



The State Bar of California

OPEN SESSION AGENDA ITEM SEPTEMBER 2022 AUDIT COMMITTEE III.A

DATE: September 22, 2022

TO: Members, Audit Committee

FROM: Justin Ewert, Manager, Office of Finance

SUBJECT: Discussion of Organizational Audit Focused on Diversity, Equity, and Inclusion

EXECUTIVE SUMMARY

This agenda item begins the discussion on the organizational audit focused on diversity, equity and inclusion that is part of the Audit Committee's work plan. To facilitate the committee's thinking, this agenda item provides an overview of the State Bar's existing diversity, equity, and inclusion (DEI) initiatives.

BACKGROUND

To strengthen the Board committee process, each Board committee, with staff assistance, develops a work plan summarizing the annual, recurring, and time-limited items to be undertaken, the strategic goal(s) and objective(s) furthered by each item, and an estimated timeline for the completion of this work.

The work plans were updated in July 2022 to incorporate the State Bar's 2022–2027 Strategic Plan. A foundational principle of the Strategic Plan is DEI and the organizational audit with that focus was added to the work plan.

DISCUSSION

The audit committee's work plan directs an organizational DEI audit. The Audit Committee will begin discussing the scope and parameters for this audit during its meeting on September 22, 2022. To facilitate the discussion, staff will provide an overview of existing DEI initiatives (Attachment A), including the State Bar's recently published [2022 Report Card on the Diversity](#)

[of California's Legal Profession](#). Also provided is the most recent compilation of State Bar staff demographics (Attachment B).

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 2. Protect the Public by Enhancing Access to and Inclusion in the Legal System

RECOMMENDATIONS

None

ATTACHMENTS LIST

- A. DEI Initiatives
- B. State Bar Staff Demographics



Organizational Audit on Diversity, Equity, and Inclusion



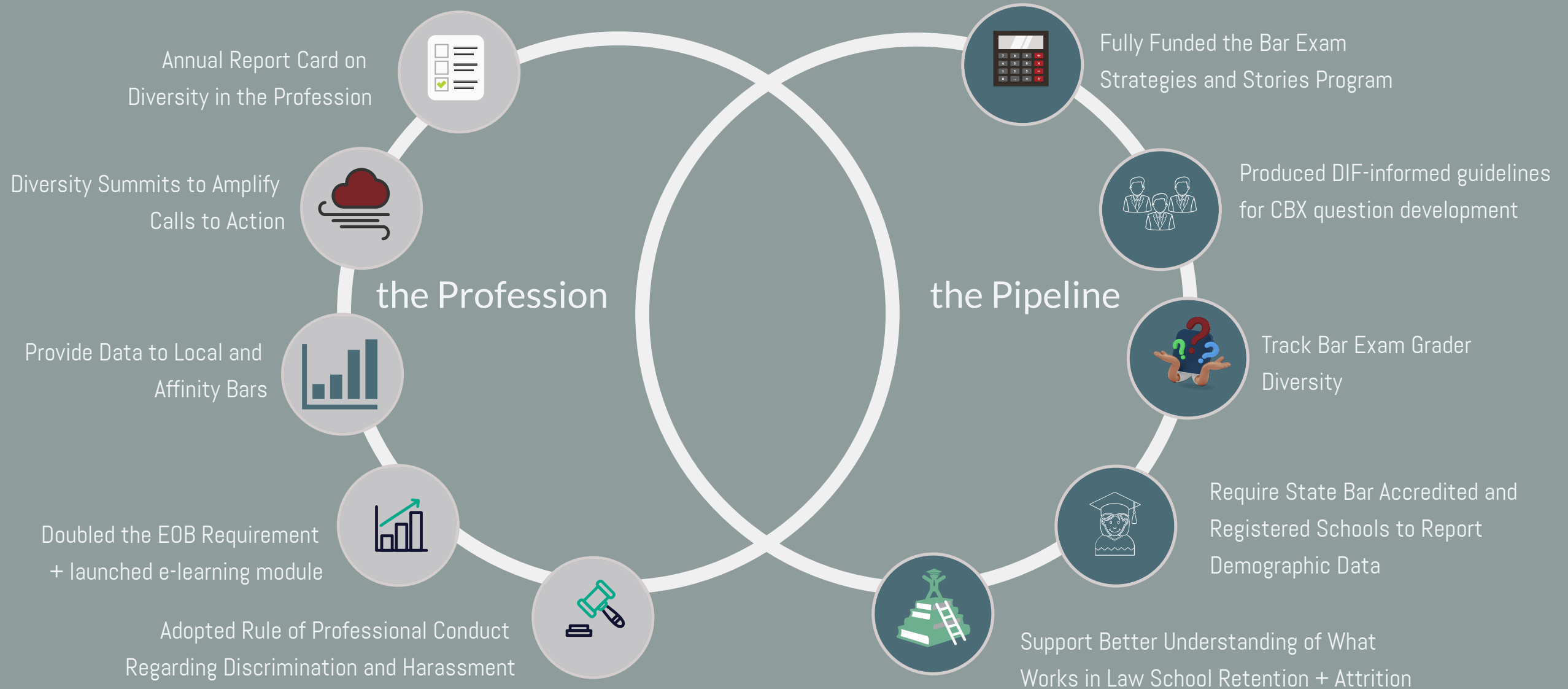
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Diversity, Equity, Inclusion: Built In Not Bolted On

As a foundational principle, the State Bar is committed to advancing diversity, equity, and inclusion with respect to both its own operations and the legal profession itself.

