

DIVERSITY AND THE BAR

A PUBLICATION OF THE OFFICE OF LEGAL SERVICES, ACCESS AND FAIRNESS PROGRAMS

THE BASEPATH TO DIVERSITY

Jackie Robinson never played for the Sacramento River Cats of the Pacific League. But the River Cats' recent Martin Luther King Day announcement of the retirement of Robinson's jersey number 42 from their roster was a major league play honoring the partnership in trust and diversity of Robinson, a wonderful athlete, with a remarkable lawyer—the 1947 general manager of the Brooklyn Dodgers, Branch Rickey. From his Rookie of the Year season to the end of his career, Robinson demonstrated the value of inclusion, of broadening the pool. Broadening the pool is an important value for the legal profession as well.

The struggle for inclusion and diversity is never over. Although women comprise over 50 percent of the population, they still represent only 30 percent of our profession. Women still drop out of the practice because of the competing demands of career and family. Our state Supreme Court is a model of diversity, but women are still under-represented at the highest levels of our profession. Although people of color are the majority in California, they comprise a small minority within the legal profession. Other diverse populations, such as the LGBT community and the disabled are even less represented.

As our culture becomes more diverse the need for inclusion becomes ever broader. Lest we forget, the United States Holocaust Memorial Museum is now sponsoring an exhibit, Nazi Persecution of Homosexuals: 1933—1945, reminding us of those victimized because of sexual orientation or sexual identification. The gay and lesbian communities still face issues of exclusion and discrimination.



BY JAMES HERMAN

It is the duty of every member of the State Bar of California to “Preserve and improve the justice system and ensure a fair and just society under the law.” Until the faces of the profession more closely match the faces of the State of California, we cannot fulfill our mission.

I am proud of the contributions made by our Access and Fairness Committees, the Committee on Sexual Orientation and Gender Identity Discrimination, the Committee on Women In the Law, the Committee on Senior Lawyers, the Ethnic Minority Relations Committee and the Committee on Legal Professionals with Disabilities, in helping diversify our profession. I am proud that EMRC has revived the Minority Attorneys Conference, held in conjunction with the State Bar's Bar Leadership Conference, March 21 and 22, 2003 in Long Beach. Please join our local, minority, specialty and statewide bar associations in these educational and outreach efforts as together we strive to fulfill the Mission of the State Bar and implement its Strategic Plan. And thank you for all your good work.

James Herman, President of the State Bar of California, 2002-2003

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coming soon

2003 ANNUAL MEETING

SEPTEMBER 4-7, 2003 - ANAHEIM, CALIFORNIA
 SATURDAY, SEPT. 6, 2003, “Valuing Diversity” Panel Presentation,
 “Reception: Celebrating Diversity” and presentation of SB Diversity Awards



MESSAGE FROM THE CHAIRS

CLPD

JOE TEGLOVIC
CHAIR



In recent years, the Committee on Legal Professionals with Disabilities (CLPD) has regularly put on MCLE courses at the Annual meeting, seeking various ways to educate both the Bar and the public on the law and issues relevant to its charge, and has researched and implemented numerous special projects to carry out the policies of the Board of Governors.

This year, five special projects promise to provide highly interesting work for us and to serve as a foundation for future committees to reap substantial benefits. Three projects build on efforts started by prior committees and two are new endeavors:

Survey Project: In order to better study and report on the status of Bar members with disabilities and chronic medical conditions, as well as to better connect with our constituency, last year's committee obtained funding for this project from the State Bar Foundation and then developed the questions to be posed to our colleagues. This term, the actual survey will be implemented, using the Bar's website, and thereafter the results summarized in a report to the Board;

Increasing Employment Opportunities - CLPD's Pledge Project: In 1996, CLPD established the *Pledge Project* – with a goal to increase employment opportunities for legal

professionals with disabilities. As a result, over 100 of California's most prominent legal employers signed proclamations attesting to their commitment to equal employment opportunities for legal professionals with disabilities. This year, we will formulate appropriate follow-up with the original signatories, plan for the expansion of the program and work to begin development of a written resource guide for both employees and employers on employment issues;

Judicial Education: In order to encourage the advancement of attorneys with disabilities in the legal profession, specifically in litigation settings, the committee intends to work closely with and assist the Administrative Offices of the Court, Access and Fairness Advisory Committee and sub-committees on their special projects that relate to our charge – including their plans to review of the implementation of CRC 989.3 (reasonable accommodations in courtroom settings) and SB 371 (increasing the pool of sign interpreters);

Reasonable Accommodation For Bar Examinees: In order to bolster our efforts at increasing the numbers of persons with disabilities and chronic medical conditions practicing law in California, this term we will specifically study the ways our committee might serve as a resource to the Committee on Bar Examiners in its efforts to provide reasonable accommodations to persons who sit for the bar exam.

Finally, to encourage the dissemination of useful information to our constituencies and to legal employers, we will work with State Bar staff to develop a modern, comprehensive web page addressing all aspects of our charge.

