



THE BAR ASSOCIATION OF
SAN FRANCISCO

July 20, 2012

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The Honorable Tani Cantil-Sakauye
Chief Justice, California Supreme Court and
Chair, Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Attn: Invitations to Comment
Administrative Office of the Courts

RE: **Item SP 12-05**
Strategic Evaluation Committee Report
Comments from The Bar Association of San Francisco

Dear Chief Justice Cantil-Sakauye and Members of the Judicial Council:

I submit these comments on behalf of The Bar Association of San Francisco (BASF) in response to the Strategic Evaluation Committee (SEC) Report on the Administrative Office of the Courts (AOC) presented to the Judicial Council of California on June 21, 2012.

BASF is a legal professional membership organization comprised of more than 7,400 members. It champions equal access to justice, promotes diversity and equality in the legal profession, and pioneers constructive change in society.

One of the major goals of our association is to build, promote, and support a more diverse profession and increase access to justice. BASF has demonstrated a longstanding commitment to achieving such diversity and access:

- More than 20 years ago, we established our path breaking Goals and Timetables for Minority Hiring and Advancement project to set targets for the diversification of the San Francisco Bay Area legal community and a timeline for achieving those aspirations;
- More than 10 years ago, we created our pioneering No Glass Ceiling Force to increase opportunities for women to serve in leadership positions within the legal profession in the San Francisco Bay Area;



- In 1990, we established our Committee on Sexual Orientation Issues to address specific needs of LGBT attorneys, and five years ago that committee issued its groundbreaking report on best practices in the hiring, retention and promotion of LGBT employees;
- Our longstanding Disability Rights Committee has been at the forefront of efforts regarding best practices and policies for the hiring and retention of lawyers with disabilities;
- Our nationally-recognized educational and pipeline programs such as our Bay Area Minority Law Student Scholarship Program, our School-to-College Program, and our Law Academy Program have served as models for other communities across our country; and
- We have long worked to ensure access and fairness and impartial treatment for all court users, in particular those from diverse backgrounds and communities including people with disabilities, limited-English speakers, and low-income families

Part of creating a more diverse legal profession, of course, includes building, promoting, and supporting a more diverse judiciary. In a state that is almost sixty percent (60%) people of color, the number of ethnic minority lawyers is disturbingly low at twenty percent (20%) of our legal profession. The numbers for the judiciary (at 27.7% minority) and women in the profession (at 39.4%) are similarly disturbing.

It is our belief in access and fairness and the commitment to a diverse profession that is the reason for this letter. A failure to have a diverse profession and judiciary severely impacts the credibility and faith in our legal system by the public that we serve, a public that includes those who require access to the courts to resolve matters affecting basic human needs including safety, housing, and child custody.

We recognize that the SEC's charge was to conduct a "thorough and objective examination of the role, functions, organizational structure and staffing of the AOC." We further understand that the SEC necessarily focused on areas of concern and provided recommendations to address those concerns and that a failure to comment on particular issues or programs indicated that these were not areas of concern. As the Judicial Council reviews the SEC Report and determines what needs to be restructured at the AOC, we urge the Council to be mindful of the positive work that has been ongoing in the area of equal access to the courts and diversity in the legal profession and in the judiciary in the past few years by the State Bar and by organizations such as ours.

We commend the Judicial Council's Access and Fairness Advisory Committee for its ongoing efforts to assist the Council in implementing and supporting Goal 1 of your Strategic Plan focusing on diversity, access and fairness in the courts and justice system. We also support the ongoing CJER education and training on fairness for judges, attorneys



and the State Bar Commission on Judicial Nominees Evaluation (JNE). This ongoing support through the AOC entities is critical for the continuation of our collective efforts.

As a policy matter, it is incumbent that the Judicial Council focuses on Goal 1, as well as extends Goal 1 as part of your new strategic plan. We respectfully urge the Judicial Council to support the allocation of ongoing resources and qualified staff to ensure the effective implementation of diversity programs and initiatives as well as programs to improve access to the courts and court proceedings for low-income court users. If the bench and bar are to maintain the public's trust and confidence in the judicial system, we must strive to do all we can to utilize the best talent in a diverse population and to build that pipeline into the profession.

Thank you for this opportunity to comment in response to the SEC report. We commend the Judicial Council and the AOC for the positive work it has done to promote and ensure support for and implementation of Goal 1 and we offer our assistance to build a diverse profession that will foster public trust and confidence and enhance the perception and experience of fairness in our judicial system. We are also committed to increasing access to our courts by mobilizing our members to support and provide pro bono services to the low-income Californians.

Sincerely,

Kelly M. Dermody
President

cc: Justice Douglas Miller, Chair, Judicial Council Executive & Planning Committee
Jody Patel, Interim Administrative Director, Administrative Office of the Courts