



THE MULTICULTURAL BAR ALLIANCE OF SOUTHERN CALIFORNIA

July 22, 2012

Hon. Tani Cantil-Sakauye
Chief Justice of California
350 McAllister Street
San Francisco, CA 94102

Re: Item SP 12-05, Comment on the Strategic Evaluation Committee Report

Dear Chief Justice Cantil-Sakauye:

On behalf of the Multicultural Bar Alliance of Southern California (MCBA), we are writing to provide this comment to the Judicial Council. The MCBA is a coalition of 18 diverse women and minority bar associations in the Los Angeles area.¹ The MCBA's constituent bars have an aggregated total membership of over 3,000, most of whom are California attorneys who live and practice in and around the greater metropolitan Los Angeles area.

The MCBA was formed two decades ago in response to the shooting death of Latasha Harlins, a 15-year-old African-American girl, by Korean-American shopkeeper Soon Ja Du on March 16, 1991 and the subsequent controversial sentence of the shopkeeper. Many attribute it as being one of the catalysts of the six-day 1992 Los Angeles riots as large parts of L.A. were engulfed in flames, and Korean businesses suffered disproportionately.

In June 1991, the leaders of a number of minority bar associations met to discuss what actions could be initiated to defuse the racial tensions. The consensus was that there was an important role to play in providing leadership to fight racism, misunderstanding and discrimination and to facilitate an open dialogue. From what was once was polarized positions came an understanding that there was much more in common, and that only through a coalescing of support and collective action, could true progress and impact be made. Thus the MCBA was formed. Over the past two decades, utilizing the power of unity behind a common purpose and collaboration, the MCBA has been involved in numerous efforts to ensure diversity in the legal profession and the full participation of minority attorneys at every level of the profession.

We provide this history of our formation, collaboration and our mission to provide a backdrop of why we are submitting our comments. We might have come together initially because of severe tensions, mistrust and polarized views, but we understand we have shared missions of achieving diversity, fairness and inclusion which are more likely to be achieved if we work in collaboration.

¹ The MCBA is: Arab American Lawyers Association of Southern California ~ Asian Pacific American Bar Association ~ Asian Pacific American Women Lawyers Alliance ~ Black Women Lawyers Association of Los Angeles ~ Iranian American Lawyers Association ~ Italian American Lawyers Association ~ Japanese American Bar Association ~ John M. Langston Bar Association ~ Korean American Bar Association ~ Latina Lawyers Bar Association ~ Lesbian and Gay Lawyers Association ~ Mexican American Bar Association ~ Philippine American Bar Association ~ South Asian Bar Association ~ Southern California Chinese Lawyers Association ~ Ventura County Asian American Bar Association ~ Women Lawyers Association of Los Angeles ~ Associate member: San Fernando Valley Bar Association.

We appreciate the difficulty under which the Chief Justice is working, and the courage she has in undertaking such an unprecedented crises. We observe polarized views with regard to how quickly the implementation of the SEC report's recommendation should be done. We understand the anger and frustration as California's budget crises, particularly over the last two years, have affected all of us. As was the case when the MCBA was formed, we believe here are more commonalities amongst the many who have made comment regarding the SEC report than are readily apparent.

We greatly appreciate the opportunity to give our comments about areas of diversity and fairness, areas we care about. We are deeply concerned of possible lasting implications for the ongoing diversity and fairness work currently being done in California, work that many of our members have been collaborating on with the Judicial Council's California Commission on Access to Justice and the State Bar's Council on Access and Fairness. As noted in the comment from the State Bar's Council on Access and Fairness (COAF), the Judicial Council's Access and Fairness Advisory Committee, guided by the Council's strategic plan has navigated some of the most significant reforms in our history with regard to the areas of diversity, access, fairness and bias. Many of those efforts were detailed in the COAF's comments and need not be enumerated here. In addition, we also recognize the fine work of CJER in providing elimination of bias training to both jurists, judge pro tems and JNE.

Though California's legal profession may be more diverse than other states, the concern for diversity in the legal profession is still highly relevant, the progress made in this area notwithstanding. In a state that is almost sixty percent (60%) people of color, the number of ethnic minority lawyers is shockingly 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 equally shocking.

We agree with many who have commented that the SEC report is a tool for the Judicial Council to utilize in the direction it should head with the AOC. The SEC report does what the Chief Justice directed the SEC to do – namely a top to bottom evaluation of the AOC. However, the SEC report spoke only as to the direction to head with the AOC, it did not address, nor was it asked to discuss the Strategic Plan for California's Judicial Branch, such as maintaining ongoing efforts to comply with Goal 1 of the Council's Strategic Plan. It focused on areas of concern and provided recommendations to address those concerns at the AOC only. Compliance with the long-range mission and goals for the California courts is the responsibility of the Judicial Council alone.

Accordingly, we believe that in moving forward in implementing the recommendations of the SEC report, in allocation of funding and prioritizing what programs, entities and staffing levels should be maintained, that the Judicial Council must not lose sight of the long-range mission and goals for the California courts, specifically Goal 1 which mandates ensuring access and fairness in the California courts and implementation of services that inspire the trust and confidence of all Californians.

The budget crises is a result of many forces, and developed over several years. We believe that while reorganizing and making much needed changes to the AOC - of making the hard choices is absolutely necessary. However, this is not a quick fix to California's budget problems, nor can we see a benefit to implementation of the SEC's recommendations without mindful deliberation.

Thank you for this opportunity to comment in response to the SEC report.

Sincerely,

Jeffrey Bollinger and Cynthia Loo
Co-Chairs Multicultural Bar Alliance of Southern California