



BOARD OF GOVERNORS

Reporting Form

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REPRESENTING: State Bar Staff _____

BOARD MEETING DATE: December 15, 2006 _____

WISH TO APPEAR BEFORE THE BOARD? YES NO

SUBJECT: Staff analysis and recommendations of the Diversity Task Force Study and Recommendations to Promote Diversity in the Legal Profession ("Task Force Study.")

BACKGROUND OF ISSUE:

This will supplement the Task Force Study and Recommendations to Promote Diversity in the Legal Profession submitted for the Board's information at its December 15, 2006 meeting. The following is an analysis of the organizational impact of the Task Force's two recommendations with budgetary impact:

1. Hiring a Diversity Director with a salary range of -----
2. Implement a State Bar of Arizona Leadership Institute at a projected first-year cost of approximately _____, which would be borne in whole or in part by corporate and law firm cash and in kind contributions.

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

1. Should the State Bar create a new full-time equivalent (FTE) staff position dedicated to diversity and community engagement?
2. Should the State Bar create a Leadership Institute to increase its volunteer base and leadership candidate pool?
3. If so, what is the fiscally responsible approach to be taken?

DISCUSSION/ANALYSIS:

The creation of a full-time position to promote diversity and community engagement would allow the State Bar to proactively address a number of organizational concerns. Among these are:

1. Increasing difficulty in recruiting for, and ensuring diversity in, State Bar appointments
2. Declining involvement of minority members and younger lawyers in State Bar activities
3. Lack of collaborative relationships between the State Bar and its sister bars, member entities, and other member groups
4. Lack of effective networks for the vetting and dissemination of information concerning policy decisions of State Bar leadership
5. Declining volunteer participation of all kinds and at all levels at the State Bar
6. Lack of diversity in candidate pool for elected members of the Board of Governors

To prepare the State Bar to best serve the ever more diverse Arizona community over the long term, the State Bar needs to:

1. Be a leader in the promotion and development of diversity within the profession
2. Develop the cultural competency of its members, so as to ensure their effective practice development to serve a diverse community
3. Interface with and be a presence in the community, and the many constituencies we serve
4. Develop and maintain strong ties with our sister bars, member entities and other member groups
5. Promote the access to justice by all citizens of Arizona, regardless of their ethnicity, gender, country of origin, geographical location, and economic means

The creation of a full-time position to promote diversity and community engagement would position the Bar to deliver the following desired outcomes:

1. Create a culture of greater inclusion among all members of the State Bar
2. Develop a pipeline of talent from all levels of the state and national educational systems and from all cultures to enrich the profession in Arizona
3. Provide Arizona lawyers with a competitive advantage by facilitating the recruitment and retention of high-quality lawyers drawn from the largest possible national candidate pool
4. Form enduring, positive, and collaborative relationships between the State Bar and its natural allies, i.e., public and private organizations that share its values, mission, and goals
5. Ensure the long-term relevance, viability, credibility, and effectiveness of the State Bar as an organization that is better positioned to address the needs of the diverse Arizona community

Activities in which this position would engage include, but are not limited to:

1. Assessment of needs, systems, programs and issues
2. Development of systems and programs to address needs, including Leadership Institute
3. Measurement of demographics, systems and programs, and overall effectiveness
4. Promotion of sustainability, including financial development and support
5. Training, both internal and external
6. Development of commitment from within and outside the organization; will be important to have 100% support from Board and management
7. Integration and accountability, i.e., integrated with other business activities
8. Reporting on impact of efforts

The following business strategies and opportunities will be enhanced by the addition of this position:

1. Employee recruitment/retention
2. Associate recruitment/retention
3. External consultant/trainer to members, firms
4. Liaison to sister bars, community, court
5. Increased Committee applications
6. Increased Section membership
7. Increased applications for appointments
8. Increased specialist applications
9. Increased membership through recruiting at law schools
10. Increased membership through recruiting for laterals via admission on motion
11. Increased Board candidate pools, elected and appointed
12. Accelerated development of LRIS
13. Increased YLD participation
14. Increased professionalism (elimination of bias in the profession)
15. Preparation for generational shift
16. Increased CLE offerings and attendance
17. Increased offerings and sales of publications, other products
18. Increased advertising
19. Increased Convention attendance
20. Accelerated Tucson (SRO) development
21. Increased MAP/LOMAP revenues

The following is a proposed timeline for implementation of the position and related efforts:

