

# CHALLENGES AHEAD

## FOR THE MINORITY BAR COALITION AND DIVERSITY 2.0

Erik Cummins



For many members of the Bay Area legal community, diversity in the profession is not a new concept. It's a given.

For one, it's been more than twenty years since The Bar Association of San Francisco released its *Goals and Timetables for Minority Hiring and Advancement*, and most firms, public agencies, and corporations—large and small—have embraced, encouraged, and nurtured diversity among their ranks. So too have numerous minority bar associations sprung up over the years to support the region's diverse communities—so many that members refer to them by an alphabet soup of acronyms such as the AABA and BALIF and SABA.

The strides have been real: associate ranks have become more diverse, there are more diverse supervisors in the public sector, and many more diverse judges have been appointed. Long a partner in diversity, BASF offers tremendous resources to promote it, such as receptions for minority summer associates, scholarships, and pipeline programs for students. BASF's diversity programs consume an entire section of its website.

Yet few would argue that the struggles to diversify the profession are over, or that obstacles no longer face diverse lawyers and judges. And that takes us to Diversity 2.0—an effort being led, in large part, by lawyers belonging to Generation Y.

In the past few years, those lawyers have revitalized the Minority Bar Coalition (MBC) not only to build on the collective power of the twenty-five bar associations here in the Bay Area who are members, but also to address the many challenges to diversity that remain.

The Minority Bar Coalition was founded in the late 1980s as an informal way to bring the many Bay Area minority bars together to share goals and resources. Its first event was a dance in Oakland, and it began an annual program to award outstanding leaders with a Unity Award. Its stated mission is “. . . dedicated to working in a unified manner to advance the cause of diversity in the legal profession.”

Fulfilling a campaign promise, District Attorney Kamala Harris made the difficult and wrenching decision not to seek the death penalty in the case. Her decision divided the community.

Hwang, who was not a member of the district attorney's office at the time, helped the region's minority bars develop a united response. Through the coordinating efforts of the coalition, the Bay Area's minority bars agreed, en masse, to support Harris's decision.

That watershed moment led to many others, including hugely successful efforts to support victims of the tsunami in 2005 and in Burma in 2008. As it has since 2007, the coalition has held a one-day conference of speeches

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In 2004, the coalition became an official partner of The Bar Association of San Francisco, which set aside two seats so that the coalition would always be represented on BASF's Board of Directors.

Victor Hwang, a civil rights prosecutor with the San Francisco district attorney's office, helped to revitalize the MBC in 2004, along with Katherine Zarate Dulany of San Francisco's Coblentz, Patch, Duffy & Bass.

Although the minority bars would come together once a year to present their Unity Awards, Hwang said, "For many years [the coalition] existed in name only." That changed in 2004 when the coalition of minority bar presidents began meeting quarterly.

Early on, the newly energized coalition faced an enormous controversy—of just the type it is now designed to address head on. In 2004, San Francisco police officer Isaac Espinoza was gunned down and killed.

and continuing legal education sessions, in conjunction with the evening Unity Awards reception. Last year's event attracted 150 attendees, and U.S. District Court Judge James Ware delivered the keynote address. This year, the coalition has faced issues ranging from Arizona's divisive immigration bill, SB 1070, to the BP oil spill in the Gulf.

The coalition now boasts four cochaIRS to represent the voices of the twenty-five Bay Area bars who are members and provides two representatives to BASF's board. In addition to reacting to local and global crises, the coalition has made diversifying the bench its biggest ongoing goal.

"A lot of the bars have a shared interest," Hwang said. "Increasing diversity on the bench was always top priority."

For its first step, the coalition persuaded then-Governor Gray Davis's appointments secretary to speak to all of

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the minority bars. Then the coalition helped those bars develop some uniformity in the way they vetted judicial candidates and made their endorsements. While every individual bar association continues to make its own endorsements, the coalition allows them to share applications and best practices.

“An applicant can go to any bar association and seek an endorsement from all the bar associations,” said Vidhya “Vid” Prabhakaran, the MBC representative to the BASF board for 2008 and 2009. An application to the Bay Area Lawyers for Individual Freedom (BALIF), for instance, “can be sent to all Minority Bar Coalition members for their review and possible endorsement.”

The coalition also encourages its members and sitting judges to mentor candidates and potential candidates. The hope is to give candidates confidence and avoid common pitfalls in the process, according to Joan Haratani of Morgan, Lewis & Bockius, 2006 BASF president and a recipient of the coalition’s annual Unity Award that same year.

