



WSBA

To: President Sal Mungia, President-Elect Steve Toole, Executive Director Paula Littlewood, and the WSBA Board of Governors

From: Anthony David Gipe, WSBA Governor At-Large (B)
Brenda Williams, WSBA Governor At-Large (A)

Date: February 17, 2010

Subject: **Proposal to Reform Diversity Efforts in the WSBA
ADOPTED, APRIL 2010**

Background

The Board of Governors Diversity Committee¹ (BOG DC) focused the 2008 – 2009 year on developing and clarifying its mission statement which raised the question of diversity and how it might meaningfully relate to the Washington State Bar Association's Board of Governors (WSBA BOG), the Washington State Bar Association's Committee for Diversity (CFD) and the Washington State Bar Association's Young Lawyers Division Committee for Diversity (WYLD CFD).

During this same time period, the Board of Governor's Program Review Committee turned to the issue of diversity programs and the WSBA,² issuing a report with a variety of recommendations.

An ongoing discussion ensued within the WSBA Diversity Community (including the BOG Diversity Committee, the WSBA Committee for Diversity, WYLD Committee for Diversity, the Minority Bar Associations and other members of the diversity community). Also included in the discussions have been the WSBA Leadership Institute (WLI) and the WSBA Staff and Executive Director.

¹ The BOG Diversity Committee consists of seven of the fourteen Washington State Bar Association Governors (not including the officers: President, President – Elect, Immediate Past President). The WSBA Board of Governors (BOG) is the WSBA's governing body and supervises all WSBA executive functions.

² During the 2008-2009, the Program Review Committee (a sub-committee of the Board of Governors) engaged in a process of reviewing the various programs of the WSBA. Diversity was a part of that review process resulting in a report that circulated in April 2009, containing recommendations to the Board of Governors.

Most of the dialogue in the past few months has been focused on what is called the “structural” issues within the WSBA Diversity mechanism, though the specific issues of programming and mission are inherently caught up in the discussion. On July 17, 2009, the WSBA diversity stakeholders met for a three hour summit to discuss the central questions about the WSBA diversity structure. The focus of the discussion was the following questions:

1. What should diversity efforts in the WSBA look like?
2. Does the current structure impede or advance the WSBA diversity efforts?
3. What changes, if any, to the current Diversity efforts and/or structure would most effectively advance diversity within the Association?
4. If not the current structure, then what would it look like.

It is difficult at this point to suggest that a solution was arrived at. The majority of time and discussion seemed to focus on the need to improve communications and coordination among the WSBA elements and between the WSBA and the outside diversity efforts with MBAs.

The Current State of Diversity within the WSBA

The WSBA’s diversity efforts have increased significantly from a single WSBA Committee for Diversity to the creation of two additional committees: the BOG Diversity Committee and the WYLD’s Committee for Diversity. The WSBA also created the Leadership Institute during the same time period.

Diversity efforts to date within the WSBA lack systematic coordination and communication between the three committees as well as with a variety of diversity stakeholders. While the WSBA various committees have pursued a variety of diversity initiatives and programs, there has been little coordination of programs and initiatives to avoid unintended overlap and ineffective projects. The area for improvement has been described as an environment that allows the WSBA’s overall diversity efforts to be “a mile wide but only an inch deep”.

The multi-committee structure tends to create confusion outside of the WSBA as to the programming, goals, and other objectives of the WSBA and its committees. Some MBAs have felt inundated with WSBA diversity efforts from multiple sources.

In many respects, this coordination problem was part of the reason for the creation of the WSBA Diversity Program Manager (DPM) position. However, the efforts of the Manager are hampered by structural and communication barriers inherent in the multiple committee model currently utilized by the WSBA.

To be clear, this commentary is not meant to diminish the excellent work of the different diversity committees. In particular, each has brought a unique benefit and perspective to the diversity efforts of the WSBA. The WYLD diversity efforts have the advantage of bringing in the energy and enthusiasm of newer members who are also more likely to be members of diverse populations. The CFD brings with it a wider base of experience and breadth of programming.

The BOG Diversity Committee brings the policy level view of the WSBA as a whole to the discussion. In addition, the various committees do not entirely overlap and they tend to have some exclusive or particular emphasis.

