

DIVERSITY

1. Description and Purpose One of the five primary goals of the MSBA is Acceptance and Inclusion, with a commitment to “principles of equality and fairness that will clearly demonstrate the value of diversity to the legal community.” The MSBA’s Diversity efforts have been spread between various staff and different budgets in the past. Beginning in 2009-10, our goal was to bring all these programs into the focus of one budget area and one staff person. By doing so, we hoped to better coordinate these efforts and gain insights into how to best maximize the value of the work done by volunteers and staff in this area. We also aimed to assist various entities working on diversity efforts to collaborate with one another.

Included in this budget category are the following Committees: Diversity, Women in the Legal Profession, Diversity Best Practices Outreach Task Force, and the Diversity Planning Task Force. The Civic Education Committee’s Diversity Pipeline project, which works to equip students with the skills and desire to pursue careers in law, is also included in this area. The Minority Bar Summit and minority bar participation at the National Conference of Bar Presidents meetings also fall in this budget category.

2. Historical Information The MSBA has an established history of examining and supporting diversity in the legal profession. One of the first major projects undertaken by the MSBA in the area of diversity was in 1999, when the Women in the Legal Profession Committee reported the first Self-Audit for Gender Equity (SAGE) statistics. In 2002, the same committee reported the first five years of law firm results and the first three years of public employer results of the SAGE study. The MSBA intended to aid employers and employees in the legal community by gathering and providing information and by developing further programs to aid the achievement of gender equity. The MSBA-approved SAGE Best Practices, published in 2003, set forth action-oriented goals intended to promote practices among legal employers (public and private) that encourage employment and retention of women in the profession.

During 2005 and 2006, the Task Force on Diversity in the Profession developed and executed a three-part research study, expanding and updating the prior SAGE reports to include gender, race, sexual orientation, religion and disability. From that work, the Implementation Task Force on Diversity created a Diversity Best Practices Guide designed to assist Minnesota legal employers in implementing and maintaining diversity initiatives in their organizations. The Guide recommends important first steps organizations should take in establishing a diversity Best Practices plan and outlines specific Best Practices to help ensure fairness, inclusiveness and equity for women, racial and ethnic minorities, individuals of all religious backgrounds, those with disabilities, and gay, lesbian, bisexual and transgender individuals. The Best Practices Outreach Task Force is developing a CLE program and locating law firms willing to pilot the Guide and report back on progress or problems.

The MSBA established the Diversity Committee in 1997-1998. This Committee has undertaken a number of programs and projects to promote diversity and the elimination of bias in the legal profession, perhaps most notably a minority clerkship program.

Minnesota Minority Clerkship Program Statistics		
Year	Total # of applicants	Total # of clerkships
2006	84	24
2007	90	25
2008	65	20
2009	71	19
2010	72	15

The decrease in the number of clerkships funded for 2010 is due to both economic factors as well as employers deciding to retain their clerk from the previous year. The number of clerkships was purposefully reduced by the Diversity Committee beginning in 2008 due to feedback from the participating employers that the interview schedule was unmanageable. When the program began it was anticipated that 15 students would participate each year. Due to the overwhelming response, that number was exceeded every year until it was scaled back in 2008. The minority clerkship program is very popular with both students and employers.

Mnlegaldiversity.org was launched in April 2004 to attract and retain a diverse population of law students and lawyers to Minnesota. It was the creation of a working group of the Minnesota Minority Bar Summit, a collaboration of minority bar associations, local law schools and the state and metro area county bar associations. Their idea was to develop a vehicle to introduce the state to prospective law students and legal professionals across the country. The work group agreed to create a web site, primarily because it was determined by the committee that the way people look at law schools or lateral transfers today is through the Internet.

The MSBA provided \$2,500 in seed money for the project and a fundraising campaign netted more than \$40,000 from other bar associations, law schools, law firms, and other legal employers. As promised to benefactors, funds have been used exclusively for the creation, maintenance and promotion of the site, with a nominal amount spent on lunches for the working group. Expenses have included photography, design, and web hosting. The MSBA's initial role was to serve as fiscal agent for the project.

In June of 2008, the MSBA adopted a resolution expanding its responsibility for the web site from fiscal agent to making it as a project of the Diversity Committee. The resolution preserved a budget of \$19,397 for use only on the mnlegaldiversity.org web site and stated that \$11,770 of this amount be allocated during fiscal year 2008-09 to update and maintain the site. Due to delays in finding a web site developer, the Committee did not spend those funds until this year. \$10,774 has been spent in 2009-10 to update the web site, with a large portion of the expenses going toward modernizing and posting the Minority Clerkship Program application online; increasing reporting functions and streamlining mnlegaldiversity.org to support the work of the Diversity Committee and the Clerkship program. The Clerkship application used to be posted in pdf format and could not be completed online. Applicants had to print the forms and mail or fax them to MSBA staff. MSBA staff in turn had to manually enter the information into a database. This process was outdated, cumbersome and costly. The new and improved web site was relaunched in November of 2009.