This committee is eagerly looking forward to carrying out these projects this year.

In 2003, the Committee on Sexual Orientation and Gender Identity Discrimination (CSOGID) will focus on addressing some of the root causes of under-representation of the LGBT community among State Bar membership. Many students at the high school and community college level lack adequate access to information and exposure to attorneys to be aware of the opportunities available to them by choosing a career in law. Accordingly, the committee will be developing and launching a Legal Career Day project designed to reach members of the LGBT community in isolated or remote communities. This multi-year project offers a new area of potential cooperation between the Access and Fairness Committees as each committee is charged with increasing and balancing diversity among bar membership.

The committee will continue its outreach efforts to the Judicial Council, Local Bar Associations, LGBT Bar Associations and law schools. In addition to the goal of opening up the legal profession to a more diverse group of attorney candidates, CSOGID will also begin exploring methods used by legal employers to retain LGBT attorneys in order to develop a best practice program for recruiting and retaining LGBT attorneys in the legal profession.



CSOGID

J. ROBERT FORCE
CHAIR

The current committee is particularly well suited to implementing this year's Work Plan because of the diversity of practice areas among committee members. CSOGID is comprised of attorneys and public members with expertise and experience in education and public awareness, domestic and family law issues, prosecution and defense of defendants in criminal proceedings, the needs of those living with HIV/AIDS and employment and workplace matters faced by members of the LGBT community. The members are dedicated to furthering the goals of the State Bar to increase access to justice, to obtain fairness for participants in the legal process, and to develop a more diverse Bar membership.



CWIL

LISA M. BAIRD
CHAIR

The Committee on Women in the Law (CWIL) just kicked off its new year, saying farewell to outgoing members and recounting our successes in 2002, and welcoming incoming members and planning for the year ahead. The transition reminded me of something I've often noted since joining the committee — it is full of amazing, accomplished volunteers, dedicated to promoting diversity in our chosen profession. Some joined the committee to do something constructive about the difficulty many women — indeed, many men as well — feel in trying to advance their careers while participating fully in a family and a personal life. Some, simply put, are trailblazers, who already have done their part to advance the cause of women in the profession, and yet continue to give their time and energy.

Whatever the reason for joining, CWIL's members have accomplished a great deal, and what the committee has done this past year sets a remarkably high standard for the coming

year. As you will see from the article written by Joan Mack in this issue, CWIL has had phenomenal success reaching out to law students. Its diverse panels of women practitioners have provided frank answers about the reality of practice not found in classrooms or case books, and the spring semester will bring programs at more schools, including Loyola, Santa Clara, Boalt Hall and the University of San Francisco.

CWIL also continues its sponsorship of continuing legal education programs, working with Fresno County Women Lawyers, Orange County Women Lawyers, California Women Lawyers and other organizations to sponsor elimination of bias programs and encourage important discussions about diversity. For the State Bar's 2003 annual meeting, CWIL intends to continue its innovative programming.

And, for the second year, CWIL is sponsoring a law school essay scholarship, with \$1,000 to be awarded to the top entry on the issues of special relevance to women that recruiters and those hiring lawyers should take into consideration. Last year's contest drew numerous thought-provoking essays, and even more are expected this year. Find more information on the essay scholarship at www.calbar.ca.gov.

CWIL is a wonderful, hard-working group that is making a difference. I urge and invite anyone who is interested in promoting the Bar's efforts to promote diversity and the participation of all lawyers to apply.

EMRC

KARRIANN FARRELL HINDS & ROBERT BROWN, JR. CHAIRS



As the co-chairs of the Ethnic Minority Relations Committee (EMRC), we would like to extend a warm welcome to the newest members of our committee. As a result of the efforts of the previous year, exciting plans are underway for EMRC in the coming year. First and foremost is the return of the California Minority Attorneys' Conference (CMAC). The CMAC coincides with the Bar Leaders' Meeting at the Midyear Meeting of the State Bar. Through this year's theme, "Barring None: Positioning Ourselves for Power and Leadership", CMAC provides minority attorneys from varying legal backgrounds with important tools to attain -- and maintain -- professional excellence. The conference seminars, many of which offer MCLE credit, focus on a variety of issues, including the importance of networking, mastering the art of becoming a "rainmaker," and guidelines for mapping your career path. The conference concludes with a reception to allow all attendees to network with one another and the several minority bar associations.

In addition to planning the return of the CMAC, EMRC will continue its work on several other projects aimed at providing attorneys of color with the support necessary to remain leaders within the legal profession. EMRC is working to develop a relationship with minority bar associations throughout California to remain apprised of the issues facing attorneys of color in the legal profession. EMRC provides valuable

information regarding important and timely legal issues through the newsletter of the Access and Fairness committees, "Diversity and the Bar." In an effort to "reach back" and help along law students of color, EMRC is working with the Administrative Office of the Courts to conduct focus groups on law school campuses to determine the needs of these students. The first session will occur in Spring 2003 in San Diego. EMRC will also work with the other Access and Fairness Committees to review the nominations for and select the winner of the 2003 Diversity Awards recipients. Finally, EMRC will coordinate and sponsor MCLE programs at the 2003 Annual Meeting of the State Bar of California.