The Second Forum

A second forum, on September 18, 2009, was held to compare and contrast two potential models for change to WSBA's diversity efforts and structure. The two models presented to spark discussion were presented by Governor Brenda Williams and Governor Anthony Gipe. The discussion was then focused not on choosing between the proposals but presenting and discussing the ideas from each that were most valuable in furthering diversity goals.

This forum was attended by the WSBA Diversity Stakeholders as well as representatives of nearly all the MBAs³, WLI, each state law school, and members of the judiciary, including Justice Madsen and members from the Gender and Justice and Minority and Justice Commissions.

MBA Recommendations

In their January 5, 2010 response to the first drafts of this proposal, the Minority Bar Associations accepted and agreed with many of the recommendations with some modification. The primary difference was that the MBAs have elected not to have voting members within the CFD. A copy of the MBA's Response is attached hereto.

While the ultimate goal would be to have more external stakeholder participation in the WSBA diversity efforts, that goal can be pursued on an ongoing basis as increased cooperation between the stakeholders develops. The proposed amendments made by the MBAs have been largely incorporated herein.

Recommended Changes to Diversity Structure in WSBA

1. The Internal WSBA Structure on Diversity

In light of the Program Review Report, the forums over 2009 with internal and external stakeholders, and input from the Minority Bar Associations the following changes to the structure should be implemented:

a. WSBA Committee for Diversity (CFD)

³ The following Minority Bar Association were represented: Asian Bar Association of Washington, GLBT Bar Association (QLAW), Korean American Bar Association, Latina/Latino Bar Association of Washington, Loren Miller Bar Association, Middle Eastern Legal Association of Washington, Northwest Indian Bar Association, Pierce County Minority Bar Association, South Asian Bar Association of Washington, Vietnamese American Bar Association of Washington, Washington Women Lawyers

It should recommend to the BOG that the WSBA CFD mission be refined to make it clear that it is the primary programming committee for the WSBA Diversity efforts. The Mission, Membership, and Duties of the CFD should be amended to reflect the following:

i. Mission

To further the guiding principle to advance and promote diversity, equality, and cultural understanding throughout the legal profession and to reflect the changing face of our profession, the WSBA CFD should be the principal, central entity for all WSBA diversity efforts.

ii. Membership

The Membership of the CFD should remain as currently composed, consisting of 18 WSBA members. The WYLD will also be permitted to appoint a member to the CFD to act as a voting member and liaison between the CFD and WYLD CFD. Finally, with the pending proposal on the diversity advisory policy for member appointments to committees, this should address the MBA's concerns on ensuring minority participation in the CFD.

iii. CFD Duties

In programming diversity efforts, the WSBA CFD shall coordinate with the WYLD Committee for Diversity and the Diversity Program Manager with the aim to reduce unintended overlap. While the WYLD DC may program specifically to perform outreach to new lawyers, law students, and pipeline diversity and retention efforts, the WSBA CFD bears the responsibility of implementing and developing overall diversity programming in coordination with other diversity stakeholders to achieve its primary mission.

In an effort to coordinate and improve diversity efforts and communication within WSBA, the CFD shall specifically engage in the following duties on an annual basis:

1. Identify WSBA diversity projects for the following year consistent with the WSBA's Guiding Principles and related focuses as adopted by the Board of Governors.
2. Assess the effectiveness of past projects;
3. Identify and develop recommendations to the Board of Governors Diversity Committee and to the Board of Governors re: diversity policy;
4. Implement diversity policies and programming within the WSBA;
5. Coordinate diversity efforts and programs with WYLD CFD; and
6. Provide an annual report to the BOG on the WSBA's diversity efforts, including detailing specific programs effecting each minority category tracked by the WSBA (i.e. race, gender, disability, GLBT) and

progress on the specific identified goals (i.e. Lay of the Land and Retention, etc.).

iv. Joint Diversity Stakeholder Meeting

In an effort to improve communication and coordination between the WSBA and other non-WSBA diversity stakeholders, the CFD shall coordinate with the DPM and the BOG DC Chair to hold periodic meetings among the diversity stakeholders in the legal profession as follows:

