



The State Bar of California

OPEN SESSION AGENDA ITEM MAY 2023 AUDIT COMMITTEE IV.B

DATE: May 18, 2023

TO: Members, Audit Committee

FROM: Theresa Bruece, Principal HR Analyst, Office of Recruitment and Retention

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

EXECUTIVE SUMMARY

This agenda item continues the discussion on the organizational audit focused on diversity, equity, and inclusion (DEI) that is part of the Audit Committee's work plan by providing a status update on DEI Leadership Seal progress; an oral update on the procurement disparities study will be provided at the committee meeting.

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. The audit committee finalized the audit scope at its January 2023 meeting.

DISCUSSION

The DEI audit's scope includes overseeing a procurement disparities study, investment policy revisions, and pursuing a gold-tier DEI Leadership Seal. Attached to this agenda are updates on the pursuit of the gold-tier DEI Leadership Seal.

PROCUREMENT DISPARITIES STUDY

The procurement disparities study will review State Bar contracting policies and practices to determine if inequities exist that adversely impact women, disabled veterans, LGBTQ, or minorities. The audit will focus on the study's recommendations and implementation. The committee will be provided an oral update on the study's progress at its May meeting.

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. State Bar DEI Seal Strategic Plan
- B. State Bar DEI Seal Operational Plan
- C. DEI Seal Presentation



The State Bar of California

Mission

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.

2023 Diversity, Equity, and Inclusion (DEI) Strategic Plan

As outlined in the State Bar’s 2022-2027 Strategic Plan: “As a foundational principle, the State Bar is committed to advancing diversity, equity, and inclusion with respect to both its own operations and profession itself.”

The State Bar’s internal efforts are outlined in this 2023 DEI Strategic Plan and reflect our commitment to advancing this principle through three key DEI goals: People, Culture, and Continuous Improvement.

Our Internal DEI Journey

2018	2021	2022	2023
<ul style="list-style-type: none">• Launched the Neuroscience of Decision Making training<ul style="list-style-type: none">• General session for all employees• Additional session for employees in the discipline process	<ul style="list-style-type: none">• Launched required Unconscious Bias training for all employees• Created internal page for DEI resources• Launched DEI Speaker Series• Launched DEI Discussion series	<ul style="list-style-type: none">• Continued to manage:<ul style="list-style-type: none">• DEI Speaker Series• Facilitate DEI Discussions• Expand DEI resources	<ul style="list-style-type: none">• Apply for the State Bar DEI Seal• Launch annual implicit bias training requirement for employees in the discipline process• Create an internal DEI Strategic Plan and Operational Plan

DEI Statement

Providing greater access to, and inclusion in, the legal system for all Californians is a core part of the State Bar’s mission. We recognize we cannot achieve these goals if we do not walk the talk

State Bar Internal DEI Strategic Plan 2023

ourselves. Combined, our individual backgrounds, experiences, and perspectives enhance our ability to innovate and effectively serve the public. We are dedicated to providing an environment that actively engages diverse viewpoints because, at the State Bar, inclusion is for everyone.

DEI Goals*

Goal 1: People - The State Bar's workforce reflects the diversity of the people of California at all levels in the organization.

By having our workforce reflect the people of California, the better we will be able to serve them authentically. When our employees perceive that the State Bar represents their community and values the strengths that diversity brings to our workforce, they can be authentic, contribute freely, and take pride in our organization. Through focused efforts, we will work to build a diverse workforce at all levels of the organization and equip individuals with the support and opportunities necessary for their success.

Goal 2: Culture - The State Bar leads with respect and inclusion in its interactions and decision-making.

We lead with respect and actively seek ways to include diverse perspectives in our interactions and decision-making. Creating a culture where people feel they belong inspires collaboration and innovation and helps us to effectively advance our mission of public protection. We will work to create an environment in which all employees are included and supported, and differing perspectives and contributions are sought out and valued.

Goal 3: Continuous Improvement – The State Bar builds DEI into programs and systems and regularly uses data to monitor and evaluate our efficacy.

The State Bar recognizes that DEI is a continuous journey and that “building in” ensures sustainment. By collecting and evaluating both qualitative and quantitative data, we will be able to identify trends and honor individual experiences, adjusting and refining our efforts in pursuit of these goals.