We are very proud to volunteer as the co-chairs of EMRC. We look forward to addressing and meeting the professional needs of minority attorneys in California and hope to meet you at the California Minority Attorneys' Conference in Long Beach in March.

MESSAGE FROM THE CHAIRS

2003 will be a very exciting year. We are capitalizing on our successes and selectively starting exciting new projects.

Our Committee on Senior Lawyers (CSL) is an all-inclusive cross section of the entire bar. Our committee accepts responsibility for all California Senior Lawyers regardless of gender, ethnic background, sexual preferences or other status. Of course, we are most concerned when Senior Lawyers or their Senior Clients are denied access to justice.

Our range of programs includes some of the following which were huge successes at the 2002 Bar Convention in Monterey and which we want to repeat at the 2003 Bar Convention in Anaheim, along with one new program, "Strategies on Closing/Selling Your Law Practice."

1. Introduction to Elder Law - Expand Your Practice
2. Tactics for Experienced Lawyers Seeking Employment
3. Retirement Planning and Implementation
4. Successful Retirement - Do You Have an Exit Plan for Life After Full Time Law Practice?
5. Stress Avoidance & Stress Control for lawyers
6. Advanced Techniques to Address Elder Law Abuse
7. Obtaining Long Term Medical Care

This committee's most recent focus is "Strategies on Closing/Selling Your Law Practice." Every lawyer has a "practice" be it an interest in a mega firm or a solo practice. We hope to cover the options available to the lawyer who wishes to transition from the full time practice of law or who wishes income from the practice after being active on a full time basis.

As the bar ages, senior lawyers without financial security appear to be experiencing trust account problems. We are looking at this issue.

CSL



JAY G. FOONBERG
CHAIR

Our "Reverse Mentoring" program is well underway. With help and cooperation from the American Bar Association and The Lawyers' Club of Los Angeles, we are developing a program to bring Senior Lawyers on line so that we may communicate with them and vice versa.

Our successful programs were done primarily with members of our committee, allowing each of us the opportunity to be involved and to "give back" to our profession and other senior lawyers.

Shortly we will be posting articles written by committee members to our web site, which can be accessed by Senior Lawyers throughout the world.

We have a dynamic committee. Each person is making a positive contribution. Almost all of our committee members have participated in our Annual Meeting programs and many are also active at the American Bar Association Senior Lawyers Division.

We are showing the Bar what senior lawyers can do when given the opportunity. We look forward to new challenges and new opportunities.



HON. KENNETH M. KAWAICHI RECEIVES ARANDA AWARD

We are proud to announce this year's recipient of the Benjamin Aranda III Access to Justice Award – Hon. Kenneth M. Kawaichi, Judge of the Superior Court of California, Alameda County. Judge Kawaichi has had a long and distinguished career as both an attorney and judge who has been dedicated to improving access to the judicial system for low and moderate income Californians. Judge Kawaichi's law career spans 30+ years. Through his work he has "helped mold a generation of attorneys who have adopted an ethical code in which volunteer and pro bono work are a natural and honorable component of practicing law." His "passion lies in teaching about, and ensuring fairness in, the judicial process." He chairs the Judicial Support Network, the Judicial Council Access and Fairness Standing Advisory Committee, and the California Judicial Education and Research (CJER) Fairness Planning Committee. He is also co-chair of the Alameda Superior Court Race and Ethnic Bias Committee, and Access Committee.

He was described as "highly regarded by his colleagues in and among courts, community based organizations, professional associations and other branches of government. His problem solving, conflict resolution approach in making institutional changes and establishing partnerships with other branches of government and agencies or organizations led to key improvements in access to justice for all in Alameda County and the state. . . He is an extraordinary and exceptional individual who is deeply committed to improving the quality, timeliness and justice services delivery models for all persons."

The Aranda Award was named in honor of the late Judge Aranda, who was in fact a colleague of Judge Kawaichi's, and who was known for his tireless efforts to promote fairness and access in the courts. The award will be made by the Judicial Council, the State Bar of California and the California Judges Association and will be presented by the Chief Justice at the California Judicial Administration Conference in late February. Prior Aranda Award recipients: 2000 – Hon. Veronica S. McBeth, Los Angeles Superior Court, 2001 – Hon. Charles Campbell, Ventura County Superior Court, 2002 – Hon. Donna J. Hitchens, San Francisco Superior Court.



