



BOARD OF GOVERNORS

Reporting Form

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REPRESENTING: Committee on Minorities and Women in the Law (CMWL)

BOARD MEETING DATE: April 21, 2006

WISH TO APPEAR BEFORE THE BOARD? YES NO

BACKGROUND OF ISSUE:

In 1993, the State Bar's Committee on Minorities and Women in the Law ("CMWL") launched the Statement of Goals For Increasing Minority and Woman Representation and Retention ("SOG") program, which was designed to assist law firms in hiring, retaining, and promoting women and minority lawyers. At that time, 52 law firms "signed on" to the SOG program committing to use their "best efforts" to achieve the goals of hiring and retaining certain percentages (35% for women and 15% for minorities). No particular percentage goals were set for partnership. These percentages were not to be a requirement, but only a goal.

In 2003, the CMWL began to follow up on the 33 Arizona law firm signatories (who were still in existence and had more than 10 lawyers) to gauge what progress had been made in the last 10 years.

The CMWL will present its report to the Board of Governors ("Board") at the April 21st meeting. The report includes data that demonstrates a continued need to increase ethnic and gender diversity in the Arizona legal community. The CMWL recommends that the State Bar recommit to the SOG program and adopt the recommendations provided in conjunction with the SOG report. The CMWL's recommendations are outlined in the "ISSUE" section below. These recommendations are a means by which the Board can lead the State Bar's efforts to achieve the aspirations of the SOG program.

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

In conjunction with the SOG report, the CMWL has formulated various recommendations to the Board to further achieve the State Bar's diversity initiatives. The CMWL also consulted with several ethnic minority and women bar organizations, including Hayzel B. Daniels, Arizona Minority Bar Association, Arizona Women Lawyers Association, Los Abogados and the Arizona Asian American Bar Association. regarding the SOG Report and their recommendations. These bar organizations provided useful feedback on the SOG Report and support the CMWL's efforts.

The CMWL offers the following recommendations to the Board as a means by which the Board can lead the State Bar's efforts to achieve the aspirations of the SOG program.

1. The Board should reaffirm its commitment to the SOG program.
2. The Board should implement a policy and appropriate measures to monitor and increase diversity in the State Bar Committees, Commissions, Task Forces, and Sections, and in the leadership of these bodies.
3. The State Bar should track, maintain and report demographic information of its committee, leadership and membership in support of the diversity policy above and the SOG program.
4. The Board should encourage all legal employers to become signatories to the SOG program and pledge to monitor and improve ethnic and gender diversity in hiring, retention and promotion of attorneys.
5. The Board should promote "best practices" by supporting and funding programs aimed at increasing diversity in the legal profession in Arizona including, but not limited to:
 - a. Create a website that links users to articles, checklists, other resources on increasing diversity (e.g., see ABA website <http://www.abanet.org/minorities/links/home.html>);
 - b. Continue to support, as appropriate, diversity programs such as the NBA Commercial Law Section Diversity Pipeline Program and other programs designed to promote diversity in the legal profession;
 - c. Consider the dedication of a full time staff member to the State Bar's diversity initiatives (e.g., see Diversity Advocate Position at the Washington State Bar Website <http://www.wsba.org/joslyndonlin.htm>);
 - d. Form an Arizona Leadership Institute similar to that of the Washington State Bar in order to recruit, train and retain Arizona attorneys who have been admitted to practice 3-10 years for leadership positions within the Arizona legal community (e.g., see http://www.wsba.org/lawyers/leadership_institute.htm); and

- e. Encourage legal employers to attend seminars on best practices to implement the State Bar's diversity initiatives.
6. The Board should direct the CLE department to incorporate cultural competency into the legal education courses and continue to seek a diversity of speakers on every panel. (By cultural competency, the CMWL means the skill set that one possess to competently represent clients from various cultures, backgrounds, values, mores, beliefs and the like; to be able to present fully and accurately a client's side of the story so that not one dominant set of cultural values is used to judge all people).
7. The Board should solicit liaison reports from each of the minority and women bar associations to be presented at its monthly Board meetings so as to gain further understanding of any issues.
8. The State Bar President should appoint a diversity task force to interact with the minority and women bar organizations and other community organizations to monitor, develop and implement the State Bar's diversity initiatives.

DISCUSSION/ANALYSIS:

While the SOG report should not be considered the definitive work on the status and progress of women and minority lawyers in Arizona, the CMWL hopes that the Board will support the renewal of the SOG program and adopt the CMWL's recommendations to achieve the aspirations of the SOG program. The State Bar should utilize the SOG program as a tool to monitor the professional development of women and minority lawyers and to foster diversity in the legal profession to reflect the communities that the State Bar serves.

RECOMMENDED BOARD ACTION:

The CMWL requests that the Board adopt and implement the CMWL's recommendations outlined above. If the Board declines to adopt any of the recommendations, the CMWL respectfully requests the Board share its reasons for doing so and give the CMWL the opportunity to resolve any issues or concerns identified by the Board.

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?

At this time, the CMWL does not have exact figures of how the implementation of its recommendations will impact the State Bar's budget. The CMWL will provide cost estimates for any of programs approved by the Board. The CMWL does hope the Board will consult with the Executive Director regarding the feasibility of hiring a full time staff member to help coordinate the Arizona Leadership institute, coordinate with other sister bar organizations and assist in the implementation of the State Bar's diversity initiatives.

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?

Goal #5: Sustaining the Bar's successes in adopting a diversity policy by adopting specific strategies to ensure those policies are applied throughout the organization.

"Diversity" is also one of the State Bar's "core values" to ensure that the legal profession reflects the community it serves in its social diversity.

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

Not applicable.