1. CFD shall convene a joint meeting of all diversity stakeholders at least two times per year.
2. The joint meetings may be composed of any invitees that are deemed necessary to the ongoing issues and policies in debate, but shall include representatives from:
 - a. Chairs of the WSBA CFD;
 - b. WYLD CFD Member;
 - c. Chair of the Board of Governors Diversity Committee;
 - d. A WLI representative;
 - e. Law school representative(s) from all three schools;
 - f. A representative from each Minority Bar Association;
 - g. Representative of the Court;
 - h. Staff of the WSBA including the Diversity Program Manager, Director of Justice and Diversity Initiatives
 - i. Other stakeholders to be invited as necessary - This can include WSBA President, President-Elect, Executive Director, etc.
3. Purpose of the Joint Diversity Stakeholder Meetings:
 - a. To review and make recommendations to improve coordination among the various diversity stakeholders;
 - b. Assess effectiveness of past projects of WSBA and CFD;
 - c. Provide information to CFD on stakeholder diversity projects;
 - d. Make recommendations for WSBA diversity initiatives and projects

b. Board of Governors Diversity Committee (BOG DC) Mission

The BOG Diversity Committee is a Committee of the WSBA Board of Governors. Over the last year we have drafted and reviewed a proposed BOG DC Mission Statement. To further the guiding principle to advance and promote diversity, equality, and cultural understanding throughout the legal community and to reflect the changing face of our profession, the BOG DC should adopt a simple and short statement of mission that covers the following topic areas:

The BOG DC shall:

1. Educate the BOG on diversity issues, including regular training;
2. Take the lead role in efforts to ensure diverse representation in the leadership of WSBA by monitoring and implementing efforts to increase diversity in the committees and leadership in the WSBA;
3. Ensure consistent appointments of governors as liaisons with MBAs on an annual basis; and encourage governors to be active liaisons, to include periodic reporting to the BOG of the liaison's activities.
4. Ensure that WSBA improves retention of diverse members by ascertaining the barriers and difficulties encountered by members entering and remaining in the profession ("lay of the land");
5. Support the work of the WSBA CFD to promote diversity;
6. Monitor the effectiveness of the programming efforts of WSBA CFD and WYLD CFD;
7. Take a leadership role in ensuring the effective communication on diversity efforts within the WSBA and between the WSBA and other stakeholders;
8. Make diversity policy recommendations to the BOG and advise the BOG on the policy and programming from other WSBA committees and divisions;
9. Be tasked with coordinating with DPM and Director of JDI to produce a Five-Year Strategic Diversity Plan and to keep it up to date;
10. Be tasked with producing a yearly report to the BOG on the effectiveness, problems, and recommendations for further action in the next BOG Year.

c. Washington Young Lawyers Division Committee for Diversity (WYLD CFD)

i. Mission

To further the guiding principle to advance and promote diversity, equality, and cultural understanding throughout the legal community and to reflect the changing face of our profession the WYLD CFD shall take the lead on programming and other diversity efforts that target new lawyers, law students and other pipeline diversity and retention efforts.

ii. Membership

The membership of the WYLD CFD shall be established by the Board of Trustees (BOT) of the WYLD consistent with WSBA policy.

iii. WYLD CFD Duties

Consistent with the mission of the WSBA CFD to coordinate and improve diversity efforts and communication within WSBA, the WYLD CFD shall specifically engage in the following duties on an annual basis:

1. Educate the WYLD Board of Trustees on diversity issues, including regular training;
2. Develop diversity programming focused on new lawyers, law students, and pre-law school pipeline projects to effectively promote the diversity goals promulgated by the BOG;
3. Coordinate its efforts with WSBA CFD;
4. Monitor and assess the effectiveness of the programming efforts of WSBA CFD and WYLD CFD;
5. Coordinate all of its diversity communications with WSBA CFD, DPM, and the BOG DC to ensure consistency of WSBA policy as directed by the BOG;
6. Make policy recommendations to the BOG and advise the BOG on any diversity issues that are specifically and uniquely related to new lawyers, and pipeline issues;
7. Coordinate with the BOG DC, the WSBA CFD, the DPM and the Director of JDI to produce a Five-Year Strategic Diversity Plan, though WYLD may issue and update its own WYLD Diversity Plan to guide the WYLD Board of Trustees, WYLD Committees, and Members;
8. Provide periodic reports to the BOG, including detailing the WYLD CFD's efforts and programs.

To: President Sal Mungia, President-Elect Steve Toole, Executive Director Paula Littlewood, and the WSBA Board of Governors

From: the Minority Bar Associations (MBAs)

Date: January 5, 2009

Subject: **Minority Bar Associations' Response to WSBA Diversity Proposals**

The MBAs, as active diversity community stakeholders, appreciate the opportunity to provide a constructive response to the WSBA Diversity Proposals drafted by BOG Governors Anthony Gipe and Brenda Williams.¹ It is clear that each Governor has provided thoughtful suggestions how to restructure the existing WSBA diversity committees to better deliver diversity programming and projects to the Washington legal community. The MBAs heartily support this endeavor.