One of those frequent mentors has been San Francisco Superior Court Judge Garrett Wong, who himself received the coalition’s support during his appointment in 2004.

“Diversity is part of what you bring to the table. Judges talk to each other, and the bench is incredibly collegial,” Wong said. “Diversity provides different perspectives. It also instills confidence in the public that there are representatives of the community on the bench.”

Micaél “Mica” Estremera, a cochair of the Minority Bar Coalition and president-elect of the Santa Clara County La Raza Lawyers Association, said the legal profession still faces tough challenges. “The bench is still lacking in representative diversity—so the bench is a good place to start,” he said. “It’s troubling to see the state and federal benches not representative of the community.”

Likewise, he said, big firms need to achieve at the partner level “the kind of diversity they are advertising at the associate level.”

BASF hosts a shared calendar for all minority bar events and it recently began providing a diversity listserv for members to communicate about events and resources.

“This is a hub—a central way for everyone to communicate and get things done,” said Estremera, an attorney with the Santa Clara County public defender’s office. “Especially when something like SB 1070 comes out and we need to react. We need to make sure our collective voices are heard.”

Many of those moments have occurred during the legal battles against Proposition 8, the California Protection of Marriage Act, said David Tsai, another MBC representative to the BASF board. “With one email we were able to lead the effort to bring in minority bar organizations” to sign amicus briefs in the federal case that was before Chief Judge Vaughn Walker, he said.

“We got a dozen MBC member organizations to sign within twenty-four hours,” said Tsai, a patent litigator

with Townsend and Townsend and Crew in San Francisco. “It worked the same way for the marriage cases before the California Supreme Court.”

The coalition has given some of the smaller bars an opportunity to partner with larger ones to share resources for events and activities, Prabhakaran explained.

“Many of these bars aren’t that large,” said Prabhakaran, an energy lawyer with Davis Wright Tremaine in San Francisco. “There may be activities these bars want to do, but they don’t have enough members.”

Last year’s conference illustrated how the pooled efforts of coalition members can make things happen. “No one group could have done that,” Prabhakaran said.

Areas of mutual interest can easily be found in continuing educational programs, mentoring, and pro bono activities such as “know your rights” clinics. “There’s no reason an African American attorney can’t help a South Asian attorney with some of the skills needed to move up from associate to partner or how to be a minority within a large firm,” Prabhakaran said. “You can pool your resources to the betterment of the entire diverse population.”

A big challenge has been expanding on law firms’ numerical success in hiring diverse associates. “There’s no question that the upper ranks are still not quite representative,” said Prabhakaran, who has often relied on mentors with the South Asian Bar Association to help him navigate big firm life.

Even while building the coalition, no one has suggested disbanding the individual minority bars or even merging them. “There is a sense of community to each of these bars—just a sense that you belong,” Prabhakaran said. “These bars allow many of these connections to be made. The purpose of the coalition is to augment the strengths that already exist.”

“It’s good to have [the coalition] in place,” Hwang said. “If there’s a tsunami that needs a response, it exists. We can build bridges when we need it.”

Looking to the coalition’s future, former BASF President Haratani said, “I would like to see them do an action list of what they want to push for in the next year or two, and organize around these goals. So much of it is about branding and brand messaging.”

Meantime, the coalition is looking forward to throwing a launch party for BASF’s newest diversity survey by its Bottom Line Partnership Task Force, which is expected to be released in November 2010.

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## MINORITY BAR COALITION MEMBER ORGANIZATIONS

Alameda County Bar Association; Asian American Bar Association of the Greater Bay Area; Asian Pacific Bar Association of Silicon Valley; The Bar Association of San Francisco (BASF); BASF’s Barristers Club; BASF’s Disability Committee; Bay Area Association of Muslim Lawyers; Bay Area Lawyers for Individual Freedom; California Association of Black Lawyers; Charles Houston Bar Association; Contra Costa County Bar Association (CCCBA); CCCBA Women’s Section; East Bay Diversity Bar Coalition; East Bay La Raza Lawyers Association; Filipino Bar Association of Northern California; Iranian American Bar Association; Korean American Bar Association of Northern California; Marin County Women Lawyers; Queen’s Bench Bar Association; San Francisco La Raza Lawyers Association; Santa Clara County Bar Association (SCCBA); SCCBA Diversity Committee; SCCBA Rainbow Committee; La Raza Lawyers of Santa Clara County; South Asian Bar Association of Northern California; State Bar of California Council on Access and Fairness; Vietnamese American Bar Association of Northern California; and Women Lawyers of Alameda County.