

Task Force on Social Justice, Bias and Inclusion Report

December 4, 2020

The Task Force recommends the Board of Governors appoint a Working Group to supervise the implementation of the below recommendations.

A. Programs and Events Recommendations:

1. The State Bar should coordinate with the Arizona Supreme Court and the Supreme Court Commission on Minorities and Women to create programs and events on issues surrounding Social Justice, Bias, Diversity & Inclusion in the legal profession.
2. The Task Force on Social Justice supports the petition before the Board to mandate D&I CLE training as part of Arizona attorneys annual CLE requirement. If approved, the State Bar should, for the inaugural year of this requirement, provide at least one (1) free CLE option on this topic.¹ If free CLE is not financially feasible, the Task Force recommends the State Bar offer this proposed CLE to State Bar members for the inaugural year for the nominal fee of \$10.
3. Collect demographic data on all CLE program faculty and the State Bar should establish a goal of increasing minority faculty. The Task Force recommends a goal that by December 31, 2023, faculty for all State Bar approved CLE programming be at least 30% diverse (Black or African American, Hispanic or Latinx, Asian or Pacific Islander, Native American, Native Hawaiian or Alaskan Native, LGBTQ+, or someone with a disability) and 40% women.²
4. Survey membership to determine member demographic and where work is needed to increase diversity and inclusion within the Bar. ³
5. The State Bar should explore partnerships with other organizations to continue dialogues and programming around race, diversity and inclusion that would be available to both lawyers and non-lawyers. Consider:
 - a) Formalizing a partnership with the Arizona State University Center for the Study of Race and Democracy (“CSR D”) to:
 - Study the history of the legal profession in Arizona through the lens of race, ethnicity, gender, and sexual orientation.
 - Leverage CSR D resources to support other programming, including support with soliciting and analyzing the demographic data identified from the recommended Survey.
 - b) Explore similar partnerships with the University of Arizona and Northern Arizona University.

¹ Cost forecast for free CLE outlined in attached budget projection sheet.

² The numerical targets expressed in this Report should not be construed as quota-based practices, but rather, benchmarks to be reviewed retrospectively aimed at measuring the efforts to increase diversity. Individualized consideration will be given to all prospective speakers.

³ Preliminary costs range to hire third party survey vendor \$5,000-\$10,000.

- c) Support affinity bar associations and provide opportunities to collaborate on programs, workshops or seminars addressing the diversity of the judiciary and the judicial selection/appointment process
6. Set aside each year \$7,000 of annual funding to affinity bar associations (Collaborative Bar Association members, Arizona Minority Bar Association, and the like) on relevant CLE programming for members of the State Bar. All events shall be consistent with the Mission of the State Bar and comply with Keller restrictions.⁴
7. Develop appropriate CLE programs based on Survey responses, Town Hall feedback and the demographic and utilization data. State Bar Leaders in all areas of practice (including in-house lawyers and lawyers practicing in the criminal justice system) should be recruited to implement programs. Consider:
 - a) Retaining a consultant or speaker. Thomas Harris, Asst. A.D. for Diversity, Inclusion and the University of Arizona and Dr. Lois Brown, Executive Director at CSRD at ASU are two suggestions.
 - b) A variety of professionally produced video programs be developed to separately address different issues of discrimination or bias based on race, religion, ethnicity, gender, disability, express and implicit bias, sexual harassment and how to create a more diverse bar and leadership and promote attitudes of inclusion. These programs should address not only how to improve behavior but also educate and empower victims of discrimination and harassment to how to deal with mistreatment.⁵
 - c) Research programs and activities created by other State Bars.
 - d) Train members of the Bar to facilitate the discussion and teaching of these programs.
8. Develop community workshops for the public, roundtables with community leaders and Bar members on topics or issues based on Survey and Town Hall findings.
9. Create a “Master Calendar” for State Bar, affinity bar associations and Collaborative Bar diversity and inclusion related CLEs, programming, scholarship deadlines and all other relevant diversity, inclusion and bias related information.
10. Revamp the “Diversity” tab of its website with new content, including links to the affinity bar associations and ABA websites.
11. Facilitate and publicize more pro bono opportunities and events that benefit the community, especially those communities historically disadvantaged and lack access to lawyers especially with respect to felony criminal convictions. The State Bar could partner with other organizations such as law schools, law firms, and affinity bar associations to facilitate and amplify pro-bono opportunities.

B. The Volunteer and Leadership Recommendations:

1. The State Bar should have a written diversity statement to the volunteer application form; add additional categories where applicants can indicate different ways that they are diverse and add an open-ended question to allow applicants to explain any other aspect of diversity they would like to share.
2. Encourage affinity bars to accept law student members and connect with appropriate law student associations.

⁴ Budget impact is \$5,000

⁵ Preliminary cost range to create training video is \$650-\$3,000 depending on content and editing.

3. Advertise volunteer opportunities, including circulating such opportunities to managing partners at law firms and heads of government agencies, and indicate which are appropriate for newer attorneys.
4. Add a section or question regarding disability to the anonymous survey that is sent to Bar members and ask partner bars to encourage their members to complete the survey.
5. Monitor and track the number of training and education programs that address diversity and inclusion issues, whether as a sole focus or as an integrated part of their meeting agenda and/or CLE programs.
6. Solicit affinity bars and Collaborative Bar for names of potential CLE presenters and circulate that list to section chairs and State Bar CLE department.
7. Ask for reviews from previous committee members to give a testimonial indicating how serving on the committee had helped their careers to encourage others to apply.
8. Add law students as ex-officio members where appropriate.

C. The Bar Operations Recommendations:

1. The State Bar should institute a system of retaining demographic information, related to disciplinary actions. Such records should be anonymized. The State Bar does not currently maintain demographic information related to disciplinary actions, and therefore cannot evaluate the potential impact of bias in the disciplinary process.
2. The State Bar as a diverse, sophisticated employer, maintains internal human resources policies, internal reporting mechanisms, and leadership initiatives focused on maintaining a safe, diverse, and supportive workplace. However, not all these efforts are recorded in written form or reduced to policy. The subcommittee recommends adopting written policies and procedures to reflect the Bar's ongoing commitment to D&I.
3. The Bar does not currently have a supplier diversity policy in place. In general, such policies commit that when all business considerations are determined to be equal among competitive suppliers, the entity will award contracts to local small businesses, minority owned business enterprises (MBE), women owned business enterprises (WBE), disadvantaged, and veteran owned businesses. The subcommittee recommends adopting a written procurement diversity policy.
4. The subcommittee recommends publishing an article or series of articles in the Arizona Attorney Magazine, detailing for the Membership, the steps and commitments the State Bar is taking related to bar operations and any other focus area under the charge of the Task Force.