All award nominators and recipients with Karen Nobumoto, President and LaDoris Cordell, Keynote Speaker

2002 Annual Meeting of the State Bar of California

DIVERSITY AWARDS RECEPTION



R. Scott Wylie, Board of Governor with Judge Erica Yew and Karen Nobumoto



LaDoris Cordell, Justice Carlos Moreno, former Justice Cruz Reynoso, and Karen Nobumoto

President Nobumoto, who spearheaded the dedication of resources and focus on diversity issues during her tenure, closed the evening's proceedings by observing,

"Access is not about just one category of people, or one set of economic data, or one group's agenda, but it is a process of people being brought together, working together, listening to each other and moving forward together towards a common, equitable ground. Together we can advance our profession and the State Bar, and benefit the many people of our diverse state. We have made great strides this past year. But we have a ways to go to make our profession reflective of the State's diverse population. We should be proud that we have done so much in one year, but we should never rest."

On October 12, 2002, the State Bar of California presented the first Diversity Awards at the 2002 State Bar Annual Meeting in Monterey. These awards were created by the Board of Governors in April of 2001 to recognize the exemplary achievements of an individual attorney and a bar association increasing diversity in the profession. The Access & Fairness Committees of the State Bar participated in the review of the nominees and made the ultimate recommendations to the State Bar's Board of Governors.

At the reception, attended by nearly 200 people, State Bar President Karen Nobumoto emphasized the State Bar's vision of making the legal profession more reflective of the extraordinarily diverse make-up of the state. Presenting the keynote speech was LaDoris Cordell, Vice Provost and Special Counselor to the President for Campus Relations at Stanford University. Her insightful remarks reflected a lifetime of advocating for diversity in the profession and her achievements demonstrated success in that endeavor. Former Supreme Court Justice Cruz Reynoso and current Supreme Court Justice Carlos Moreno were in attendance and both spoke extemporaneously on the value of diversity in the legal profession. Their spontaneous observations were clearly appreciated by the crowd, which gave them a standing ovation.

The Individual Attorney Award was presented to Eve Hill, Executive Director of the Western Law Center for Disability Rights. Eve was recognized for her tireless work systematically increasing opportunities for persons with disabilities to enter mainstream society and fully contribute their unique skills, especially in law. She designed a special course on Disability Rights Law at Loyola Law School, supervised the Center's externship program focusing on sensitivity to disability issues, created the Case Aggregation Strategy Team training private attorneys on disability sensitivity issues, and coordinated the City of Los Angeles with the National Disability Mentoring Day.

The Bar Association Award was presented jointly to California Women Lawyers (CWL) and the California Minority Counsel Program (CMCP). Accepting for CWL were Belynda Reck (O'Donnell & Schaeffer in Los Angeles), and Andrea Carlise (Carlise & Carlise of Alameda). California Women Lawyers' primary mission is the advancement of women in the legal profession. Their history of promoting consideration of women candidates to the bench has resulted in a mechanism for offering judicial evaluations to the governor's appointments secretary, as well as to California senators and the President's office for federal judicial appointments. California Women Lawyers continues its seminars "So You Want to Be a Judge?" throughout the state to inform interested candidates about the appointments process.

Accepting for California Minority Counsel Program was its Executive Director Tania Shah Narang. CMCP was founded in 1989 to address the under-representation of minorities in high-level positions in the legal field, particularly in the corporate counsel and law firm partner ranks. As a unique association of minority attorneys, CMCP has created a significant body of programs designed to enhance and elevate minority attorneys' profiles and skills in the business and profession of law. It has created an alliance with the recruiting firm, Special Counsel, to assist member firms in hiring diverse applicants. With a current membership exceeding 2,000, they have established a website and an electronic newsletter to establish statewide communication and to facilitate linking minority attorneys with potential employers.

a CONVERSATION with ED GOINES

BY DESIREE REED-FRANCOIS

University of Santa Clara
Dept. of Athletics



I had the distinct privilege of interviewing Ed Goines, San Francisco 49ers Vice President of Business Affairs/General Counsel. This savvy Stanford/Boalt Hall graduate oversees the team's legal affairs, specifically negotiating sponsorship and marketing contracts, and advising the club in labor, employment and insurance matters.

Prior to joining this storied football franchise, Ed held senior positions in

the legal and business affairs departments of several industry-leading companies, including Ticketmaster, Mattel, Inc., and Major League Soccer, L.L.C. Most recently, he served as Vice President, Assistant General Counsel and Chief Privacy Officer of Ticketmaster Corporation. While at Ticketmaster, he was responsible for the legal and business aspects of the company's online ticketing operations, including negotiation of Internet license, sponsorship and media agreements, and establishing the company's consumer privacy standards.

Ed's story is an interesting one. He was born in President Clinton's hometown of Hot Springs, Arkansas, in 1965. Participating in athletics throughout his life, this four-year letterman decided to apply to Stanford University after looking at his classmate's list of colleges. Not knowing anything about Stanford, he found out

it was in California, applied, and a year later was headed to Palo Alto. After majoring in Political Science, Ed Goines on the competitive nature of sports and the law:

"My mother has always told me that to be the best, you have to beat the best..."

he headed east across the Bay to Berkeley where he graduated from Boalt Hall. At Boalt, his favorite class was Contract Negotiation, a skill that would eventually benefit him when he took over the legal affairs for the San Francisco 49ers.