I. The MBAs role in the WSBA Diversity Proposals

The fourteen MBA organizations comprise a unique view of the needs, concerns and goals of their respective underrepresented legal communities. As diversity stakeholders, the MBAs perceive their role as stakeholders akin to fellow community stakeholders, such as the judiciary and law schools, who respectively function under their own independent auspices. However, the MBAs, like those other stakeholders, enjoy and thrive on the strong collaboration of diversity projects shared with the WSBA. Thus, the MBAs are mindful of the balance of their respective independent roles and wanting to continue a meaningful collaboration with WSBA.

II. The MBAs Response to the Diversity Proposals

As diversity community stakeholders, and after a review of the proposals, the MBAs request the following:

1. As to the WSBA Committee for Diversity (CFD) (which enumerates either 4 MBA-appointed positions per the October 9th proposal or 6 MBA-appointed positions under the October 16th proposal), the MBAs request removal of these proposed MBA appointment seats from the CFD. In addition, the MBAs are in agreement with the remaining proposed appointments of the WSBA CFD as drafted in either proposal.
2. Ensure that at least two WSBA CFD appointees be members of one or more minority bar association(s) in order to foster communication and encourage diverse representation.

¹ The LBAW supports points 1, 2, and 3 of the listed suggestions. In addition, the LBAW requests that however the two appointments for the MBAs are created, that those appointments occur on the same committee as fellow diversity stakeholders from the judiciary and law school communities. LBAW also supports a final diversity restructuring plan which is clear and simple to the WSBA general membership to ensure the general membership's support and participation in the plan. Finally, the LBAW is supportive of the BOG creating a task force to help them with drafting the mission, goals, and content of the Diversity restructuring plan.

These appointees would not serve in their official MBA capacity, but would act as liaisons to the MBAs.

3. We support a plan to maintain the existing schedule to hold Diversity Stakeholder meetings twice a year.
4. If paragraph 5, page 6 of the October 16th proposal is adopted by the BOG, the MBAs do not support the policy and programming objectives unless they are defined as "retention, lay of the land and equality within the legal profession."
5. The WSBA CFD be established as a permanent entity that does not require renewal or approval in subsequent years.

III. Diversity Proposal's Content – MBAs Request Their Own Missions, Goals, and Concerns are Incorporated into Diversity Programming

The Minority Bar Associations (MBAs), as diversity stakeholders, strongly encourages the WSBA to incorporate, in some fashion the MBAs' respective missions and current concerns, into the substantive programming of the planned reorganization of the WSBA diversity committee structure. The following MBAs submit their respective missions and top five areas of concern for consideration:

A. Asian Bar Association of WA (ABAW) Mission Statement and Goals

We are the voice for the Asian Pacific American legal profession in the State of Washington, promoting justice, equity and opportunity for Asian Pacific Americans. We serve as a resource for our members and foster professional development, legal scholarship, advocacy and community involvement.

Top Five Areas of Concern

- 1) Assisting our members and community during the recession.
- 2) Combating discrimination against APA (and other under-represented) legal professionals.
- 3) Facilitating networking opportunities for our membership.
- 4) Promoting the advancement of APA's to the judiciary.
- 5) Providing legal services to APA community through sponsorship of the International District Legal Clinic and support and partnership with Asian Counseling and Referral Service (ACRS).

B. Korean Bar Association of Washington Mission Statement and Goals

The Korean American Bar Association of Washington ("KABA") was established with the objective of fostering the exchange of ideas and information among and between KABA members and other members of the legal profession, the judiciary, and the community. One of KABA's goals is to encourage and promote the professional growth of the members of KABA and to provide an opportunity for fellowship among KABA members. Another goal is to provide service to the general and local community. KABA aims to develop and encourage cooperation with other organizations of minority attorneys and to provide a vehicle and forum for the unified expression of opinions and positions by KABA upon current social, political, economic, legal, or other matters or events of concern to the members of KABA.