What We Have Done



THE DISCIPLINE SYSTEM

Identified racial disparities in discipline system



Archived closed complaints



Providing additional resources at closure



Established Ad Hoc Commission on the Discipline System



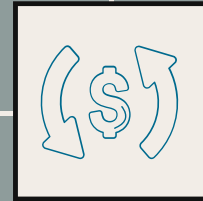
Begun to apply a racial impact lens in other areas of work

- ASAR Project

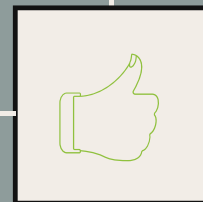
A Look at Ourselves



Report on Staff Demographics
By Classification



Annual DEI Plan with Speaker Series
and Discussion Forums

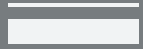


DEI Training for All Staff
Special Focus: Decision-Makers

Mandatory Implicit Bias Training
for all State Bar Volunteers



■ What We Will Do



Attorney Discipline

Update Farkas Analysis
Consider Ad Hoc Recommendations



Admissions

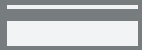
Report on law school matriculation
+ attrition for all schools, by race
and gender



Profession

Publish 2023 Annual Report Card and
Calls to Action
Launch Leadership Seal Program

■ What We Will Do



Walking the Talk

Pursue Leadership Seal

Blind Recruiting



Walking the Talk

Procurement Disparities Study

Revise Investment Policy



Walking the Talk

Diversity, Equity, and Inclusion Audit

State Bar to Pursue DEI Leadership Seal

One

Collect, maintain, and publish staff demographic data

Two

DEI plan with specific objectives, metrics, and benchmarks

Three

Calculate staff turnover and promotions by position, tenure, and demographics

Four

Conduct stay and exit interviews with staff; include questions on culture and DEI



Five

At least annually survey staff on DEI issues

Six

Require annual training on the value of DEI and/or reducing implicit bias

- Specialized training for decision-makers

Seven

Incorporate DEI responsibilities into Leadership Team's members' formal job duties

Eight

Incorporate DEI into performance evaluation process



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ATTACHMENT B

2021 State Bar Staff Demographics

Prepared by the
Office of Research and Institutional Accountability
(ORIA)

July 2021

Survey Response Rates

- Overall survey response rate was **59%**; this varied by division.
- Note that only 86% of staff reported their division (see slide #4).

	State Bar Staff (Actual)	Survey Respondents	Response Rate
Total	569	337	59%

Division (Staff reported)	State Bar Staff (Actual)	Survey Respondents	Response Rate
Mission Advancement and Accountability	15	13	87%
Executive Director	6	5	83%
General Counsel	16	11	69%
Chief Trial Counsel	270	146	54%
State Bar Court	41	22	54%
Administrative Division	65	33	51%
Finance	15	6	40%
Programs Division	141	55	39%

Survey Participation Rates

- The survey response rate also varied by reported job classification.
- More staff identified as Executive than we have officially on record.
- Note that only 90% of staff reported their classification (see slide #4)

Classification (Staff reported)	State Bar Staff (Actual)	Survey Respondents	Response Rate
Executive Staff (any classification)	25	30	120%
Analyst / Senior Analyst / Principal Analyst	82	46	56%
Attorney (any classification except supervisor or Attorney IV)	98	54	55%
Investigator / Legal Secretary / Paralegal	126	65	52%
Assistant / Coordinator / Public Service Rep / Specialist / Translator	166	81	49%
Admin Supervisor / Program Supervisor / Supervising Attorney / Attorney IV	64	26	41%
Judge	8	0	0%

Survey Item Response Rates

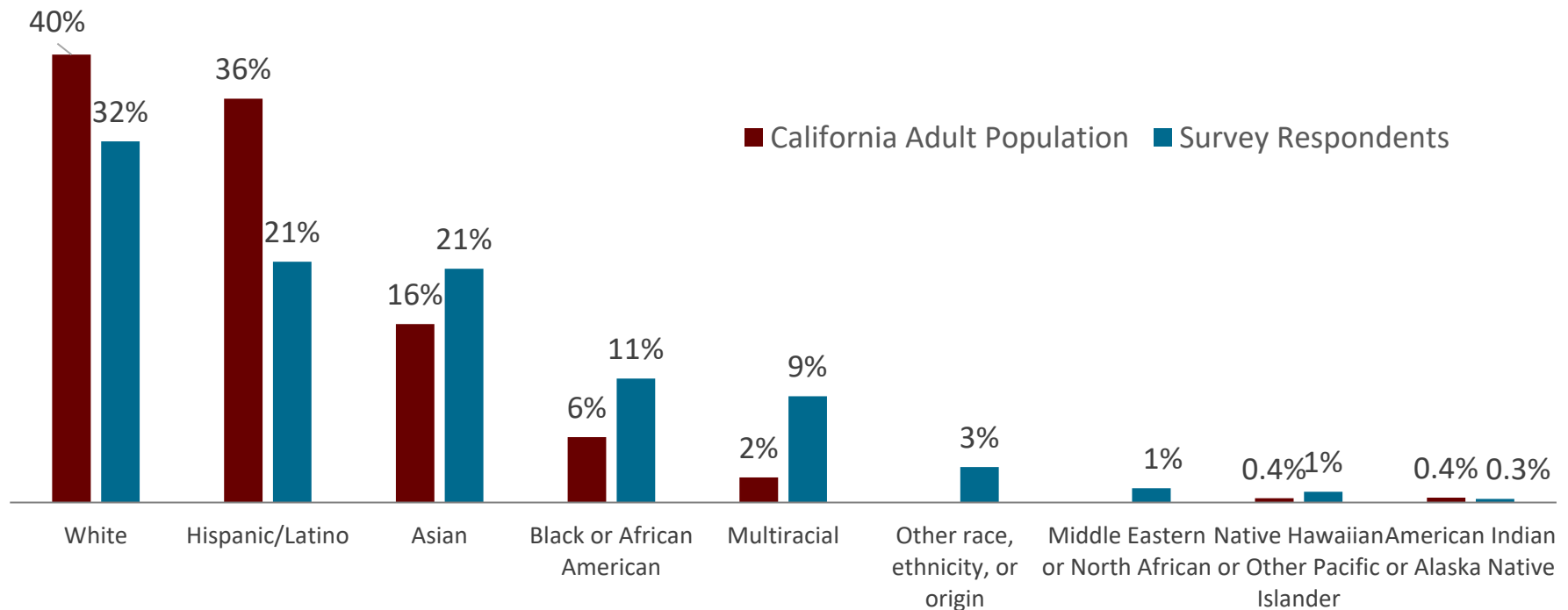
- Veteran status question had the highest response rate; it was also the first question listed on the survey.
- Less than 90% of respondents answered questions on cis/transgender status, division, and sexual orientation.