His position at the 49ers is one that many attorneys dream of. Like most general counsels, his work at the 49ers varies daily. One hour he will deal with an immigration issue and the next he might pursue a workers compensation settlement or negotiate a contract. I asked Ed what his secret was to obtaining

Ed Goines on being an African American in Sports Law:

"If you do good work, this is what people will remember about you, not the color of your skin."

such an amazing position that "synthesizes his passion with his expertise." He modestly said that it was "being in the right position at the right time" and advised that "if you represent your client zealously, develop good tendencies, become an expert in your chosen area, and most importantly, go for what you want, you will eventually get it." If his success is the proof, we all would be wise to heed his advice.

Ed Goines is clearly bright and driven, however, what his resume does not tell you is that he is a charismatic leader who can serve as an inspiration to many seeking to synthesize their passion with their profession. This man may say that it is hard work and the ability to develop good tendencies that make him successful, however, after meeting him, undoubtedly his dedication and winning personality contribute equally!

WELCOME!

The State Bar of California's Office of Legal Services, Access & Fairness Programs welcomes two additions to their staff: **Carrie Rosenbaum**, who started February 10, 2003, and **Rod Fong**, who will begin in mid-May of 2003.

Ms. Rosenbaum, a recent graduate of University of California at Davis, comes to the Senior Administrative Assistant position in the Program Development Unit with a wealth of involvement in public interest law, having been a law clerk in the Office of the Federal Defender, the California Legislature's Joint Committee on Prison Construction and Operation, and Legal Services for Prisoners with Children, as well as many other programs. She will be staff liaison to the Committee on Sexual Orientation and Gender Identity Discrimination and assist in Program Development projects and events.

Rod Fong, who is currently a co-director of the Academic Support Program at the University of San Francisco School of Law, will begin at the State Bar in May when the current school term ends. He has been hired as the Director of the Center for Access and Fairness, created by the Board of Governors in 2001 and charged with designing statewide initiatives to increase and maintain diversity in the profession. Mr. Fong's experience with academic support programs, since 1990, will provide insight and real-world knowledge of current practices in law schools and assist this office in developing programs to support and maintain attorneys in under-represented legal communities. He will also be the staff liaison to the Ethnic Minority Relations Committee.

The California Young Lawyers Association Is

COMMITTED TO DIVERSITY

BY A.P. DIAZ,
PRESIDENT OF
CYLA 2002-2003

Recently the term, "Diversity in the Law" has become the new slogan for leadership training seminars, bar conferences and courtroom discussions. It is after all, a necessary and important theme. When we look at the fabric of America, we see diversity everywhere - in our population, society, businesses and schools. California - the leader for so many trends and innovations - is quite diverse. California is a place that attracts our international neighbors from the north and south, our national citizens from the Midwest and east coast and a place where dreams are made everyday in movie studios and television forums. Therefore, such a state must be committed to highlighting and protecting the diverse fabric that weaves its greatness.

The State Bar of California is a unique organization with a membership body including a large number of young lawyers from every major religious, cultural and ethnic background. Our courts are filled with justices who mirror the communities they serve and important strides are made to place judges in communities that reflect their ability to relate and understand the citizens over whom they preside. Why? Because without an understanding and commitment to diversity, people become lost, feel disconnected and lose effective, competent representation - something every bar organization must fight to preserve.

The California Young Lawyers Association is proud to help the State Bar create and mold young lawyers into realizing that the profession of law is a noble one and that the clients we represent rely on us to understand their needs, who they are, where they come from and trust us with their lives. Justice is not a selective gift for the few. Rather, justice is the guaranteed right of every person - guaranteed by our Constitutions, laws and citizenship.



Our state and country continue to grow in population on a daily basis. Our populace does not mirror that of a few generations past. Thus, as we continue to grow and add diversity, we in the legal field must be prepared to understand and know those clients better. As such, CYLA will continue to offer programs that help train lawyers, work with the State Bar on promoting this important theme and encourage all lawyers to work on pro bono cases.

There is great work to be done in this state and great things to be added to our important profession. I am proud to be a lawyer - to fight for those who need assistance and to give people a voice when they feel helpless. Please join me in welcoming all our new lawyers to the State Bar of California and working hard each day to make our profession the best in this state.

On August 23, 2001, the Board of Governors of the State Bar of California participated in a comprehensive strategic planning and organizational governance session to address the State Bar's future. From that meeting emerged a plan designed to take into account environmental and membership changes, including a Vision, Long-Range Issues, and Goals and Strategies for the State Bar. It is important to note that the first Goal and Strategy recognizes the significance and value of diversity in the profession and is directly relevant to the work of the five Access & Fairness Committees and the Center for Access and Fairness.