** Updated progress for the action items identified on this strategic plan can be found in the State Bar's DEI Seal Operational Plan document.*

**State Bar DEI Seal
2023 Operational Plan**

***Action item 1 (Required) – In Progress**

Where applicable, collect and maintain data on the demographics of attorneys, non-attorney legal staff, management, and the board. Make this data available to staff or clients should they request it. Data may be aggregated to protect the privacy of staff and board members. The State Bar recommends collecting the following demographic categories to facilitate comparisons between your organization's workforce and the broader California attorney workforce: gender, race/ethnicity, age, LGBTQ+, disability status, and veteran status.

Tasks	Owner	Status	Approvers	Delivery Date
Update the Oracle HR module to reflect the following: <ul style="list-style-type: none"> Update available values for the race, ethnicity, and gender fields. Allow the ability for employees to update the fields for race, ethnicity, and gender. 	HR Ops	Complete <ul style="list-style-type: none"> Based on FEHA, OGC recommended that the State Bar not collect disability and veteran's status. Available demographic values for race, ethnicity, and gender fields are limited to values available in Oracle, which reflect EEOC requirements. 	OGC	March 2023
Communicate review and availability of demographic data to employees	R2	Complete <ul style="list-style-type: none"> Email sent to employees to review and update their personal demographic information. 	JI	November 2022
Collect demographic data (race, ethnicity, and gender) within the State Bar's job application process	R2	Complete <ul style="list-style-type: none"> Based on FEHA, OGC recommended that the State Bar not collect disability and veteran's status. Added demographic fields for external candidates to voluntarily self-report their race, ethnicity, and gender. 	OGC	November 2022
Build HR metric dashboard to include demographic data by location, division, and classification categories. <ul style="list-style-type: none"> Have data be accessible by employees. 	HR Ops	In Progress	Leadership Team	Q2 2023

**The description listed for each action item is taken from the DEI Leadership Seal Program application.*

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**State Bar DEI Seal
2023 Operational Plan**

Action Item 2 (Required) – In Progress

Create a strategic DEI plan for your organization with specific objectives, metrics, and benchmarks over short-, medium-, and long-term timeframes. Make the plan available to all staff and to clients that request it. Detail specific plans to advance equity and inclusion, including initiatives to support retention and advancement, plans to regularly report and discuss progress, methods for attorneys and staff to provide feedback, and adequate resources to support DEI efforts

Tasks	Owner	Status	Approvers	Delivery Date
Initiate pursuit of the gold standard of State Bar DEI Seal.	R2	Completed <ul style="list-style-type: none"> Application submitted, indicating a commitment to specific actions 	Jl	March 2023
Create an internal State Bar DEI Strategic Plan in 2023, subject to review and update every three years.	R2	In Progress <ul style="list-style-type: none"> Preliminary plan drafted Solicit employee input Review by HR Director and Leadership Team 	Employees, Leadership Team	Q2 2023
Create an Operational Plan to track action items to achieve the gold standard for the DEI Leadership Seal.	R2	In Progress <ul style="list-style-type: none"> Ongoing updates 	Leadership Team	Q2 2023
Monitor representation of gender, race, and ethnicity by employment category (attorney unit, general unit, confidential, confidential attorney, and executive)) semi-annually <ul style="list-style-type: none"> Promotion (by division and category) Turnover (by division, and category) Retention (years of service by division and category) 	R2	In Progress <ul style="list-style-type: none"> Work with HR Ops to identify at what level(s) demographic data can be captured Work with HR Ops to incorporate demographic information at various levels for promotions, turnover, and retention Use 2022 data as a benchmark to monitor trends/progress 	Leadership Team	Q2 2023
Each Division establishes an annual DEI goal where progress is reported to the Leadership Team and shared with employees.	LT	Not Started <ul style="list-style-type: none"> Coordinate with the annual review of the State Bar's Strategic Plan 	Leadership Team	Q4 2023

**The description listed for each action item is taken from the DEI Leadership Seal Program application.*

05.01.23

**State Bar DEI Seal
2023 Operational Plan**

Tasks	Owner	Status	Approvers	Delivery Date
Revisit the DEI demographic data for promotion, turnover, and retention at least annually to review trends, mitigate gaps, and set new goals and objectives.	R2	Not Started Compare 2023 demographic data (race, ethnicity, and gender) against 2022 data by division and category in the following areas: <ul style="list-style-type: none"> Promotion Turnover Retention (years of service) Share findings with Leadership Team to determine a course of action, if applicable.	N/A	Q4 2023
Provide training on behavior-based interviewing to help counter biases	R2	In Progress <ul style="list-style-type: none"> Design training, including resources (e.g., sample interview score assessment, question bank) 	N/A	Q3 2023
Manage and build on internal DEI activities	R2	Completed (and Ongoing) <ul style="list-style-type: none"> 2023 DEI sessions and discussions scheduled Coordinating DEI speakers Continue to add DEI Resources to the Intranet page 	N/A	March 2021
Provide information on DEI activities on external career site to potential candidates	R2	Complete (and Ongoing) <ul style="list-style-type: none"> Update as needed 	Jl	September 2022
Post openings for Analyst roles and above on job boards that target under-represented groups	R2	Complete (and Ongoing)	N/A	May 2022
Implement an assessment process to help increase equity	R2	Completed	Jl	Feb 2023

