Eliminating Bias in the Legal Profession

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Advancing the Case for a More Diverse Legal Profession

Hon. Richard H. Kirschner
Judge of the Year
Advancing the Case for a More Diverse Legal Profession

By David Jordan

I t should not be a surprise that our educational institutions are an important melting pot for our diverse populations. At the core of American values is the idea that all individuals should have the opportunity to succeed and that education is the key to ensuring that success. The State Bar of California is determining how best to provide opportunities for success to a wider demographic with the ultimate goal of making the Bar more reflective of the state's diverse population.

While 60 percent of California's population consists of racial/ethnic minority groups, only 20 percent of California lawyers are from minority groups. In fact, a 2012 survey of randomly selected attorneys reveals 79% are white and 60% are male. Though the legal profession may not be reflective of California's diverse population, the state's community colleges are. The California Education Master Plan, adopted in 1960, established an admissions principle of universal access and choice with the state's community colleges directed "to admit any student capable of benefiting from instruction." Described as the "the largest postsecondary education system in the world," the California Community Colleges system serves more than 2.3 million students on 112 campuses throughout the state. Not surprisingly, community college students are extremely diverse with more than 60 percent of students coming from diverse ethnic backgrounds and more than 55 percent of students being female.

One remarkable person to attend the California Community Colleges is our own California Supreme Court Chief Justice Tani Cantil-Sakauye who attended Sacramento City College. In the video "When you Dream... Community College Pathway to Law School" produced by the Council on Access and Fairness of the State Bar (COAF), the Chief Justice describes her initial exposure to the idea of law school as a community college student. It was there that she joined the speech and debate team and entered "the great unknown" where for the first time she had to express ideas and debate before a group of people. It turned out to be an activity she enjoyed. People took notice of her skills and encouraged her to attend law school. "Community college offered that kind of opportunity to find out things about yourself," she says.

She further describes her experience as a new attorney at a time when there weren't many female and minority attorneys: "People would look at me because, first, there weren't a lot of females; second, there weren't too many ethnic female prosecutors. And I looked very young... Coming in as an ethnic female, new, young, I was mistaken for the clerk, I was mistaken for the court reporter, I was mistaken as the runner. But eventually, with a sense of humor you realize that people had sort of stereotypes about what they expected the lawyer to look like."

One of the premier districts in the California Community Colleges system is the Los Angeles Community College District (LACCD). Since 1937, the LACCD has served "almost three times as many Latino students and nearly four times as many African-American students as all of the University of California campuses combined. Eighty percent of LACCD students are from underserved populations."

Los Angeles Mission College (LAMC) is an LACCD institution that primarily serves the educational needs of
the San Fernando Valley, LAMC is unique within the LACCD because 70% of its student population is Hispanic and first
generation to attend college.

The fact that the community college system serves groups
that are underrepresented in other higher education systems
makes it "essential for reducing racial/ethnic disparities in
educational attainment" and professional achievement. The
United State Census Bureau reports that Latinos make up
38 percent of the state population and African Americans
make up about 7 percent. In 2003 Latinos represented 29
percent of all students enrolled in community colleges but only
24 percent of all California State University (CSU) students
and only 14 percent of University of California (UC) students.
African Americans represented 8 percent of enrolled students in
community colleges but 6 percent of CSU students and only 3
percent of UC students.

Under the California Education Master Plan, the four
year University of California and California State University
systems "give priority in the admissions process to eligible
California Community College transfer students". By working
with community colleges, the State Bar can help create an
effective pipeline to law school for historically underrepresented
minorities.

Designing a Pathway to Law School

In a letter to Chief Justice Tani Cantil-Sakauye, the Council on
Access and Fairness of the State Bar wrote:

"One of the major COAF goals is to achieve diversity
in the legal profession and judiciary. For the State Bar,
diversity encompasses racial and ethnic groups, women,
LGBT, persons with disabilities and older attorneys.
... Another [goal] is to ensure access and fairness and
impartial treatment for court users. ... Judicial Council
surveys of court users show that failure to have a diverse
legal profession and judiciary severely impacts the public
confidence and trust in the legal system. The public’s
perception of fairness in the court process is directly
related to the level of diversity at all levels of the judicial
system."

The COAF has focused its efforts on community college
initiatives that bridge the gap in the diversity pipeline from
community college to law school to the profession. Because
so many of California’s students enrolled in higher education are
at the community college level, the State Bar understands that
to get a pool of attorneys reflective of the population, the State
Bar must seek to create pathways that these students can
follow from community college to a four-year university, then law
school and ultimately into the courtroom. This understanding
led to the creation of the Community College Pathways to Law
School (Pathways) initiative.