Question	Total Survey Respondents	Total Respondents that Responded to Question*	Response Rate
Veteran Status	337	330	98%
Gender Identity	337	324	96%
Race/Ethnicity	337	319	95%
Classification	337	302	90%
Cis/Transgender Status	337	293	87%
Division	337	291	86%
Sexual Orientation	337	285	85%

* This excludes those who selected the "Decline to State" category that was offered in every question.

Race/Ethnicity

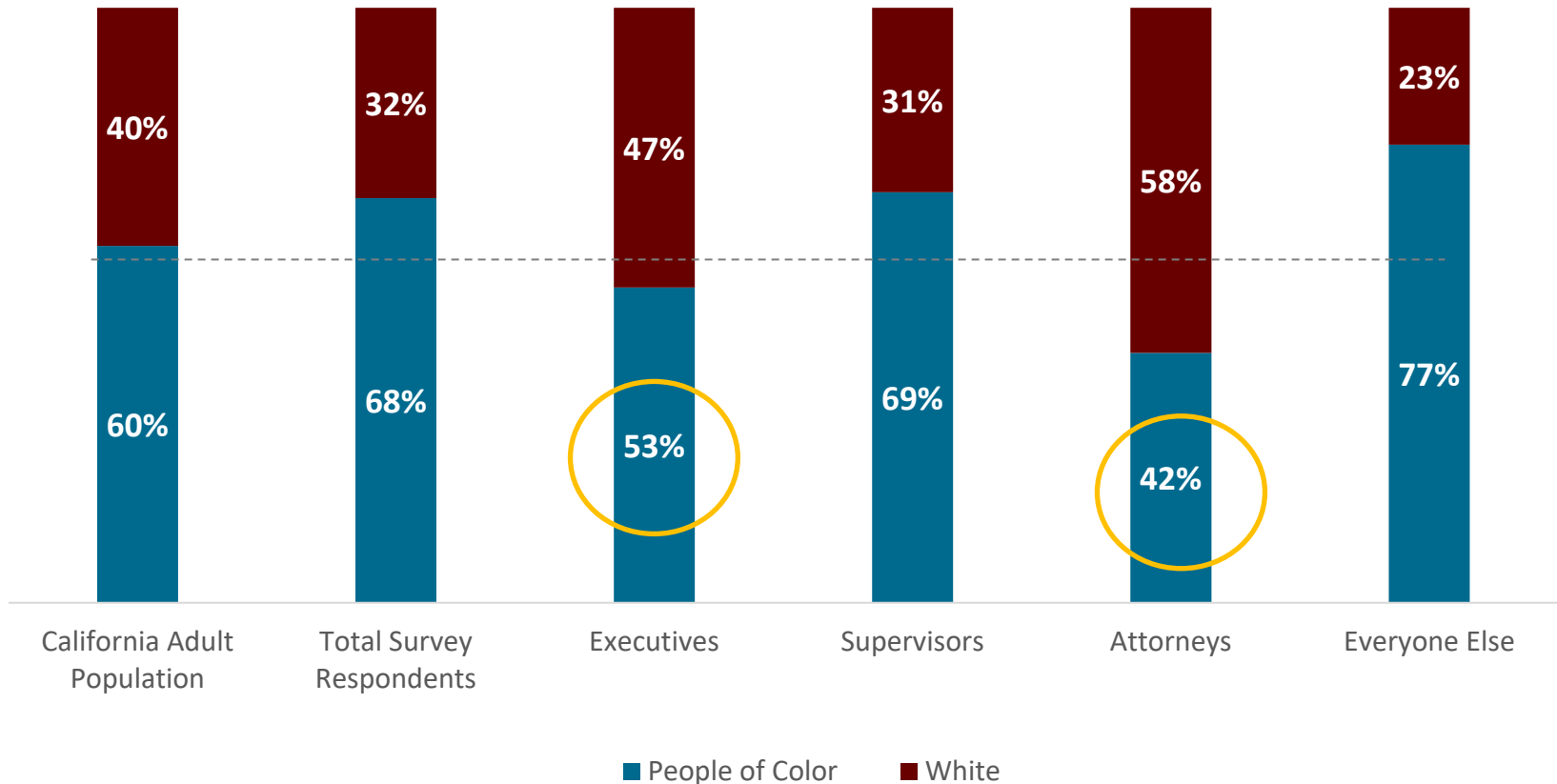
- Latinos and whites are underrepresented among survey respondents compared to their representation among the California adult population.
- In contrast, Black, Asian, and multiracial staff representation among survey respondents is higher than their representation among California adults.



