



BOARD OF GOVERNORS

Reporting Form

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REPRESENTING: Co-Chairs, State Bar of Arizona Diversity Task Force

BOARD MEETING DATE: December 15, 2006

WISH TO APPEAR BEFORE THE BOARD?  YES  NO

SUBJECT: SBA Diversity Task Force Recommendations on Promoting Diversity in the Legal Profession in Arizona

**BACKGROUND OF ISSUE:**

In May 2006, the Diversity Task Force was appointed to support the Bar's commitment to diversity as set forth in the State Bar's 2004-2007 Strategic Plan and elsewhere. The Diversity Task Force is comprised of approximately 80 attorneys, judges, legal educators, Bar staffers and community leaders from across Arizona. Task Force members represent various sections of the profession and a number of bar organizations. The Task Force has studied the issues assigned to it and developed findings, strategies and recommendations for presentation to the Board of Governors. The members of the Task Force have spent a significant amount of time meeting and working to develop the recommendations set forth herein.

The Diversity Task Force was created, in part, in response to the recommendations in the April 2006 Report made to the Board of Governors by the State Bar's Committee on Minorities and Women in the Law (the "CMWL") (See, Appendix B, at Tab 3 herein). Reduced to its essentials, the CMWL's Report concluded that although modest improvement had been achieved in promoting diversity in the Arizona Bar, it had fallen short of the aspirations embodied in the *Statement of Goals for Increasing Minority and Women Representation and Retention* adopted by the Board of Governors in 1993 and that a need existed to recommit to the *Statement of Goals*. (See, Appendix C, at Tab 4 herein). Additionally, it was deemed necessary and

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<sup>1</sup> The Diversity Task Force members are identified in Appendix A to this Reporting Form, at Tab 2 herein, along with the Task Force's Committee membership.

appropriate to create a Task Force to help support the Bar's documented commitment to diversity.

Accordingly, the Diversity Task Force was charged to evaluate and implement a number of diversity-related issues highlighted in the CMWL's Report. Those charges are attached to this Report as Appendix E, at Tab 6 herein (the "Task Force Charges"). The Diversity Task Force was delegated the responsibility to develop and present recommendations to the Board of Governors at its December 15, 2006 meeting regarding: (1) the establishment of a Diversity Director position within the State Bar's staff infrastructure; and (2) the creation and implementation of an Arizona Leadership Institute – based in part on a successful model program developed and used by the Washington State Bar Association. Additionally, the Task Force was asked to provide status reports on its other charges to the Board at the December meeting.

The Diversity Task Force subdivided into five (5) Committees, to which various aspects of the Task Force Charges were assigned. These Committees included: Bar Staffing; Arizona Leadership Institute Project; Best Practices; Statement of Goals; and Corporate Support. Each Committee thoroughly analyzed the issues assigned to it and in the process of so doing, evaluated models and best practices employed by other bar associations and other relevant models; to gain the value and expertise of proven strategies to promote diversity. Ultimately, each Committee's findings were presented to the Diversity Task Force as a whole for review, comment and adoption. After further consideration and analysis, the entire Task Force adopted and approved the Reports of each Committee. The result of this exhaustive effort is presented in the Appendices to this Reporting Form.

**ISSUE(S) (*please be specific*):**

The Task Force Charges define the issues addressed by the Diversity Task Force. They are summarized below, and the Task Force Committee to which each issue was assigned is identified, as well:

<b>Issue (Charge)</b>	<b>Task Force Committee/ Status</b>
1. Determine the need for a full time staff member to support the State Bar's diversity initiatives and assessing the feasibility and costs and needs associated with such a position.	Bar Staffing Committee/ Recommendations Complete
2. Evaluate the merit of a leadership institute similar to the Washington State Bar Leadership Institute and provide the framework and details regarding such a program.	AZ Leadership Institute Project Committee/ Recommendations Complete
3. Recommend how best to support the work of the State Bar Committee on Minority and Women in the Law on the Statement of Goals for Increasing Minority and Women Representation and Retention program ("the SOG program"), including	Best Practices Committee/ Analysis_Ongoing
a) encouraging employers of lawyers to become signatories to the SOG program and to pledge to monitor and improve ethnic and gender diversity in hiring, retention and promotion of lawyers; and	
b) updating and monitoring the Bar's SOG Program.	

Evaluate and advise the Board on the value and feasibility of programs aimed at increasing diversity and related "best practices" in the Arizona legal profession, including the programs identified Section 5 of the State Bar Commission on Minority and Women in the Law Report, recommending which of those programs to support and/or develop, how to do so, and the associated monetary, staff and volunteer resources required for doing so.	Best Practices/ Ongoing
4. Evaluate existing strategies and make any additional recommendations on how better to monitor and increase the diversity of the State Bar Sections, Committees, Commission, Task Forces and Sections, and the leadership of these bodies, and how to track, maintain and report demographic information in support of this diversity effort and the SOG program.	Best Practices/ Ongoing
5. Develop specific recommendations for initiating and sustaining improved communication and collaboration between the State Bar and the minority and women bar associations.	Best Practices/ Ongoing
6. Consult with the CLE department on how best to incorporate cultural competency into the legal education courses and to seek diversity of speakers on every panel.	Best Practices/ Ongoing

In addition, the Diversity Task Force considered it necessary and appropriate to review the Bar's previously approved 1993 Statement of Goals to determine if and to what extent the present undertaking should include revisions to that watershed policy. The task of reviewing and recommending revisions was assigned to the Task Force's Statement of Goals Committee, and is ongoing at this time.