STATE BAR OF CALIFORNIA BOARD OF GOVERNORS LONG-RANGE STRATEGIC PLAN LONG RANGE ISSUE 1. ATTORNEY ADMISSION, REGULATION, AND DISCIPLINE

GOAL 1. THE PUBLIC IS PROTECTED AND SERVED BY ATTORNEYS AND OTHER LEGAL SERVICE PROVIDERS THAT MEET THE HIGHEST STANDARDS OF COMPETENCY AND ETHICS

STRATEGY 1.1 DIVERSITY OF BAR MEMBERSHIP

Encourage individuals of diverse populations to seek and qualify for admission to the practice of law in California, and, once admitted, to remain in active practice.

Hey is anybody LISTENING?

BY ROBERT BROWN, JR.
PRESIDENT, UWLA SOL

I sat aghast in a meeting, shocked at what I was hearing. A room full of lawyers were extolling their prowess at being able to navigate and manipulate the politics within a certain bar organization. They were discussing their involvement in a political club and how the "Club" manipulates certain bar politics by selecting the future Leaders almost exclusively from their ranks. Although I considered these people my friends and associates, I was compelled to speak out about this seemingly covert and closed political practice. I blurted out, "Doesn't that offend anybody's sense of ethics or morals? We are all lawyers and we are supposed to be leaders in our professions and in our communities - doesn't it offend our sense of fairness and openness when leadership within any purportedly open organization is largely determined by a small closely associated group of people within the organization?"

The words flowed out of my mouth before I really had a chance to fully consider what I had said. The silence in the room was deafening and in the ensuing seconds as everyone inhaled, I reflected internally on the lack of openness in our profession and the elitist attitude that permeates and influences the critical decisions that affect all of us in the legal profession throughout our entire careers - from law school admissions to selection for partnership. As lawyers, we are supposed to be among the most learned, honest and intellectually-driven of all professions. Yet, in the way that we control and distribute access to power and privilege within the legal profession, we continue to make decisions based on stereotypes, fear and cowardice.

As the President of the University of West Los Angeles Schools of Law and Paralegal Studies, I have been laboring for the past five years to ensure that there will be access to legal education and thus, to the legal profession, for years to come for all people. I have been attempting to build a legal institution that is strong academically, financially and provides quality legal education with honor and integrity, at an affordable price.

We are a quality legal education institution, but because we are not ABA- approved, the institution, its students and alumni fall victim at times to the elitist and exclusive determinations practiced in our profession. Many people mistakenly believe that because we are not ABA-approved, that we are "unaccredited." Nothing could be further from the truth. First of all, we are accredited by the Western Association of Schools and Colleges (WASC). Many, if not the majority of the finer institutions of higher education in the Western U.S., are formally accredited by WASC. UCLA, Stanford, USC, and UWLA, are accredited by



WASC. At universities like UCLA and USC, the law schools often have dual professional accreditation, adding ABA approval to WASC's rigorous academic standards. Coupled with our accreditation by the State Bar of California, we believe that WASC accreditation is very appropriate and acceptable in defining and evaluating our commitment to

quality legal education. We have concluded that the requirements of WASC differ from ABA only in that the ABA standards impose certain financial burdens and admission restrictions that decrease access and affordability for the prospective student. Objectively, the only difference between a law student that graduates from a WASC accredited institution and one that graduates from an ABA school, is that the student from an ABA school is entitled to sit for the bar in any state upon graduation and a WASC student is not automatically allowed to sit for the bar in states other than those of the institution's residency. Why not? There really is no good or acceptable answer. I remind you that the California Bar Exam remains as a hurdle and challenge to all students no matter what law school they have attended. This begs the question, why should a student that has passed the California Bar Exam, presumably one of the hardest in the nation, be precluded from automatically taking the bar exam in any other jurisdiction, especially given the multi-state component, just because of the accreditation of the school that he or she graduated from? No satisfactory explanation has been offered.

I bring this up as just one example of the artificial premises that underlie some of the pernicious distinctions that persist in our profession. I believe that as we were taught in law school, we must constantly challenge ourselves to question the truth of these underlying assumptions and erroneous determinations. Awareness of these faulty judgments is important because our profession has set up and perpetuated false sets of standards and values to determine how opportunities are allocated. We must always be vigilant to question these determinations and priorities to ensure that they don't act to unduly victimize any segment of our society.

As lawyers, we must always seek the truth. And the truth is that often the person most qualified to perform a particular job or task is not necessarily one who fits certain preconceived stereotypes.

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Think back to your law school days. In between contracts, torts and evidence, did you wonder what the practice of law was really going to be like? Did you wonder whether you were going to enjoy your work, what practice area would best suit you, or how you were going to balance work and family? Did you agonize over choosing your first job, thinking it would absolutely define your legal career?

The California State Bar Committee on Women in the Law (CWIL) believes that answering these questions and offering perspectives to future lawyers by providing real world information will better equip students to make informed career choices. Initiated and developed by CWIL vice chair Sharon



Lisa Baird, CWIL Chair, with UCLA Law Student

Lybeck Hartmann, the Law School Outreach Program was designed to provide students with an opportunity to have that dialogue with successful and diverse women attorneys from a wide variety of practice settings.

