
None – Core business operations			<p>Improve performance accountability as AIMS allows the creation of useful reports.</p> <p>Increase training around AIMS and staff led informal conferences.</p> <p>Utilize AIMS opportunities to provide professional development opportunities for staff.</p>	Ongoing	N