**The description listed for each action item is taken from the DEI Leadership Seal Program application.*

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**State Bar DEI Seal
2023 Operational Plan**

Action Item 3 – In Progress

Calculate, at least annually, staff turnover and promotions by position, tenure, and demographics. If turnover among certain demographic groups is disproportionately higher, incorporate steps to reduce these differences in the strategic DEI plan. Similarly, if promotions are disproportionately lower among certain demographic groups, incorporate steps to mitigate these differences in the strategic DEI plan.

Tasks	Owner	Progress	Approvers	Delivery Date
Analyze turnover and employee movement reports	R2	Not Started (See Action Item #2) <ul style="list-style-type: none"> Review 2023 data, using Society of Human Resources Management (SHRM) data as a benchmark 	Jl/LW	Q4 2023
Create a plan to mitigate differences, if necessary <ul style="list-style-type: none"> Turnover Promotions 	R2	Not Started	Jl/LW	Q4 2023

Action Item 4 – In Progress

Compare the demographics of attorney hires to the demographics of all California attorneys annually. If your organization primarily hires entry-level attorneys, compare the demographics of attorney hires to the demographics of new licensees published in the State Bar’s Diversity Report Card and the State Bar’s Diversity, Equity, & Inclusion: Biennial Reports to the Legislature. Assess how your attorney population compares to the greater California attorney population and incorporate steps to address disparities in the strategic DEI plan, if appropriate.

Tasks	Owner	Progress	Approvers	Delivery Date
Compare the demographic of State Bar attorneys to State of California attorneys <ul style="list-style-type: none"> Share information with LT 	R2	Not started <ul style="list-style-type: none"> Data to be included in the HR metrics dashboard 	Leadership Team	Q4 2023

**State Bar DEI Seal
2023 Operational Plan**

Action Item 5 – In Progress

Create a diversity, equity, and inclusion statement. Post it on your organization’s website and include it in job postings.

Task	Owner	Progress	Approver	Delivery Date
Create DEI statement	R2	In Progress <ul style="list-style-type: none"> Included with DEI Strategic Plan 	Leadership Team	Q2 2023
Post the DEI statement on the external website	R2	Not Started <ul style="list-style-type: none"> Once approved, work with Comms to post on the external website 	Jl	Q3 2023
Add a link to the DEI statement for all job postings	R2	Not Started <ul style="list-style-type: none"> Once approved, links will be added to all external job postings 	Jl	Q3 2023

Action Item 6 – Complete

Conduct stay and exit interviews with staff; include questions on organizational culture, sense of inclusion and belonging, and areas in which the employer can improve.

Task	Owner	Progress	Approver	Delivery Date
Create questions for Stay Interview	R2	Complete <ul style="list-style-type: none"> DEI questions created and added based on inclusion and belonging Begin using questions with 2023 new hires (begins Q2 2023) 	Jl	May 2023
Create questions for Exit Interviews	R2	Complete <ul style="list-style-type: none"> DEI questions created and added based on inclusion and belonging Included questions in exit interviews beginning March 2023 	Jl	March 2023

**State Bar DEI Seal
2023 Operational Plan**

Action Item 7 – Complete

Survey staff, at least biennially, to gather their thoughts and feedback on DEI at your organization. Include questions related to workplace satisfaction, climate, and sense of belonging. Share survey results with staff. Survey results should be used to inform your organization's DEI strategic plan.

Task	Owner	Progress	Approver	Delivery Date
Create DEI questions for employee survey	R2	Complete	Leadership Team	April 2023
Include DEI questions in the 2023 employee survey	ORIA	Complete	N/A	April 2023

**State Bar DEI Seal
2023 Operational Plan**

Action Item 8 – In Progress

Require all employees to participate in annual training on recognizing and reducing implicit bias in the workplace. Training should be provided by a presenter with significant professional or academic experience related to the training's content.