The program is presented at law schools throughout the state and is given by different

panels of women lawyers selected by CWIL for their professional, racial, ethnic and sexual orientation diversity, as well as their links to the law school hosting the program. CWIL tries to include women of color, lesbians, women with and without children, and diversity in type and length of time in practice.

Program Highlights: California Western School of Law, San Diego

On September 19, 2002, Pam Wagner, CWIL member and a partner in the business litigation department at Luce, Forward, Hamilton & Scripps, organized and moderated a lunchtime panel at Cal Western in conjunction with the law school's Career Services office. Panelists included: Peggy Dolan, a sole practitioner in family law and winner of numerous awards for her pro bono work; Sharon Lybeck Hartmann, founder of her own law firm that specializes in the neutral monitoring of civil rights consent decrees; Justice Judith Haller of the California Court of Appeal, 4th District; and Juliana B. Humphrey, a Chief Deputy at the San Diego County Office of the Public Defender.

One hundred students attended to listen to panelists share both information and significant memories: Justice Haller wiped away tears as she described how she was the first person in her family to attend college; Juliana Humphrey had the entire room laughing at her comment that having a baby when you are a lesbian is not something that "just happens"; and Peggy Dolan

CWIL also presented panels at King Hall (U.C. Davis) and USC in November. Six law school outreach programs were presented in 2001-2002 with ten planned for 2002-2003. The feedback CWIL has received has been overwhelmingly positive, invariably with invitations to return. For more information on the Law School Outreach Program, contact Kate O'Connor, State Bar staff liaison to CWIL, at 415/538-2141. Her email address is kate.oconnor@calbar.ca.gov.

LAW SCHOOL OUTREACH PROGRAM

Presented by the Committee
on Women in the Law



BY JOAN MACK

Joan Mack is a member of CWIL and a partner at the litigation firm of Caldwell, Leslie, Newcombe & Pettit in Los Angeles.

described her initial fears, particularly financial, associated with opening her solo practice as a single mother of two children. The panelists shared a common belief that each had found the best job a lawyer could possibly have and that it took some time and a few job changes to find it. Students and panelists stayed at the reception afterward for a couple of hours talking informally in small groups.

The University of California, Los Angeles

On Monday, October 21, 2002, CWIL Vice Chair Sharon Hartmann presented a panel at UCLA Law School. The program was co-sponsored by the UCLA School of Law Center for Public Interest Programs, Women's Law Journal, Women's Law Union and the UCLA Women's Studies Program.

Featured panelists were: Stella Owens-Murrell, immediate past chair of CWIL and senior staff counsel for the State of California Department of Industrial Relations; Jenny Pizer, senior staff attorney at Lambda Legal Defense and Education Fund, the nation's leading non-profit advocate for the lesbian, gay, bisexual and transgender civil rights movement; Lisa Baird, current CWIL Chair and a partner at Reed Smith Crosby Heafy LLP in Los Angeles; Nora Quinn, a lawyer with a wonderfully diverse work history who currently works of counsel on private civil rights cases; and Leora Freedman, a partner in a Santa Monica law firm and a mediator. Professor Frances Olsen of UCLA Law School chaired the panel.

Panelists spoke on a variety of personal experiences about practicing in Southern California as a big-firm partner, a medium-firm partner, a firm associate, a sole practitioner, a contract lawyer, a public interest lawyer, a law professor, a judicial law clerk and a government lawyer. They addressed issues such as episodes of discrimination against women and minorities and the ways that having children had affected their careers. They talked about the difficulties of finding a balance between the work of an attorney, a demanding job and the rest of one's life. All of the panelists agreed on one thing: finding a mentor for one's career is important and women might have to be proactive in seeking out such a relationship.

Hey is anybody LISTENING?

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Many times the best performers come in a number of different and surprising packages. More importantly, however, we must always be sensitive to denying people the opportunity to demonstrate their capabilities and competencies based on our faulty stereotypes and fictitious presumptions. We must recognize that relying on these types of close-minded, dogmatic beliefs are just another way of being manipulative and controlling, like the empty basis for distinction between ABA accreditation and WASC accreditation.

The setting up of artificial barriers to inclusion is an act of power that lacks honor and integrity and implies fear of fair competition. As members of the Bar, we must be leaders in encouraging an open profession – one that enables and allows all of its members to flourish in accordance with their capabilities. Determinations of acceptability for a particular job or position of leadership should not be dependent on what school you go to, or who accredits it, or your family credentials; nor should it be dependent on race, religion, ethnic background, gender or sexual orientation.

The members of our profession should be leaders in making determinations based on the content of a person's character and their demonstrated ability or potential to successfully achieve valued goals. Therefore, access to power must be an inclusive process. No one should be deprived of the opportunity to succeed primarily on the basis of an invalid stereotype.

