

REPORT

TO: Board of Governors, SC Bar
FROM: Ad Hoc Diversity Committee, Bruce Wallace, Chair
DATE: July 16, 2019
RE: Recommendations to Board for Strategic Plan on Diversity

VISION FOR DIVERSITY: The SC Bar values the diversity of its members. Practitioners with varied backgrounds, experiences, and identities enrich the legal profession, the practice of law, the administration of justice, and society as a whole. To further enrich the practice of law and to fulfill the Mission of the South Carolina Bar Association, this committee recommends the Board of Governors adopts the following Goals and Objectives, to be achieved through the below Standards and Practices.

Goals and Objectives.

1. The Bar and the state's Judiciary should reflect the rich diversity of the citizenry of the State of South Carolina.
2. The South Carolina Bar will continue to build and support a diverse and inclusive membership. The members of the Bar will treat each other, clients, and all others with respect by listening to differing opinions, thoughts, and ideas while embracing a culture of inclusion.
3. The Bar should survey its members to determine the Association's diversity. The Bar should record, maintain, and publish the statistics summarizing diversity. After collection of the data results, the Bar should actively pursue solutions and execute an action plan that will increase diversity not only within the SC Bar but also ensure that the bar leadership is reflective of the diversity of each community within South Carolina.
4. The Bar should request the SC Supreme Court to also track and publish statistics on the lawyers licensed in this State.
5. The Bar should use these statistics to guide its Strategic Plan to achieving diversity in all aspects of the profession.
6. The Bar should achieve diversity in its leadership. In doing so, the Bar should actively encourage and recruit lawyers from all backgrounds to participate in Bar councils, sections, and committees.
7. The Bar should strive to achieve diversity in its programming, including publications, continuing legal education, and civics programs. This should be reflected in both the diversity of the substantive programming as well as the faculty for such programs.
8. The Bar should promote diversity within the judiciary by encouraging candidates from all backgrounds to apply for judicial appointments or elections. Preparatory to this step may require a program to educate the Bar's members about the judicial election or

appointment process, the jurisdiction, obligation, and duties of the judiciary, and any other relevant information. Invite newly elected judges to explain the process and educate Bar members about each stage of the process. Invite legislators of the SC General Assembly to participate in these programs to enhance the potential candidates' understanding.

9. Identify ABA-sponsored programs and determine if the programs are informative and effective and whether the implementation will render the desired results of diversity within the SC Bar.

Standards and Practices.

The Bar should adopt best practices for achieving diversity within the profession, including the following:

1. Include in the next applicable year's budget funds to hire a survey consultant to create a comprehensive, user-friendly online survey. The survey consultant should use an objective analytical approach to render accurate data results to be used by the SC Bar to pursue solutions that are reflective of the SC Bar mission and vision for diversity. The survey company should have a background in politics and parsing big data to provide solutions to the problems that are barriers to inclusivity and diversity within the Bar.

2. Open and continue a dialogue with the Judiciary to determine what barriers, if any, exist to creating a judiciary more reflective of the Bar's diversity, and ultimately, the State's diversity.

3. Open and continue a dialogue with the law schools resident in the State of South Carolina to determine what barriers, if any, exist to

(a) recruiting law students from diverse backgrounds;

(b) graduating law students from diverse backgrounds;

(c) ensuring bar passage rates consistently across applicants, free of racial, gender, or other bias.

4. Form a committee to study if the Bar as a whole is losing members to other jurisdictions due to misperceptions about the Bar and its receptiveness to diversity.

(a) Study if lateral hires are refusing to locate to the State due to perceived attitudes of inclusion in the State of South Carolina

(b) Study where law school graduates seek employment based on perceived attitudes of inclusion in the State of South Carolina.

5. Survey Bar staff for diversity to ensure the Bar has implemented a hiring philosophy that seeks the best staff recruited from all backgrounds.

6. Study committees, council, and section leadership for historic diversity and determine what barriers, if any, exist to incorporating lawyers from all backgrounds in each committee, section, and council.

(a) Consider whether appointments to each committee, section, and council should process through the Nominating Committee.

(b) Offer education to the membership on the benefits of participation on each committee, section, and council.

(c) Offer education to the membership on the benefits of leadership in each committee, section, and council.

7. Study the House of Delegates for historic diversity and determine what barriers, if any, exist to electing lawyers from all backgrounds to the House of Delegates.

8. Analyze, when available, the diversity of each circuit to determine if the composition of said circuits contributes to a fully diverse House of Delegates.

9. Study the historic diversity of the Board of Governors, and determine what barriers, if any, exist to incorporating lawyers from all backgrounds on the Board.

10. Analyze, when available, the diversity of each Judicial Region to determine if the composition of said regions contributes to a fully diverse Board of Governors.

11. Initiate a program to recruit members from all backgrounds to serve in the House of Delegates and on the Board of Governors.

12. Review the historic programming of the Bar for inclusive and diverse topics, including

(a) S.C. Lawyer and other publications;

(b) CLE programming and publications; and

(c) Civics programming.

13. Continue and strengthen civics' programming to foster a knowledge of and desire for the practice of law among the next generation of lawyers, including middle school, high school, and college students, including the following:

(a) YLD's Color of Justice program;

(b) LRE's Mock Trial program;

(c) LRE's We the People program.

In the middle and high school sponsored programs, evaluate the recruiting process for the participants whom are actively involved in the programs. There should be a

comprehensive diversity initiative that has measures and a strategic plan to disseminate information to all interested students.

14. Initiate a program to recruit authors, speakers, and contributors from all backgrounds for the Bar's programming.

15. Identify what populations are historically underrepresented by members of the judiciary to determine what barriers, if any, exist to increasing said representation.

16. Offer education to the membership on the role, benefits, obligations of the judiciary.