Note: California population data on Middle Eastern/North African and Other unavailable.

People of Color

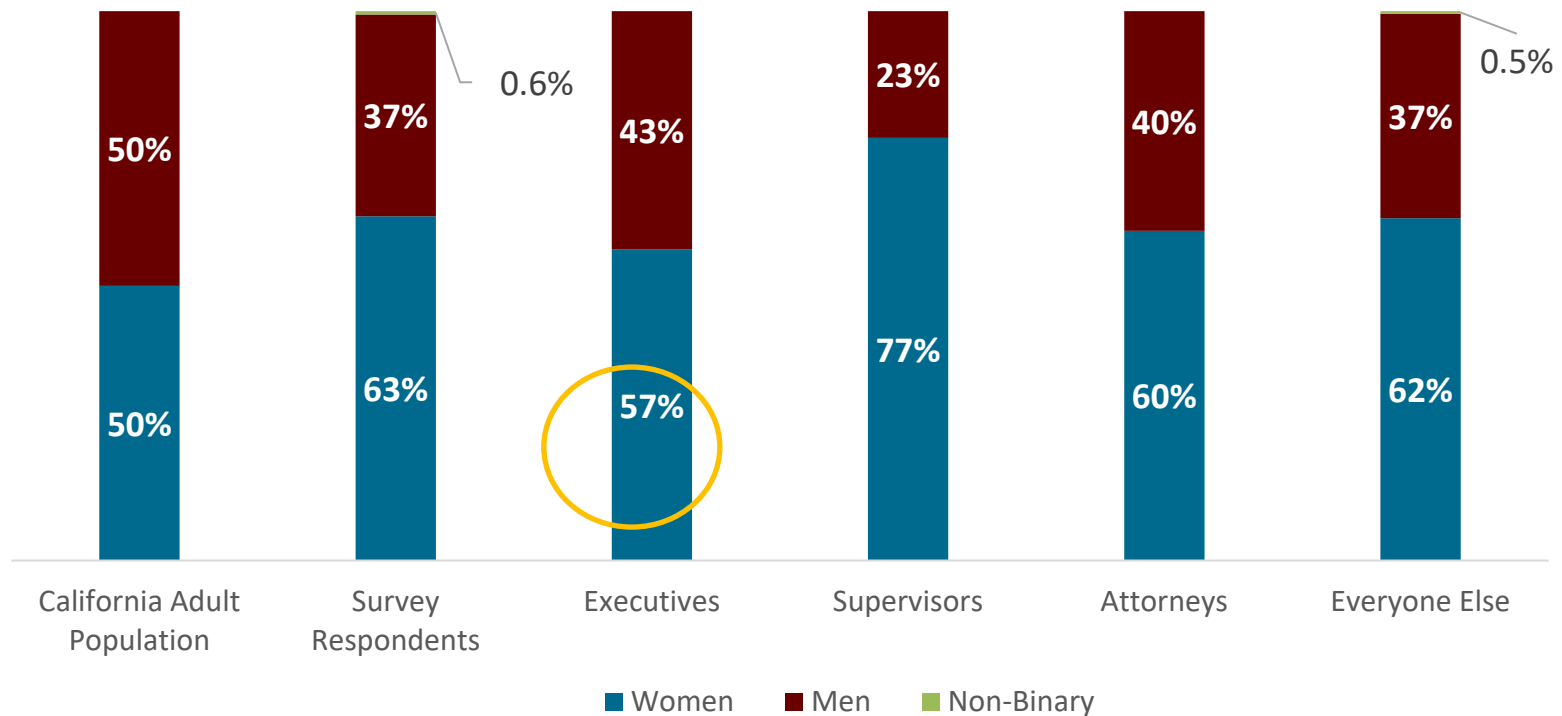
- Although people of color make up a greater proportion of the total sample and of supervisors compared to California's adult population, people of color are underrepresented among executives and attorneys.



Note: "Everyone else" is all staff who are not Executives, Supervisors or Attorneys

Gender Identity

- Men are underrepresented among survey respondents compared with their representation among California adults (37% vs. 50%) and among supervisors in comparison to all survey respondents (23% vs 37%).
- Women are underrepresented among executives in comparison to their representation among all survey respondents (57% vs. 63%).



Transgender, LGBTQIA+, Veterans

- No survey respondents identified as transgender.
- LGBTQIA+ survey respondents comprise 21% of executive staff; this is higher than their representation in all other staffing categories.
- Veterans are represented among all survey respondents in similar proportion to their representation among all California adults. However, no supervisors identified as a veteran.