The State Bar invited each California community college
to submit a letter of interest for consideration to be among
20 selected colleges "to participate in the innovative diversity outreach pipeline initiative." Under the Pathways initiative, "students who meet certain requirements from these 20 selected California community colleges may be granted guaranteed admission or given priority enrollment to at least four top accredited law schools in California." The initiative creates "a clear pathway from community college to law school," including support for students, mentoring, pre-law counseling, stipends to faculty members participating in the initiative or for organizing pre-law activities such as law school visits or law day conferences, and faculty professional development. The initiative also identifies specific community college courses which follow a set of "success factors" shown to help create effective lawyers.

LAMC sees the opportunity to partner with the State Bar in creating pathways for students as a natural progression of the work already being done on campus. For the past 26 years, LAMC's Paralegal Studies Program, under the leadership of attorneys L. Edmond Kellogg and David Jordan, has offered a vocational Paralegal Program Certificate, which consists of 12 classes or 36 units and certifies California paralegals pursuant to Business and Professions Code Section 6400 and 6450. The curriculum for the certificate exposes students to courses on contracts, torts, partnerships, civil litigation, bankruptcy, family law, probate administration, property rights, evidence, and legal research and writing.

The LAMC Paralegal Studies Program is recognized for its achievements in preparing the program's diverse students to enter the legal field and the high caliber of legal faculty is well-situated, based on student population, to increase the flow of diverse students from community college to law school. The Program has graduated students who went on to work at prominent companies and firms, including Disney, the District Attorney's office, various insurance companies, Fortune 500 law firms, environmental law firms, and non-profit corporations.

**Faculty Diversity Initiative**

The faculty members teaching in the Paralegal Studies Program are diverse and reflective of the local community. To achieve diversity in its law faculty, LAMC Paralegal Studies Program has participated in an LACCD diversity program, Project Match, or Mentors Act to Change History.

Project MATCH, which was initiated over 20 years ago, was designed to address the diversity needs of the Los Angeles area by preparing and recruiting a diverse community college faculty sensitive to the needs of the students and community it serves. This innovative program assigns its diverse interns to work with faculty mentors thorough the district for an entire semester. It is through this mentorship that interns learn how to teach and diverse new faculty are integrated and incorporated into the fabric of the excellent and committed faculty of Los Angeles Community College District colleges, including LAMC. For the last 16 years all adjunct law faculty hired by the LAMC Paralegal Studies Program have graduated from Project MATCH.

Our current most graduate is Edna Chavaary. Edna earned two Bachelor of Art degrees from UCLA in International Development Studies and Sociology, her Masters of Arts in Higher Education at UCLA, and her Juris Doctorate at Loyola Law School, Los Angeles. Edna is also a product of the California Community Colleges system. Her research interests include higher education and its role in society, community college transfer initiatives, education law and policy, and institutional accountability through self-assessment and evaluation. Edna is scheduled to teach the Introduction to Law class in the spring for our LAMC Paralegal Studies Program.

**Practical Educational Training**

Just as Project MATCH provides opportunities for professionals to become faculty, the LAMC Paralegal Studies Program gives opportunities to community college students to see themselves as part of the legal profession through engagement in community service. The Pathways initiative recommends that one of the success factors for our diverse students to achieve future success in the legal profession is to actively engage in service to the community through internships. LAMC is always open to partnering with legal firms and organizations to provide richer experiences to students.

LAMC provides its paralegal students with internship opportunities through the Los Angeles Superior Court (LASC) Outreach Paralegal Internship Program. The LASC Outreach Paralegal Internship Program places interns in the San Fernando and Van Nuys courthouses with the main goal of exposing students interested in working in the legal field to the functions and operations of the court; providing training and work experience to students; and developing possible employment candidates for the court.

LAMC has also partnered with Neighborhood Legal Services of Los Angeles County (NLSLA) to provide students with educational volunteer opportunities at a Workers' Rights Clinic at LAMC and at NLSLA courthouse based self-help centers. This partnership has provided LAMC students practical experience to help their legal careers.

Another strong partner is the San Fernando Valley Bar Association (SFVBA) which has in the past collaborated to improve the Workers' Rights Clinic at LAMC. The SFVBA's Diversity Committee has also reached out to LAMC to support its diversity initiatives with the ultimate goal of increasing overall diversity in the legal profession and SFVBA membership.

All of these organizations and programs have expressed a strong support of LAMC's mission of offering high quality educational opportunities and "providing services and programs that improve the lives of the diverse communities [it] serve[s]." They have also submitted letters of support to
the COAF expressing their hopes that LAMC will be approved to participate in the State Bar’s Pathways initiative.

This new year brings renewed hope and motivation to advance the case for more diversity in the California legal profession through such programs as the Community College Pathways to Law School, Program MATCH, the LASC Outreach Paralegal Internship Program, NLSLA services through its various clinics and the activities of the Diversity Committee of the San Fernando Valley Bar Association.

5 Id.
6 Council on Access and Fairness, State Bar of California, When You Dream Community College Pathway to Law School, available at http://www.youtube.com/watch?v=5beBX1s_FQM.

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1 Id.
11 Sengupta & Jepsen, supra.
12 Masterplan, supra.
15 State Bar of California, supra.
16 Ibid.

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