



WSBA

To: WSBA Board of Governors

From: Paula Littlewood, Executive Director
Chach Duarte White, Diversity Program Manager

Re: Proposed External Focus for WSBA Diversity Efforts

Date: January 12, 2010

In 2007, the Board of Governors adopted a revised mission statement and developed Guiding Principles for the organization as part of its strategic planning process that year (see attached). Since the Guiding Principles have been adopted, the Board and staff have been working systematically through each Principle to determine what the WSBA's specific efforts should be within each Principle since the Principles reflect broad policy statements rather than defining specific areas of focus from which programming can be developed.

Last year the focus within the Principle relating to public legal education was concentrated on, and, at its July 2009 meeting, the Board adopted a focus for WS BA's public legal education efforts of "educating the public about the importance of the three branches of government and how they work together." Consistent with the WSBA's goal this year of determining where its focus should be in order to carry out the Guiding Principle on diversity, outlined below are some initial ideas for such focus. As a result of discussions over the past year and an half, the proposed focus that is emerging is twofold: **working to understand the lay of the land of our legal community and providing tools to members and employers in order to enhance the retention of minority lawyers in our community.**

In order to determine the best focus for a Guiding Principle, the inquiry begins by asking how best the mandatory bar association is positioned to impact and/or move the Principle's policy aspirations forward.

Lay of the Land

As the mandatory bar association, WSBA has the most immediate and direct access to our more than 33,000 members. In working to advance diversity efforts for Washington's legal community, understanding and quantifying the makeup of our legal community seems a logical role for WSBA to play. The term of art that has developed around this role and focus is "lay of the land," that is, what does our legal community not only look like, but what indeed are the challenges and opportunities our members are facing as lawyers in Washington.

Specific areas of programming that can stem from this focus include refining the collection of demographic information for our members (e.g., moving the current demographic form used during licensing to be available online through *mywsba*; developing a mechanism for collecting demographic information during the application process, etc.) and commissioning of a comprehensive research study.

The origin of the proposed research study stems from an idea discussed by the Board and minority bar associations (MBAs) three years ago or so. At that time, WSBA and the MBAs were working to develop a program whereby WSBA would provide a neutral forum for minority attorneys to provide an exit interview because it was noted by the community that when diverse lawyers leave employment they don't necessarily give a candid exit interview. WSBA was in the process of vetting possible human resources consultants who would not only conduct these interviews, but then also aggregate and sanitize the data (that is, remove any identifying information for both the lawyer interviewed and the relevant employer). The idea was then that WSBA would push this aggregated information out to the community so all could work to understand why people were leaving employment situations and hopefully work to address any systemic problems identified through this process.

Prior to actually launching the program, however, one of the WSBA officers at the time noted that the system as designed might only bring in small bits of data on a random basis since the program would rely on lawyers voluntarily agreeing to the interviews. From that observation, it was suggested that perhaps what might be of more use to the community would be a comprehensive research study that would lead to a widespread analysis of what minority lawyers are facing as members of this profession in Washington. Specific ideas for research include focus groups not only asking lawyers why they have left a certain employment situation or the profession, but also, perhaps more importantly, what factors have led them to stay. Much of our data about what diverse attorneys are grappling with in our community is anecdotal, so the study could provide both quantifiable and qualitative information on the lay of the land for our legal community in Washington. It is difficult to address problems when we don't empirically know what they are. It is envisioned that the reach of this study would be similar to the 2003 Civil Legal Needs Study commissioned by the Supreme Court.

Retention and Equality in the Legal Profession

As the mandatory bar association, it seems the WSBA should be focusing on attorneys once they are in the profession. That is, pipeline efforts and other diversity efforts aimed at law students and pre-law school populations may be better left for those institutions uniquely positioned to address those populations (e.g., law schools, colleges, high schools, etc.). That conclusion is not intended to say that WSBA would not be supportive of various pipeline efforts, and indeed it is envisioned that WSBA's Young Lawyer Division would continue many of its such efforts, but it does stand to reason that again, with the immediate and broad access WSBA has to attorneys in practice, it is uniquely positioned to have an impact in the arena of helping those people who have made it into the profession to both succeed and stay in the profession.

Specific ideas for programming here include developing tools for both members and employers to understand best practices for transitioning diverse attorneys into the profession and helping them to succeed once they are employed. Retention should not be understood strictly to mean that all diverse attorneys should stay with an employer once they begin, but employers should be striving to provide necessary skills and training so that those lawyers who do leave their

employment are equipped to continue on a successful path within the profession. In conjunction with this goal, the development of our New Lawyer Education programming as discussed by the Program Review Committee seems a natural tie.

The proposed research study above clearly ties into this focus as it would hopefully provide important data from which such tools can be developed; but even outside of the research study, there is ample information available for WSBA to begin developing useful information for our membership to further programming focused on retention.

Conclusion

As stated at the outset of this memo, these proposed foci are some preliminary ideas that have been discussed over the last year and an half and the BOG Diversity Committee has endorsed them. Prior to the Board considering them for adoption in January, we intend to work with various stakeholders to get their feedback on this proposed direction for WSBA's diversity efforts. We look forward to hearing the Board's feedback and input at the December meeting in Tacoma.