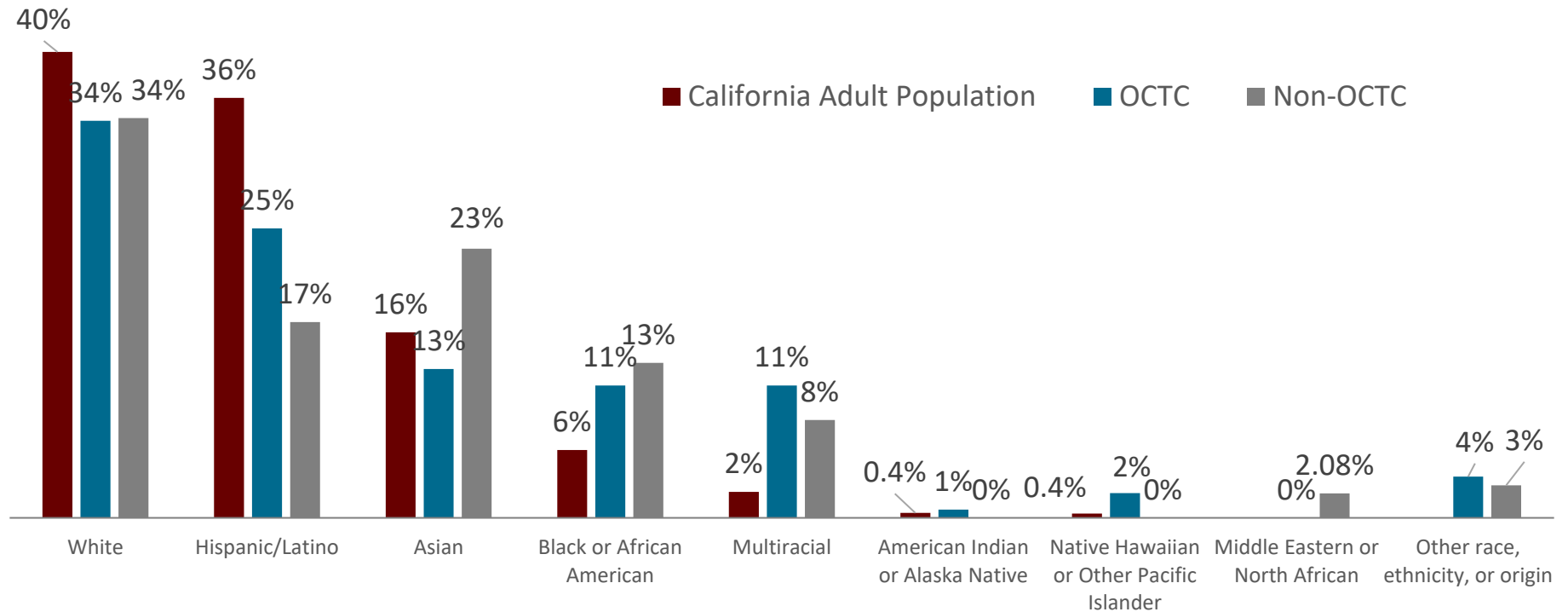
	<u>California Adult Population</u>	<u>Total Survey Respondents</u>		<u>Executives</u>		<u>Supervisors</u>		<u>Attorneys</u>		<u>Everyone Else</u>	
Transgender	0.8%	0	0%	0	0%	0	0%	0	0%	0	0%
LGBTQIA+	5.3%	37	13%	6	21%	2	8%	6	12%	22	13%
Veteran	4.8%	12	4%	2	7%	0	0%	3	6%	6	3%

OCTC – Race/Ethnicity

(Figure on next slide)

- Latinos are underrepresented among survey respondent who identified as OCTC staff in comparison to their representation among statewide adults. However, their representation in OCTC is higher than in non-OCTC divisions.
- Asians are underrepresented among OCTC survey respondents in comparison to their representation among non-OCTC divisions (13% vs 23%).
- In contrast, Black and multiracial staff representation among OCTC survey respondents is higher than their representation among California adults.