Task	Owner	Progress	Approver	Delivery Date
Employees are required to complete three <i>Unconscious Bias</i> training series every other year.	R2	Complete <ul style="list-style-type: none"> Completion is tracked through the learning management system Employees, supervisors, and managers are notified when the completion requirement is not met 	N/A	February 2021
Employees are required to attend one regularly scheduled State Bar DEI session or discussion on the alternate year that the <i>Unconscious Bias</i> training is not assigned	R2	Complete <ul style="list-style-type: none"> Communicated new requirements to employees Attendance tracked through the learning management system Employees, supervisors, and managers will be notified of those who do not complete the requirement 	Jl	February 2023
Implement annual implicit bias training for employees in the discipline process to help eliminate bias	R2	In Progress <ul style="list-style-type: none"> Customize content Launch training Completed <ul style="list-style-type: none"> Interview vendors Establish a sustainment plan Select vendor 	LW	Q2 2023

**The description listed for each action item is taken from the DEI Leadership Seal Program application.*

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**State Bar DEI Seal
2023 Operational Plan**

Action Item 9 – In Progress

Incorporate substantive DEI work into performance evaluations and metrics that impact advancement and compensation decisions (e.g.: allow DEI work to count toward billable hours). Note that pro bono hours and contributions should be tracked separately from DEI contributions.

Task	Owner	Progress	Approvers	Delivery Date
Incorporate belonging and inclusion as criteria in supervisor performance evaluations	HR	Completed	LT	September 2022
Incorporate belonging and inclusion behavior examples in non-supervisory rating guidelines	HR	In Progress	Jl	Q2 2023
Incorporate belonging and inclusion as criteria in Executive performance evaluations	HR	In Progress	Jl/LT	Q4 2023

Action Item 10

Integrate DEI responsibilities (ex: implementing DEI frameworks and supporting organizational DEI efforts) into leadership team members' formal job duties. For larger organizations (those with more than 100 California-licensed attorneys), also establish and maintain a leadership level DEI professional position. This DEI professional need not sit on the legal team specifically but should have meaningful oversight of DEI programs and initiatives for the legal team.

The State Bar will not be committing to this action item.



The State Bar *of California*

DEI Leadership Seal



Audit Committee, May 18, 2023

The State Bar's Internal DEI Journey

2018

- Launched the Neuroscience of Decision-making training
 - General session for all employees
 - Additional session for employees in the discipline process

2021

- Launched required Unconscious Bias training for all employees
- Created internal page for DEI resources
- Launched DEI Speaker Series
- Launched DEI Discussion series

2022

- Continued to manage:
 - DEI Speaker Series
 - Facilitate DEI Discussions
 - Expand DEI resources

2023

- Apply for the State Bar DEI Seal
- Launch annual implicit bias training requirement for employees in the discipline process
- Draft DEI strategic plan and operational plan

DEI Leadership Seal

Action Items 1 and 2 must be completed by all applicants to qualify for a DEI Leadership Seal status.

DEI Seal Action Items	Status	Progress
1. Create and maintain demographic data	In progress	Updated options within HR system for gender, ethnicity, and race - complete
		Pull demographic data into reports
		Create dashboards
2. Create a strategic DEI Plan	In progress	Pending additional stakeholder feedback

DEI Leadership Seal

In addition to the first two requirements, at least seven of the remaining eight action items must be completed by all applicants in order to obtain the gold standard.

DEI Seal Action Items	Status	Progress
3. Calculate staff turnover and promotions	In progress	Pull demographic data into reports Create dashboards
4. Compare State Bar attorney hire demographics to California attorney population	Not yet started	Pending finalized reports and dashboards
5. Create and share publicly a DEI statement	In progress	Pending final DEI Strategic Plan
6. Conduct staff stay and exit interviews	Complete	Stay interviews – Begin with May interviews (February hires) Exit interviews – Began with April separations

DEI Leadership Seal

DEI Seal Action Items	Status	Progress
7. Survey staff to gather feedback on DEI efforts	Complete	2022 Employee Survey launched April 2023
8. Require annual employee implicit bias training	Complete	Launched March 2023
9. Incorporate DEI work into performance, advancement, and compensation decisions	In progress	<p>Inclusion & Belonging component added to supervisor PE Sept 2022</p> <p>Include DEI behavior examples in all PE rating guides</p> <p>Add Inclusion & Belonging to 2023 Executive PE</p>

DEI Leadership Seal

DEI Seal Action Items	Status	Progress
10. Integrate DEI responsibilities into leadership team members' job duties. Larger organizations, maintain a DEI professional position	N/A	The State Bar will not be pursuing this requirement