Proposed Timeline

Time	Task	Responsible Party	Deliverable
January-February	Recruitment/Hiring of Diversity Director and Communications Director; form and internal Diversity Committee to prepare for implementation, coordination with ongoing Task Force activities	E.D., H.R. Director	Complete staffing, create implementation infrastructure
March-May	Orientation: Recruit Committee applicants; attend Committee & Section meetings, CLE events, Manager meetings, and sister bar events; interview department heads; observe Bar operations; create key assessment tools	Diversity Director, E.D., Director of Sections/Committees, Pres. Elect.	Committee assignments completed
June	Attend and observe the Convention; continue to participate in as many SBA meetings and sister bar events as possible; conduct staff survey begin data collection	Diversity Director, Diversity Committee	Make preliminary informal assessment and recommendation to E.D.
July	Make presentation to Board at annual retreat for information	Diversity Director, E.D., Diversity Committee.	Draft performance standards for Diversity Program and Leadership Institute
August	Collaborate with E.D., CFO, and department heads to formulate draft budget	Diversity Director, E.D., CFO, department heads, Diversity Committee	Formulate budget guidelines for diversity initiatives, pursuant to Financial Policies Manual
September	Present budget guideline recommendations to the Board for the Diversity Program and Leadership Institute. Convene the Advisory Steering Committee for the Leadership Institute.	Diversity Director, E.D., CFO, Diversity Committee	Finalize Performance Standards for Diversity Program and Leadership Institute
October-December	Finalize diversity-related budget. Begin work with the Advisory Steering Committee to develop a curriculum and format for the Institute.	Diversity Director, E.D., CFO	Board approves budget Diversity Program

Without this position, the Bar will no doubt experience or continue to experience the following:

1. Organizational disruption
2. Organizational recruitment/retention problems
3. Continued credibility/cooperation gap with sister bars and other entities
4. Lack of economic growth or economic decline in all areas
5. Loss of perceived relevance to young lawyers, senior lawyers, and other entities
6. Continued recruitment/retention losses to members and firms
7. Loss of client-development market opportunities to members
8. Reduced access to justice

RECOMMENDED BOARD ACTION:

Diversity Position

1. Authorize the creation of a new FTE position, subject to the following:
 - a. The position will be at a level no less than that of a director
 - b. Regardless of level, the position will report directly to and through the Executive Director
 - c. The Executive Director shall direct the selection process, and the hiring decision shall be within her sole discretion
 - d. The final job description, job title, duties, and salary range will be within the discretion of the Executive Director, based upon a Hay analysis as applied to all other positions within the organization
 - e. The operational deployment and support of this position shall be within the sole discretion of the Executive Director

Leadership Institute

2. Authorize the creation of an Advisory Steering Committee for the Leadership Institute, subject to the following:
 - a. The diversity incumbent shall convene and staff the Committee after he/she has sufficient experience with State Bar operations to meaningfully guide the Committee's activities.
 - b. In collaboration with the diversity incumbent, the committee shall conduct a needs assessment, set goals and performance standards for the program, design a curriculum and format, and recommend standards for recruitment and acceptance of candidates.
 - c. The final design and funding of the Institute shall be the subject of a report and recommendation by the Committee to the Board, and the implementation shall be subject to the Board's final approval.

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

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?

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

In addition to the direct salary expenses incorporated into the Task Force recommendations, the following areas are projected to need funding:

1. Staff support
2. Technology, internet support
3. Communications/advertising
4. Recruitment
5. Recruitment-related travel
6. Special events
7. Outreach to primary schools, universities, and law schools
8. Meetings
9. Memberships
10. Professional development travel, conferences
11. Consultant fees (for outside consultants)

The development and implementation of programs such as the Leadership Institute will impact other staff as their expertise, assistance and deployment may be needed. A specific amount is difficult to project at this point, but will become clearer as the Leadership Institute Advisory Steering Committee completes its work.

IS THE RECOMMENDED ACTION CONSISTENT WITH THE KELLER DECISION?

Yes.

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

- XX _____ REGULATING THE PROFESSION
XX _____ IMPROVING THE QUALITY OF LEGAL SERVICES
XX _____ IMPROVING THE FUNCTIONING OF THE SYSTEM OF JUSTICE
XX _____ INCREASING THE AVAILABILITY OF LEGAL SERVICES TO THE PUBLIC

_____ REGULATION OF TRUST ACCOUNTS

XX_____ 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 2: Promote attorneys' professional growth and effectiveness.

- e. Provide lawyers with information and tools that enable them to serve a diverse community.

Goal 5: Foster diversity in the legal profession and in the courts to reflect the communities they serve.

- a. Work in cooperation with local, specialty and minority bars and other organizations to support the professional development of women lawyers, minority lawyers, and other underrepresented groups.
- b. Actively promote diversity within the pool of judicial candidates.
- c. Create programs to address the need for greater diversity in the volunteer leadership of the legal profession in Arizona and expand opportunities for diverse groups to enter the legal profession.