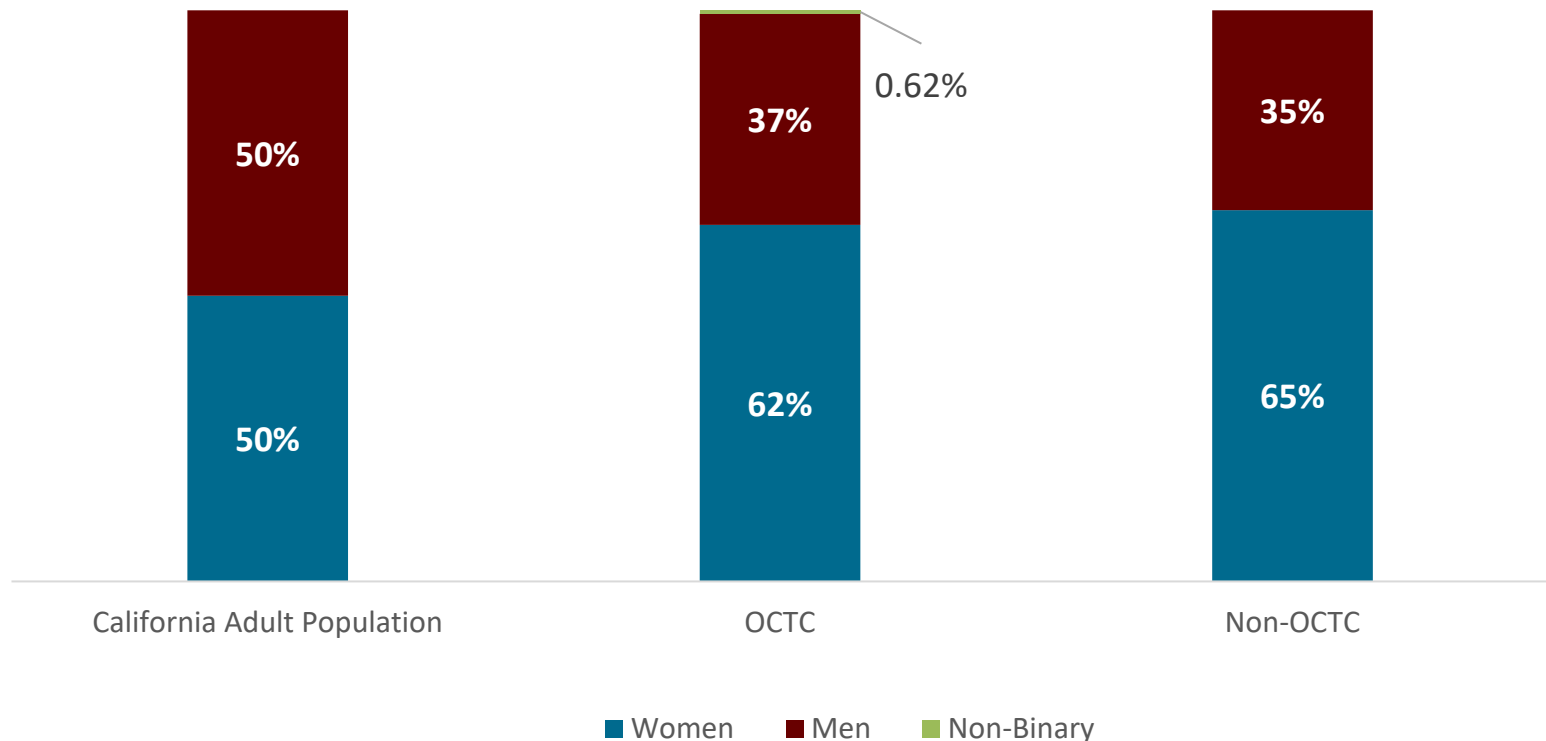
OCTC vs. Non-OCTC: Race/Ethnicity



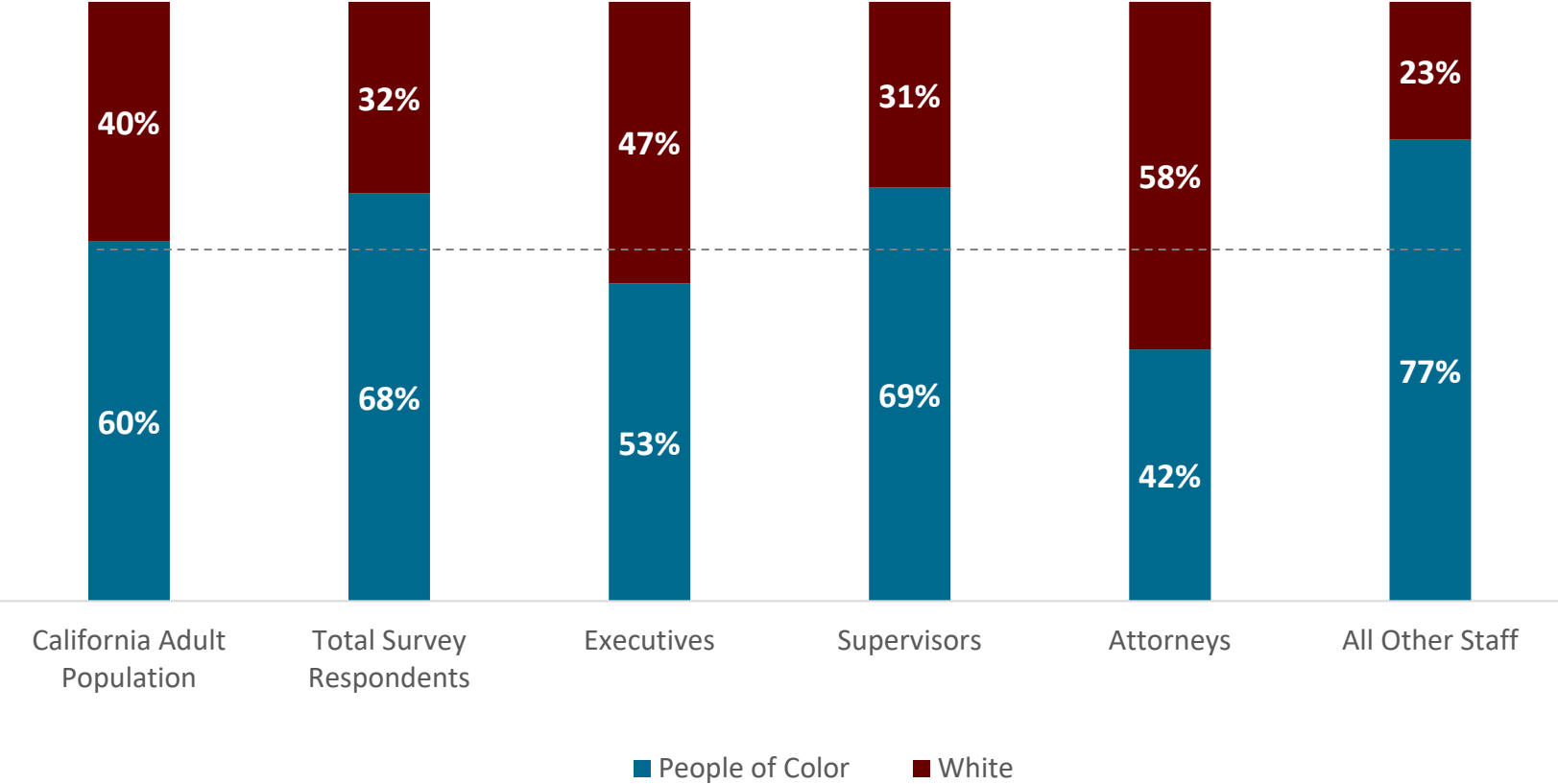
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OCTC vs. Non-OCTC: Gender