Top Five Areas of Concern

KABA is concerned about pipeline issues, mentoring, retention and advancement of diverse lawyers in the profession, lay of the land (e.g. statistics on how many diverse lawyers are in our state) and diverse representation at all levels of WSBA leadership.

C. Latina/o Bar Association of Washington Mission Statement and Goals

The purpose of the Latina/o Bar Association of Washington is to represent the concerns and goals of Latino attorneys and Latino people of the State of Washington. To do so, we encourage and promote the active participation of all Latino attorneys throughout the State and seek the involvement of Latino political, governmental, educational and business leaders.

Efforts are made to encourage and assist Latino students and to recognize the needs and voice the concerns of Latino people and their communities. Of importance is the need to promote Latino judicial appointments, encourage respect for the integrity of the judicial system, and the pursuit of fairness, justice and equality.

It is further our goal to become a unified and active participant within the legal community of the State of Washington and assist in providing solutions to the problems that confront our legal system and communities.

Top Five Areas of Concern

1. Advocating for comprehensive immigration reform
2. Advocating for systematic changes to ensure more Latina/o youth receive a free appropriate public education, for increasing the numbers of Latina/o youth who graduate high school, and increasing the numbers who attend law school.
3. Advocating against budget cuts to legal and social services for Latina/o community members.

4. Advocating for the advancement and judicial appointments of Latina/os to the bench.
5. Assisting our members and community during the recession.

D. MAMAS Mission Statement and Goals

The Mother Attorney Mentoring Association of Seattle (MAMAS) aims to reach out to the mother attorney mother population and provide a forum in which they can celebrate their roles as both mothers and attorneys and speak freely about the challenges they face. The organization seeks to empower mother attorneys and facilitate their success in the legal profession; raise awareness of work-life balance issues and help mother attorneys achieve balance; educate members and the legal profession about issues of particular concern to mother attorneys; facilitate the transition for mother attorneys who have taken time off and wish to re-enter the profession; support mother attorneys contemplating alternative work schedules or extended leaves of absence; and increase the interaction between mother attorneys of diverse backgrounds and practices.

Top Five Areas of Concern

1. Achieving personal success and work-life balance in the legal profession
2. Encouraging the advancement of women in general in the legal profession
3. Educating ourselves and the legal profession about issues relevant to mother attorneys
4. Transitioning after taking time off, whether for maternity leaves or more extended periods.
5. Supporting alternative work schedules and extended leaves of absence.

E. MELAW Mission Statement and Goals

The Middle Eastern Legal Association of Washington (MELAW) is a non-profit legal organization for attorneys and law students of Middle Eastern descent, along with their friends and supporters. MELAW seeks to advance the goals of its members, provide a legal voice for the Middle Eastern community in Washington, address and educate the public on legal and political issues facing Middle Easterners, and offer resources as well as networking and mentorship opportunities for its members and the public.

Top Five Areas of Concern

1. Discrimination and racial profiling against Middle Easterners since 9/11
2. Attacks on the civil rights and liberties of Middle Easterners (e.g., violations of due process, PATRIOT Act, etc.)
3. Lack of representation: not enough people of Middle Eastern descent in positions of power, including in the legal field (e.g., judges, law firm partners)

4. Insufficient resources (time, members, funds) and other concerns related to starting a new organization
5. Figuring out the proper level and type of involvement in issues with political implications, particularly when there are differences in the Middle Eastern community

F. QLaw Mission and Goals

QLaw: The GLBT Bar Association of Washington is an association of gay, lesbian, bisexual, and transgender (GLBT) legal professionals and their friends. QLaw serves as a voice for gay, lesbian, bisexual, and transgender lawyers in the state of Washington on issues relating to diversity and equality in the legal profession, in the courts, and under the law. The organization has five purposes:

- to provide opportunities for members of the GLBT legal community to meet in a supportive, professional atmosphere to exchange ideas and information;
- to further the professional development of GLBT legal professionals and law students;
- to educate the public, the legal profession, and the courts about legal issues of particular concern to the GLBT community;
- to empower members of the GLBT community by improving access to the legal and judicial system and sponsoring education programs;
- and to promote and encourage the advancement of lesbian, gay, bisexual, and transgender attorneys in the legal profession.

IV. CONCLUSION

We wish to sincerely thank the WSBA Board of Governors for its continued commitment to diversity. The MBAs look forward to a continued collaborative working relationship with the Board of Governors in order to help produce substantive diversity programming and projects for the Washington legal community.