CALIFORNIA
LAWYERS
ASSOCIATION

Model Diversity Policies:

CLA's Mission Statement specifies the importance of diversity, equity and inclusion in all facets of our work: *Promoting excellence, diversity and inclusion in the legal profession and fairness in the administration of justice and the rule of law.*

To further the mission, CLA's Diversity, Equity and Inclusion ("DEI") Committee has been working on model diversity policies for the Association. Below is the first model policy: *Model Diversity in Educational Programming Policy.* In addition, the Committee is working on policies to address diversity in publishing and diversity in leadership.

The Association defines "diversity" as follows: geography, type of practice, size of practice, race, color, religion, national origin, ancestry, physical disability, mental disability, gender, gender identity, gender expression, age, sexual orientation and length of time in practice[1].

While this current definition is in place to value broad based representation in appointments, the CLA's model diversity in educational policy addresses specific diversity that our DEI Committee believes needs to be emphasized in order to achieve our goals.

Model Diversity in Educational Programming Policy[2]

- For webinars, panels or seminars that have 3 or 4 speakers:
  - at least 1 non-male speaker <u>and</u> at least 1 person of color[3] should be included[4].
  - for purposes of this model policy, moderators are not speakers[5].

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[1] This definition is found in the CLA Appointments Policy.

[2] This policy applies to CLA-wide efforts; CLA sections have the option to either adopt the policy in its entirety or modify the policy to reflect section practice and their unique commitment to diversity, equity and inclusion.

[3] For reference, a person of color is defined as a non-Caucasian person

[4] The committee has identified non-male and people of color as critical diverse perspectives to capture in educational programming. The committee believes that ideally, to serve diversity, equity, and inclusion objectives, a single speaker would not satisfy both the requirements of "non-male" and "person of color" speakers on a single panel; such a solution would (for example) result in three male, non-person of color speakers on a four-person panel. However, the committee is mindful that requiring separate non-male and person-of-color speakers may create a risk of further marginalizing women of color in panel selection. The policy is meant to specifically encourage selection of women of color as speakers where possible and should be interpreted with that goal in mind.

[5] Moderators who verbally present substantive information at educational programs will be considered speakers (not moderators) for the purpose of this policy.

- For webinars, panels or seminars panels that have 5-8 speakers:
  - at least 2 non male speakers <u>and</u> at least 2 people of color (or 1 person of color for 5 speaker panels) should be included.
  - for purposes of this model policy, moderators are not speakers.
- For multi panel programs, conferences and events: this policy will apply to each component rather than the entire event.[6]
- Faculty members will be asked to voluntarily self-identify and will be provided with a statement explaining that the purpose of data collection is to enhance diversity and inclusion. These individuals will be given the option to decline to provide this information. The reporting provided shall remain confidential and anonymous in its disaggregated form but may be used in statistical analysis regarding diversity and inclusion.
- Support and technical assistance will be provided to CLA to ensure this policy is achievable. This includes:
  - Assistance and/or advice from CLA's DEI Committee;
  - Assistance and/or advice from CLA's Director of Strategic Partnerships and Initiatives;
  - Access to affinity/minority and specialty bar association speakers' bureaus and/or affinity/minority and specialty bar association contact information.
- An exception may be granted if it is determined by the Executive Director or designee that a good faith effort to include the requisite number of diverse members was made but was not attainable.
  - Good faith efforts must include tapping into CLA leadership for guidance as follows:
    - Section program organizers must contact the Section Executive Committee for assistance if an insufficient number of diverse speakers can be identified;
    - CLA wide program organizers must contact the CLA's Board of Representatives for assistance if an insufficient number of diverse speakers can be identified.
- In addition, each webinar, panel or seminar must take affirmative steps to achieve diversity in type of practice, size of practice, race, color, religion, national origin, ancestry, physical disability, mental disability, gender, gender identity, gender expression, age, sexual orientation.
- If a panel does not comply, was not granted a good faith exception, and/or it is determined that there is conscious disregard of this policy, the CLA retains the right to take appropriate action. In making a determination as to whether reasonable and good-faith effort has been made to comply with this policy, the totality of the circumstances will be considered, including information regarding the available pipeline.
- CLA shall maintain records showing the diversity of the speakers in each webinar, panel or seminar, including diversity of gender and race. For programs with multiple panels,

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[6] This is due to the nature of how sections and CLA plan educational programming as each CLA panel has its own program organizer.

CLA shall also maintain records showing the diversity of the speakers in the program as a whole. For recurring programs (such as section annual meetings or the CLA Annual Meeting), these records will in the future also include diversity information for prior years, so that progress in increasing diversity can be tracked. All of this information will be shared with (1) the section or CLA committee that organized the webinar, panel or seminar, (2) CLA's Diversity Committee, (3) CLA's Director of Strategic Partnerships and Initiatives, and (4) CLA's Board.

- For sections who wish to phase-in a diversity in educational programing policy for a period that should not exceed one year, the following phase-in is suggested:
  - For panels of 3 or 4 speakers: at least 1 non-male speaker <u>or</u> at least 1 person of color on each educational should be included. For purposes of this model policy, moderators are not speakers.
  - For panels of 5-8 speakers, at least 1 non-male speaker, at least 1 person of color, and a combined total at least 3 people of color and non-male speakers should be included.

  AND

  - For multi panel programs, conferences and events, at least half of the speakers should be non-male and persons of color.