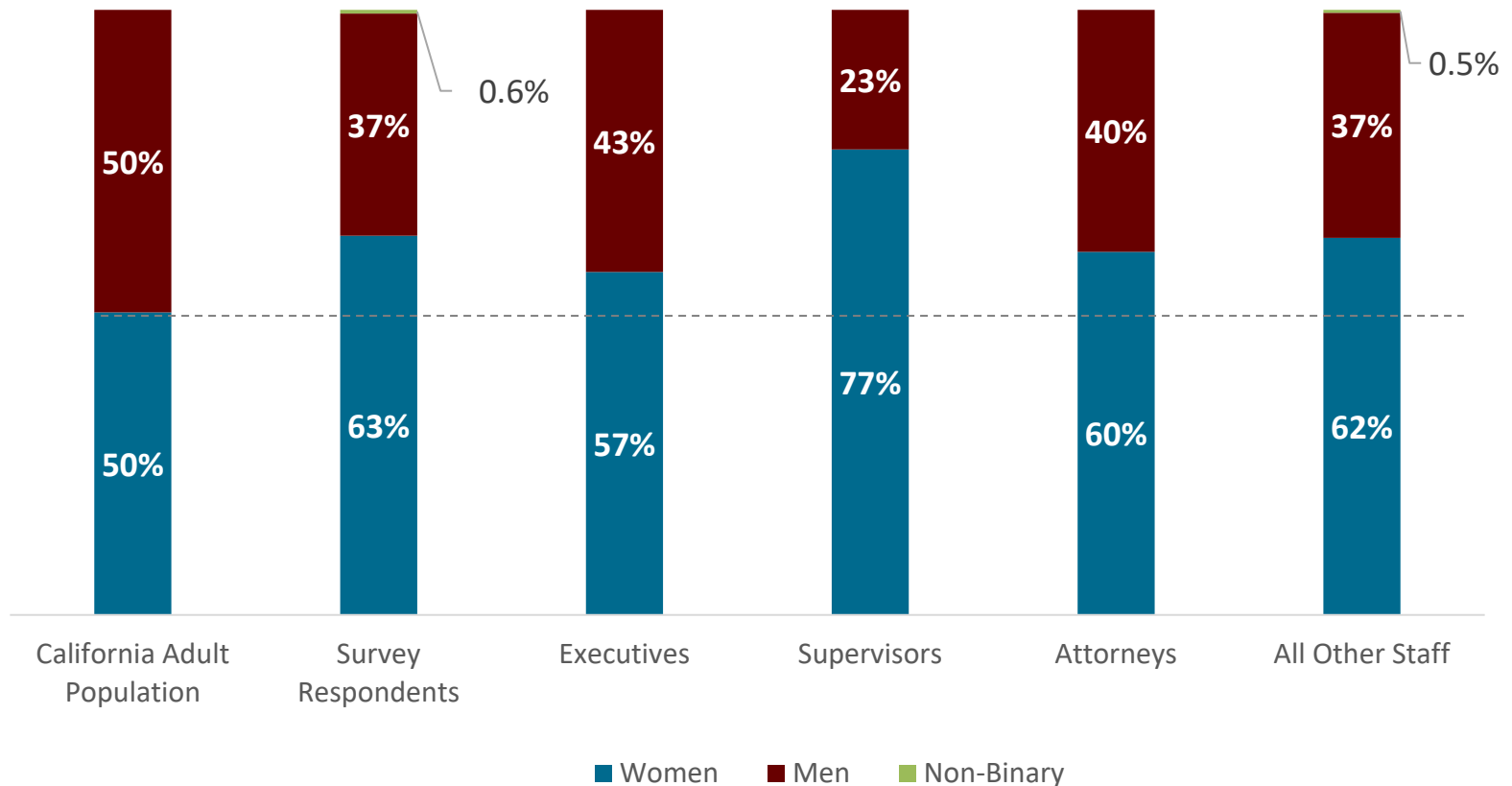
- Men and women are equally represented among OCTC and non-OCTC survey respondents.
- Men are underrepresented among OCTC staff compared with their representation among statewide adults.