Last, but not least, the Task Force recognized the vital importance of partnerships with corporate stakeholders and saw the opportunity to further support a vibrant diversity effort. To that end, the Task Force created a Committee to evaluate the role the business community can play in the Bar's promotion of diversity. Based on similar models, it is plain that the business community is both a driver of and ally in the promotion of diversity, and as such, can be an important resource in assuring a successful outcome. This group became the Corporate Support Committee. Its work is also ongoing at this time.

In the process of conducting their respective evaluations, each Committee identified other issues relevant to their undertakings that required attention, and where appropriate, those are discussed in the respective Appendices.

**DISCUSSION/ANALYSIS:**

The attached reports of the various committees contain a full discussion and analysis of the respective issues presented to the Diversity Task Force together with recommendations to achieve elements of the Task Force Charges.

The Reports of the Task Force's Bar Staffing and Arizona Leadership Institute Project Committees, attached as Appendix E and Appendix F, at Tabs 6 and 7 herein, respectively, embody final findings and recommendations that are now ripe for action by the Board of Governors.

Additionally, the Diversity Task Force's Best Practices, Statement of Goals and Corporate Support Committees have furnished status reports, describing their ongoing effort to evaluate the remaining issues stated in the Task Force Charges (*See*, Appendix G, H and I, at Tabs 8, 9 and 10 herein, respectively). These Committees will continue their work on the State Bar's *Statement of Goals for the Hiring and Retention of Minorities and Women* (1993), identify and develop strategies for the implementation of identified best practices, and cultivate support from the local and national business community. The Diversity Task Force will report to the Board of Governors on these efforts during 2007.

**RECOMMENDED BOARD ACTION:**

The Task Force strongly recommends that the Board:

(1) Accept the Task Force recommendation to hire a Diversity Director with a salary range of \$67,230 to \$100,840. The Diversity Director would coordinate diversity efforts on behalf of the State Bar, enhance the Bar's ability to attract a more diverse population to the practice of law and promote active involvement and leadership within the Bar and the legal profession in Arizona by achieving the essential functions assigned to this individual as more particularly set forth in the Task Force Recommendations;

(2) Accept the Task Force recommendation to implement a State Bar of Arizona Leadership Institute at a projected first-year cost of approximately \$49,705, which would be borne in whole or in part by corporate and law firm cash and in-kind contributions; and

**VOTE OF THE COMMITTEE/SECTION (if applicable):**

WAS A QUORUM PRESENT FOR THE VOTE?  YES  NO  
VOTE WAS:  UNANIMOUS  TO

IF YOUR COMMITTEE OR SECTION HAS A BREAKDOWN AMONG MEMBERS OF DEFENSE/PROSECUTION OR PLAINTIFF/DEFENSE COUNSEL, OR IF ANY OTHER SPLIT EXISTS, HOW WAS THE VOTE SPLIT AMONG THOSE GROUPS?

Not Applicable

**HOW WILL THIS PROPOSAL IMPACT THE STATE BAR'S BUDGET? STATE BAR STAFF?**

The fiscal requirements for the two Task Force recommendations are as follows:

- Hiring a Diversity Director with a salary range of \$67,230 to \$100,840; and

- Development of the SBA Leadership Institute with a budget for 2007 of \$49,705.

It is believed that the cost of the SBA Leadership Institute can largely be underwritten by corporate and law firm sponsorship support, leaving the Diversity Director position to be funded by the State Bar out of its own resources.

**IS THE RECOMMENDED ACTION CONSISTENT WITH THE KELLER DECISION?**

Yes.

**DOES THIS ISSUE RELATE TO (check any that apply):**

- REGULATING THE PROFESSION  
 IMPROVING THE QUALITY OF LEGAL SERVICES  
 IMPROVING THE FUNCTIONING OF THE SYSTEM OF JUSTICE  
 INCREASING THE AVAILABILITY OF LEGAL SERVICES TO THE PUBLIC  
 REGULATION OF TRUST ACCOUNTS  
 EDUCATION, ETHICS, COMPETENCY, AND INTEGRITY OF THE LEGAL PROFESSION

(Note that *Keller v. State Bar of California*, 496 U.S. 1 (1990), prohibits the expenditure of mandatory bar dues on political or ideological matters unrelated to these objectives.)

**WHICH GOAL/OBJECTIVE OF THE STATE BAR'S LONG-RANGE PLAN IS ADVANCED BY THE RECOMMENDED ACTION?**

The State Bar's Long Term Vision, adopted on September 17, 2004 (attached as Appendix D, at Tab 5 herein), includes a core value for diversity:

This value represents our commitment to ensuring that the legal profession and the justice system reflect the community it serves in all of its social, economic, and geographical diversity. It is seeking out representatives of underrepresented groups to add their strength to the legal profession and to the advancement of justice in all areas of society.

State Bar of Arizona, 2004-2007 Strategic Plan, September 17, 2004, Core Values, at 2.

The recommendations presented with this Reporting Form for the retention of a Diversity Director and for the establishment of a State Bar of Arizona Leadership Institute, together with the ongoing effort outlined by the Diversity Task Force Committees addressing best practices, the Statement of Goals and corporate support, contribute directly to providing for necessary infrastructure that will facilitate achievement of this core value in a sustained fashion as envisioned by the State Bar's 2004-2007 Strategic Plan.

**IF NONE, WHY SHOULD THE BOARD OF GOVERNORS FOLLOW THE RECOMMENDATION?**

Not Applicable.

BOARD ACTION TAKEN: (Passed, Failed or Other Notes)