When last year's budget narrative was written, the Civic Education Committee planned a new diversity pipeline initiative for the 2009-10 bar year, which was to promote legal careers to students in diverse classrooms. The Civic Education Committee has decided the best way to pursue this goal is to partner with two existing programs, Youth in Government and the Minnesota Urban Debate League program. This change is reflected in the performance standards below.

During the 2005-06 bar year the Assembly adopted the following as an ongoing policy of the Association after three years as a temporary policy:

The MSBA will reimburse the travel expenses of a representative of the following associations for attending the National Council of Bar Presidents (NCBP) annual or midyear meeting. These associations may elect to attend both the midyear and annual meetings and split the reimbursement over both meetings so long as the total reimbursement does not exceed the amount budgeted for the one meeting. Reimbursements will be made according to the same rules and procedures as applied to MSBA officers.

- *Hmong Bar Association*
- *Minnesota American Indian Bar Association*

- Minnesota Association of Black Lawyers
- National Asian Pacific American Bar Association-MN Chapter
- Minnesota Hispanic Bar Association

Staff works with the presidents of the minority bar associations to identify representatives to attend these meetings. However, no requests for reimbursement were submitted in the 2008-09 fiscal year or so far in the 2009-10 fiscal year.

3. Personnel There is .60 FTE position allocated to this program.

4. Report on 2009-10 Performance Standards

A. Mnlegaldiversity.org will increase the average daily number of unique visitors to the web site from 12 to 25 following relaunch of the site. Law schools and legal employers will be surveyed regarding their satisfaction with the redesign.

This performance standard was not met. According to data on Google Analytics, there has been a gradual increase in traffic since the relaunch of the new web site in November 2009, and recently a large jump in January 2010.

Mnlegaldiversity.org Traffic		
Month	Average Daily Unique Visitors	Total Unique Visitors
November 2009	7	202
December 2009	5	148
January 2010	16	486

Law schools and legal employers will be surveyed in March 2010 regarding their satisfaction with the redesign.

B. The Diversity Best Practices Outreach Task Force will develop and deliver a standard presentation to eight law firms; at least two of which will commit to adopting some or all of the Diversity Best Practices.

This performance standard was not met. The Task Force was not appointed as early as had been originally anticipated and the CLE program is not yet completed.

C. A new oversight structure for the MSBA's diversity work will be in place and functioning well according to results of surveys of Committee members.

This performance standard is in progress. The Diversity Planning Task Force is reviewing the MSBA's diversity programs and structure and will be submitting its recommendations for changes, if any, to the Assembly in June 2010.

D. The Minority Clerkship Program will continue to offer at least 19 clerkships per year.

This performance standard was not met in 2009-10. Fifteen (15) clerkships are being offered for the summer 2010 program. The decrease was due to both economic factors and a few employers retaining their clerks from the 2009 program.

E. The Diversity Pipeline Project will promote legal careers to at least 30 classrooms per year.

This performance standard was not met. Because the program was in its infancy when this standard was created, it no longer reflects the direction of the Committee's work in this area. Hence the Civic Education Committee requests that the standard be changed to the one-year performance standard below.

F. At least one minority bar summit will be held each year.

This performance standard has been exceeded. There have been three Summits so far for 2009-10 and it is anticipated that two more meetings will be scheduled for the

remainder of the 2009-10 bar year. Attendance at each Summit so far in 2009-10 has been between 25-40 people, with at least 12 separate entities represented at each meeting. The Minority Bar Summit participants include all of the affiliated minority bar organizations, HCBA, RCBA, LCL, the federal bar association, the chairs of our various diversity committees and task forces, and the four law schools.

6. 2010-11 Performance Standards

The performance standards for 2010-11 remain the same as those identified in the Three-Year Plan except for the Diversity Pipeline Program, which is changed as follows to reflect the Civic Education Committee's shift in focus for the program.

Continue partnerships with the Minnesota Urban Debate League and YMCA's Youth in Government by:

1. Supporting two Youth in Government school groups with volunteers from the MSBA.
2. Coaching a single team participating in the Minnesota Urban Debate League
3. Training attorneys to judge at the Minnesota Urban Debate League Competitions and recruiting volunteers to serve at all three Minnesota Urban Debate League Competitions.

The Diversity Pipeline Subcommittee of the Civic Education Committee feels that in order for many students of color to become lawyers they need to be equipped with confidence and critical thinking skills while in middle school and high school. The Youth in Government program which has students participate in a simulated state government and the Minnesota Urban Debate League program teaches students how to reason and make and defend arguments, while developing their confidence. The Civic Education Committee believes that by providing volunteer support for these programs they will build the capacity of these programs to encourage and enable students to pursue careers in law.

