

RESOLUTION 08-03-06

DIGEST

Ethnic Minority Membership: Increase Diversity of Bar

Recommends appointment of an Ethnic Diversity Task Force to the State Bar by the Board of Governors.

RESOLUTIONS COMMITTEE RECOMMENDATION

DISAPPROVE

History:

No similar resolutions found.

Reasons:

This resolution recommends appointment of an Ethnic Diversity Task Force to the State Bar by the Board of Governors. This resolution should be disapproved because it is narrowly focused on improving only ethnic diversity instead of broader diversity issues.

Diversity goals of the California State Bar have long been aimed at increasing diversity in membership on the basis of age, sex, gender, race, national origin, sexual orientation and ethnicity. Thus a task force formed for the sole purpose of addressing the problems for one group would inevitably fall short of addressing the overall problems inherent in a justice system dominated by “Older, Whiter” males. (See “*Older, Whiter, Working A Little Less*,” California Bar Journal, March, 2006.) As the need to assure diversity is a statewide interest, any legislation supporting a “Diversity Task Force” should encompass the need for increased diversity defined more broadly. Additionally, there is concern that pursuant to the *Keller* ruling, the use of mandatory state bar fees cannot be used to accomplish the recommended actions of any diversity task force.

TEXT OF RESOLUTION

RESOLVED, that the Conference of Delegates of California Bar Associations recommends to the Board of Governors of the State Bar of California that it adopt the following resolution

WHEREAS the majority of the population of the State of California consists of persons who identify themselves as ethnic minorities;

WHEREAS the membership of the State Bar of California is not reflective of the population of the state in that ethnic minorities are underrepresented in the membership; and

WHEREAS it is important that the membership of the State bar be more reflective of the population of the state in order to provide the best possible legal services to the people of California, to engender respect for the law and the legal profession and to improve the economy of the state,

NOW THEREFORE the Board of Governors of the State Bar of California enact the following resolution:

1. The president of the State Bar, with the advice and consent of the Board of Governors, shall appoint an Ethnic Diversity Task Force (“Task Force”) of 15 residents of the State of California, a majority of which shall be members of the State Bar and shall designate the officers of the Task Force.

2. The Task Force shall serve for a two-year term commencing January 1, 2007.

3. The Task Force shall be adequately funded by the Board of Governors in order to carry out its tasks, including the ability to hire staff.

4. In addition to such tasks as the Board of Governors may assign to it, the Task Force shall complete the following tasks:

a. The Task Force shall conduct a survey to determine the number of members of the State Bar who consider themselves members of an ethnic minority group.

b. The Task Force shall also conduct a survey to determine the employment characteristics of ethnic minority members of the State Bar, including but not limited to determining how many are employed in government service, in academic positions, in non-governmental public service, in corporate legal departments and in private practice; and, as to the last group, the size of law firms in which such members are employed and the positions within such law firms that they hold.

c. In consultation with appropriate persons and organizations, the Task Force shall study means of increasing the numbers of ethnic minority lawyers in California and improving the status of ethnic minority lawyers in terms of job responsibility and remuneration.

d. Upon completing the above surveys and studies, the Task Force shall prepare and submit to the Board of Governors a report 1) describing the numbers and status of ethnic minority members of the State Bar 2) recommending specific goals for the improvement in the numbers and status of ethnic minority lawyers in California and 3) recommending specific actions to be implemented by the Board of Governors to achieve said goals.

e. In good faith the Board of Governors shall seek to implement the recommendations of the Task Force

(Proposed new language underlined; language to be deleted stricken.)

PROPONENT: Bar Association of San Francisco

STATEMENT OF REASONS:

Existing Law: No existing law or rule covers the subject of this resolution.

This Resolution: Would urge the Board of Governors of the State Bar to appoint a task force on the subject of diversity in the legal profession, which would make recommendation for increasing the number of minority members of the California bar.

The Problem: At present, when compared to census data, the number of minority attorneys in California is out of balance. A comparison of a September 2001 survey (the most recent data available through the State Bar’s web site) and the 2000 Census Bureau figures for the population of California shows the following disparities:

Ethnic Minority Group	State Bar 2001	Census Bureau 2000
Asian	6%	10.9%
Latino/Hispanic	3.7%	32.4%
Black or African-American	2.4%	6.7%

(Even assuming some increase in minority attorneys since 2001, a substantial disparity compared to census data undoubtedly still exists, in part because the Hispanic and Asian percentages of the population are also increasing. In addition, the Census Bureau data includes 4.7% of the population that identifies itself as being of two or more races, a category not accounted for in the State Bar data; although most likely included within the three minority categories, further increasing the disparity.)

As we all know, California is a “minority/majority” state, but the legal profession is a long way from reflecting that reality. This situation needs to be addressed, so that the population of the state is adequately served by the legal profession, which includes having sufficient numbers of lawyers who understand the cultural and language differences that exist among the highly diverse citizens of the state. This resolution proposes a first, small step at the State Bar level in that direction.

IMPACT STATEMENT

This resolution will not affect any other statute, law or rule.

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