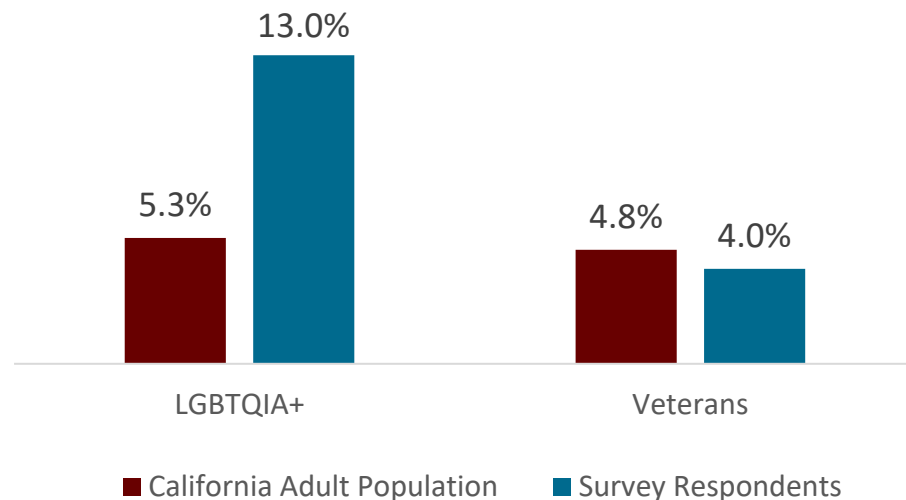
When looking at the aggregate level, the State Bar workforce is highly diverse. More than two-thirds (68 percent) of survey respondents are people of color. This diversity is also reflected among supervisors. People of color are less represented among attorneys (42 percent) and executives (53 percent).



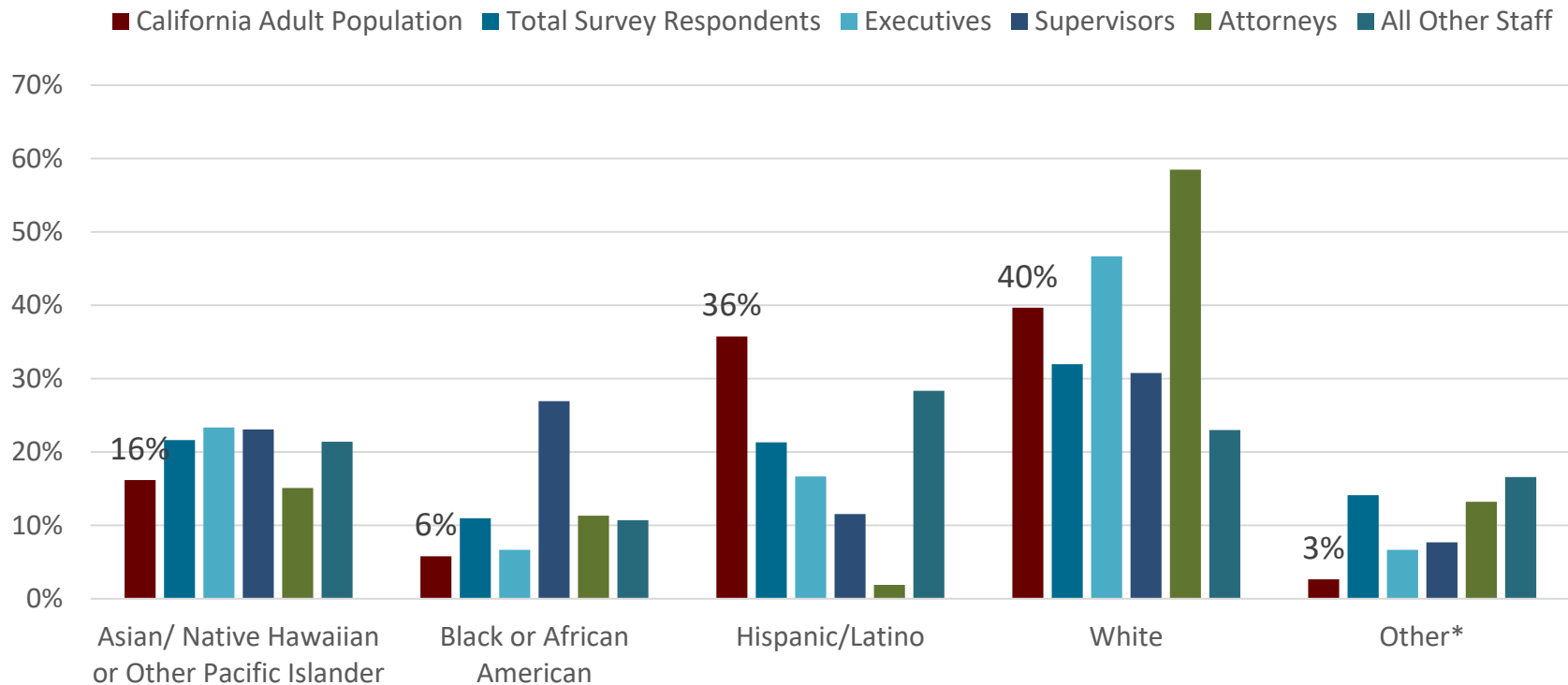
The State Bar's workforce has a high percentage of women at all levels. Nearly two-thirds (63 percent) of survey respondents are women. Among supervisors, more than three-fourths of respondents are women, and among attorneys, 60 percent of respondents are women. Among executives, 57 percent of respondents are women.



LGBTQIA+ respondents represented 13 percent of the total, compared to a statewide total of just over 5 percent among California adults. Among survey respondents, 4 percent identify as veterans, a rate comparable to California's adult population.



Latinos are under-represented at all State Bar staffing levels; Whites are over-represented in Executive and Attorney classifications.



*Includes American Indian/Alaskan Native, Middle Eastern/North African, Multiracial, and staff who selected "Other Race/Ethnicity"