An additional standard for 2010-11 is as follows:

The Gender and Minority Equity Audit will be updated in 2010-11 and the results distributed to legal employers, the court system, public legal employers and law students. Thirty-five (35) law firms will participate, up from 32 in the last survey conducted in 2005 and 25 companies and/or public employers will participate, up from 21.

6. Three-Year Plan Performance Standards

- A. A new oversight structure for the MSBA's diversity work will be in place and functioning well according to results of surveys of Committee members.
- B. The minority clerkship program will continue to offer at least 19 clerkships per year.
- C. The diversity pipeline project will promote legal careers to at least 30 classrooms per year.
- D. At least one minority bar summit will be held each year.

7. Report on 2009-10 User Satisfaction

Members of the Diversity, Human Rights, and Women in the Legal Profession Committees as well as the Diversity Best Practices Outreach and the Diversity Planning Task Forces were surveyed in January 2010 to determine their satisfaction with the services provided by the MSBA in this area. The goal was to obtain "Very Satisfied" or "Satisfied" ratings from 90% of the members. One hundred (100) members received the survey; only 12 responded. Over 90% of members who responded reported they were "Very Satisfied" or "Somewhat Satisfied" with the services provided by MSBA staff.

8. 2010-11 User Satisfaction

Members of the Diversity, Human Rights, and Women in the Legal Profession Committees, and the Diversity Best Practices Task Force will be surveyed to determine their satisfaction with the services provided by the MSBA in this area. Ninety percent (90%) of the members will say they are satisfied or very satisfied with our services.

9. Market Penetration

N/A

10. Current Issues and Challenges

Over the past few years, there has been some preliminary discussion regarding the usefulness of merging all three of the MSBA entities working on diversity, namely the Diversity Committee, Women in the Legal Profession (WLP) Committee and Diversity Best Practices Outreach Task Force. One idea envisioned a steering committee comprised of members of all three of these groups that would coordinate the overall work on diversity. WLP and the Diversity Committee would become subcommittees of this larger entity, as would the Diversity Best Practices Outreach Task Force. Perhaps a fourth subcommittee would be made up of volunteers who work on updating the Gender and Minority Audit. The Human Rights Committee would also be included under the Diversity umbrella going forward. To formalize this discussion and move it forward, a Diversity Planning Task Force was appointed in 2009-10 to study this issue and make a report and recommendation to the Assembly. Phil Duran is chairing the Task Force and their report will be presented at the June 2010 Assembly meeting.

11. Explanation of Budget Categories

SAGE: \$4,300 was allocated in 2006-07, 2007-08 and 2008-09. Because not all of the money was used, the budget request was reduced for the current three-year plan to \$1,500 per year. The amounts have provided for an annual SAGE Award and for expenses related to raising awareness of the SAGE program through educational programs and marketing.

Minority Clerkship Program: The \$3,500 covers the cost of food and beverages, printing, copies, postage, courier services, and long distance phone calls to sponsor the program.

Committees: Committees reflects the cost of food for committee meetings, postage, copying, telephone charges, and conference calls. We have been unable to provide food at committee meetings this year due to the insufficient budget. The \$500 that was budgeted will likely not even cover the cost of conference calls for all of the relevant Committee meetings for the year. We are requesting an increase of \$2,500 in expenses to cover food for committee meetings and a reception for the International Humphrey Law fellows sponsored by the Human Rights Committee, as well as increased conference call charges.

mnlegaldiversity.org: With the relaunch of the site, no further major expenditures are needed. Costs beyond 2009-10 will consist mainly of hosting fees and possibly some advertising.

Minority Bar Participation at National Meetings: In the past, delegates have been reimbursed for lodging costs, meals and ground transportation for four days. In keeping with the change we are making to reimbursement for officers, minority bar representatives will now be covered for those expenses for two days rather than four.

Minority Bar Participation at NCBP		
Expenses	Attendees	Cost
NCBP Registration	5	Waived by the ABA
Airfare	5 @ \$600	\$3,000
Lodging (2 days)	5 @ \$225/day	\$2,250
Meals/Ground Transportation	5 @ \$50/day	\$500
Total Commitment		\$ 5,750
Amount Budgeted		\$2,900

Updating Diversity Audit: The MSBA's goal is to update the Gender and Minority Equity Survey every five years. Funds requested cover the costs related to contracting with the Center for Survey Research, costs associated with any focus groups, and hiring a writer for the report. The MSBA spent \$10,000 to hire a writer for the most recent survey report.

Minority Bar Summit: The funds requested will cover the costs of convening the Minority Bar Summit, such as food, copying, and other miscellaneous expenses.

Diversity Pipeline Project: The funds requested will help support and defer the cost for students to participate in the Civic Education Committee's Youth in Government school groups and the Minnesota Urban Debate League middle school team.

Miscellaneous: The line item covers costs not included elsewhere, such as any offsite room rental or report printing for the updated Diversity Audit.