It is not enough any longer to simply talk about diversity. We must take active steps to employ an awareness of openness and inclusion in all of our professional lives and activities. We must be alert to acts of close mindedness, fear or lack of familiarity and manipulation, and replace them with acts of openness, encouragement and tolerance. To not do so invalidates the intellectual powers of our learned profession. To promote inclusion on every level is no longer a matter of diversity - it is a matter of the honorable principle that it is the truly appropriate and proper thing to do. To do otherwise is to devalue everyone concerned.

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A PUBLICATION OF THE
OFFICE OF LEGAL SERVICES, ACCESS & FAIRNESS PROGRAMS

THE STATE BAR OF CALIFORNIA

2003 DIVERSITY AWARDS



State Bar of California | Office of Legal Services,
Access & Fairness Programs

AWARD GUIDELINES

The State Bar of California Diversity Awards were established in 2001 by the Board of Governors to recognize outstanding efforts made by a bar association and an individual attorney in promoting diversity in the legal profession. The awards recognize significant efforts and contributions to ensure the full and equal opportunity of all persons for entry and advancement in California's legal profession. These awards are in keeping with the State Bar's commitment to diversity, which focuses on discouraging invidious discrimination that interferes with the administration of justice, as well as increasing public confidence in the integrity of the profession.

AWARD CATEGORIES AND ELIGIBILITY CRITERIA

BAR ASSOCIATION

- All bar associations are eligible, including local, county, regional, statewide, specialty, minority, women's and young lawyers' (barristers) bar associations
- The bar association must be located in California
- The bar association must demonstrate a commitment to encouraging, increasing and/or retaining a diversified bar membership, OR encouraging, increasing and/or retaining diversity in the legal profession

INDIVIDUAL LAWYER

- The lawyer must be admitted to practice in California
- The lawyer can be on active or inactive status and from any practice setting
- The lawyer must demonstrate a commitment to encouraging, increasing and/or retaining diversity in the legal profession
- Diversity activities can be performed within scope of employment or on a voluntary basis
- The attorney cannot be a current member of one of the State Bar's Access & Fairness Committees

ADDITIONAL FACTORS TO BE CONSIDERED IN BOTH CATEGORIES

- Development of programs or projects that address issues of access and bias in the legal profession based on race, ethnicity, gender, sexual orientation, disability or age
- Development of programs or projects that influence individuals who have been historically under-represented in the legal profession to pursue legal careers
- Development of programs or projects that increase advancement opportunities for lawyers who have been historically under-represented in a particular job setting or practice area of the legal profession

SELECTION PROCESS AND AWARDS PRESENTATION

All nominees and nominators will be notified of the receipt of submitted nominations. The State Bar's Access and Fairness Committees [Ethnic Minority Relations Committee (EMRC); Committee on Legal Professionals with Disabilities (CLPD); Committee on Sexual Orientation and Gender Identity Discrimination (CSOGID); Committee on Women in the Law (CWIL); and the Committee on Senior Lawyers (CSL) will review all nominations and make recommendations to the Board of Governors for final approval. The awards will be presented during the State Bar Annual Meeting in Anaheim, which will be held September 4-7, 2003.

Completed nomination form and supporting materials must be postmarked by:

Friday, May 9, 2003

(faxes will not be accepted)

FOR A NOMINATION FORM AND MORE INFORMATION CONTACT:

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GOT DIVERSITY?

Diversity and the Bar seeks to celebrate the accomplishments of diverse attorneys. If you would like to submit an article or announcement to appear in the next issue of Diversity and the Bar, please contact **Betty Barker** at (415) 538-2328 or betty.barker@calbar.ca.gov.

If you would like to receive future issues of Diversity and the Bar, please forward your name, address, telephone number and email address to:

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want more?

NEWS AND EVENTS

April - June, 2003 - Online Survey of Legal Professionals with Disabilities Check the State Bar website at www.calbar.ca.gov for further details, or call 415-538-2328.

May 6, 2003 - Women Lawyers of Los Angeles Reception Honoring Women General Counsel & Women Managing Partners in the Los Angeles Area. Co-sponsored by the State Bar Committee on Women in the Law. Contact WLALA at 213.892.8982 for more info. R.S.V.P. by April 30.

May 16, 2003 - California Minority Counsel Program "The Color of Success" This is the only statewide conference designed solely for in-house counsel of color. It provides excellent opportunities for corporate counsel from throughout the state to meet and participate in discussion with other in-house counsel.

August 7 & 11, 2003 - Hearings for Status of Women in the Law during the ABA Annual Meeting in San Francisco. Contact Jasamyn Roberts at 312.988.5715 for more info or register on line: www.abanet.org/hearing_reg.html

September 4-7, 2003 - State Bar of California Annual Meeting in Anaheim All five Access and Fairness Committees will be presenting MCLE programs that will feature skills building, professional development, and other topics relevant to all aspects of the profession. Many will include credit for the ethics and elimination of bias sub-specialties. **Saturday, September 6, 2003** "Valuing Diversity" Panel Presentation, "Reception: Celebrating Diversity" and presentation of SB Diversity Awards.



State Bar of
California

Office of
Legal Services,
Access &
Fairness Program

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