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

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

LOS ANGELES COUNTY BAR ASSOCIATION

Director of Diversity & Community Partnerships Job Description

Purpose: The Los Angeles County Bar Association (LACBA) seeks to meet the professional needs of Los Angeles lawyers and advance the administration of justice in the community.

To that end, LACBA is creating an Office of Diversity & Community Partnerships to provide leadership and foster partnerships among the legal profession and communities throughout Los Angeles County to enhance the inclusion and retention of diverse persons in meaningful and rewarding roles in society—particularly the legal profession.

Background: The American Bar Association and the State Bar of California have done pioneering work to increase diversity in the legal profession. Both organizations have looked to the results of pertinent research; created collaborative partnerships among legal, business and education leaders; and identified programs currently operating at the national, state and local level. The result of this pioneering work is:

- Conceptualization of the pipeline from elementary education through advancement and success in the legal profession and judiciary (diversity pipeline) and
- Identification of replicable model programs at each stage of the pipeline that promote inclusion and retention of diverse persons (model programs).

LACBA built upon these efforts by holding a Diversity Summit in June 2007. The Summit brought together education, legal profession and community leaders from throughout Los Angeles County; introduced the diversity pipeline concept; and explored possible local solutions, including the model programs. One of the key recommendations flowing from this Diversity Summit was that LACBA take a leadership role in fostering and coordinating diversity pipeline programs in Los Angeles County.

Role of LACBA's Office of Diversity & Community Partnerships: This new office will enhance the inclusion and retention of diverse persons in meaningful and rewarding roles in society—particularly the legal profession—by:

- Serving as a leader on increasing diversity in the legal profession and as a resource for partnerships within the community to develop innovative programs along the pipeline to the legal profession
- Building lasting partnerships with individuals, organizations and communities that are committed to increasing diversity throughout the pipeline to the legal profession

- Fostering opportunities for the creation and success of diversity programs throughout Los Angeles County at all points along the pipeline to the legal profession
- Facilitating communication among the legal profession and individuals, organizations and communities that are conducting diversity pipeline programs
- Participating in the local, State and national dialogue on issues impacting and supporting the pipeline to the legal profession
- Engaging learning communities that are involved in or supporting research and evaluation of the pipeline to the legal profession

Director's General Responsibility: To foster the creation and success of diversity programs throughout Los Angeles County at all points along the legal profession pipeline. The Director is the leader, architect, public representative and engineer of the process by which the office achieves its purpose.

Director's Specific Responsibilities:

- To articulate effectively the need for diversity pipeline programs throughout Los Angeles County and the benefits of communities partnering to create and conduct them
- To identify and increase awareness of existing pipeline programs and activities (particularly their best practices), both locally and nationally
- To conceptualize and foster the creation of new diversity pipeline programs and activities throughout Los Angeles County
- To bring communities together and encourage partnerships to create and support pipeline programs and activities throughout Los Angeles County
- To identify and help mobilize resources to support and sustain pipeline programs and activities throughout Los Angeles County
- To serve as a clearinghouse, communications center and resource for those engaged in this work
- To help coordinate the activities of those engaged in this work in Los Angeles County
- To help develop appropriate criteria for measuring the outcomes and effectiveness of diversity pipeline programs

- To help evaluate the effectiveness of programs and activities, as well as the overall progress being made with regard to diversity of the legal profession in Los Angeles County, and to publicize the findings to the public, the stakeholders, and those involved in this work
- To encourage LACBA entities to become involved in this work and to provide support for their doing so

Director's Reporting Relationship: This is a senior level position that reports to and works directly with the Executive Director.

Requirements: The successful candidate will have:

- An undergraduate or graduate college degree or equivalent in a relevant field
- A demonstrated sensitivity to diversity and inclusion
- A demonstrated ability to communicate and work effectively with a broad range of individuals and organizations at all stages of the pipeline, including:
 - Public and private schools, colleges, university and law schools
 - Local, county, state and federal government, including the courts
 - The legal profession
 - Businesses
 - Associations
 - Community organizations
- A demonstrated ability to draw disparate people together, create meaningful partnerships and motivate them to work towards a common community goal
- A demonstrated ability to conceptualize and manage complex projects
- A demonstrated ability to evaluate the effectiveness of projects
- A demonstrated passion for enhancing diversity and inclusion in the legal profession
- Five or more years of experience in a diversity or community partnership position, or significant other experience, indicative of success in this position

Preferences: The successful candidate *may* have:

- Knowledge of lawyers, the legal profession and bar associations
- Knowledge of diversity pipeline programs and activities

- A law degree
- Knowledge of statistics and data management and analysis

Compensation: \$100,000+ per annum. The specific salary will depend on the successful candidate's knowledge, experience and demonstrated abilities. Please email a cover letter and resume to employment@lacba.org Applications will be accepted through April 18, 2008. EOE.