

TO: COAF Members/Liaisons  
RE: Windtunnel Updates  
DATE: June 9, 2018

Note that we all had agreed on the following instructions and topics for the WT Project to be launched May 31 with initial feedback for our June 9<sup>th</sup> meeting.

**INSTRUCTION:**

The State Bar of California's Council on Access & Fairness is responsible for implementing the State Bar's public protection mission through the goal of increasing access to and inclusion in the legal system. We are asking for your input to help us achieve this goal. Please contribute your thoughts and experiences on the following 4 topics.

**(NOTE: For the purposes of this initial discussion, "diversity" refers to inclusion in the legal system on the basis of race, ethnicity, gender, sexual orientation, gender identity, disability and veteran status.)**

**Topics:**

- **Ways diversity strengthens public trust in the legal system.**
- **Ways to educate all Californians about the importance of diversity in the legal system.**
- **Challenges to increasing diversity in the legal system.**
- **Other ideas you have about diversity in the legal system.**

Everyone is encouraged to participate, including but not limited to judges, lawyers from all practice settings, clients, educators and students from all education levels, community representatives and members of the public. Participate as often as you like. Remember, your comments are **anonymous**. All opinions are valuable and will help to inform the decisions made by the Council on Access & Fairness as to the best ways to achieve diversity and inclusion in the legal profession. **The Windtunnel site will remain open through May 31, 2018.**

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When the Draft Dues Bill language in AB3249 was circulated, Donna suggested that the WT topics could be revised to reflect the need for input to enable the State Bar to respond to the Legislature's mandates. She suggested the following:

*"In light of this, I think we should wait until after the 5/24 planning meeting, and then think about revisiting the windtunneling topics. I continue to think, and Leah agrees, that it makes a lot of sense to use the windtunneling vehicle to get information that will help is to develop the plan and set the framework for a future evaluation.*

*As you said, there is an art to crafting the questions/topic for windtunneling, but in light of the legislative language, we might want to think along the lines of the following:*

- 1) *Should the State Bar's diversity in the legal profession goal be to achieve an attorney population that reflects the diversity of the state's population?*
- 2) *What can the State Bar do to increase the diversity of the legal profession/to achieve this goal?*
- 3) *What does bias in the practice of law look like?*
- 4) *What can the State Bar do to eliminate bias in the practice of law? "*

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Our COAF Windtunnel working group reviewed the suggestions with our consultant Jane Lorand who provided the following feedback re: the revised topics:

**First Option:** We had a team effort here and it seems that given the new legislative language and the quest to keep this appealingly simple for new participants – we could use 3 Categories as identified below. This leaves it open as to who THE ACTOR is, and implies that it could be State Bar, individual attorneys, firms, NGOs, law schools, etc. [This is Jane’s preference.] The three categories are:

1. Focus: California’s Justice System – Current Barriers to Equal Access and Freedom From Bias
2. Focus: California’s Justice System --Ways to Enhance Equal Access or Reduce Bias
3. Focus: A Legal Profession Amidst the Increasing Diversity of California -- Ways to Achieve a Diverse and Inclusive Profession

**Second Option:** This has 5 Categories focusing on the same language but identifies THE ACTOR – and it then eliminates firms and NGOs, law schools, etc.....which may be fine.

I have returned to the word “barriers” to equal access and freedom from bias in setting the context/frame for this whole project – it answers the question of participants, “Why should I care?” I care because I immediately am asked what isn’t working now. We all know that equal access and bias are painful issues and have implications way beyond a particular court case. Barriers imply injustice. We could use “challenges” but that is weaker. Challenges could refer to business, as in, “I can’t afford to buy that car.” Using the “Justice System” language comes from the legislation---and it may/may not include law enforcement, depending on how people interpret it. The five categories are:

1. Focus: California’s Justice System – Current Barriers to Equal Access and Freedom From Bias
2. Focus: California’s Justice System --Ways the State Bar can Enhance Equal Access or Reduce Bias
3. Focus: California’s Justice System --Ways Individual Attorneys can Enhance Equal Access or Reduce Bias
4. Focus: California’s Legal Profession -- Ways the State Bar can Achieve a Diverse and Inclusive Profession that Reflects the Increasing Diversity of California
5. Focus: California’s Legal Profession -- Ways Individual Attorneys can Achieve a Diverse and Inclusive Profession that Reflects the Increasing Diversity of California