Chapter Four

A Representative and Culturally Competent Justice System

The Cornerstone of Equality

"**Equality Before the Law.** A democratic society should be dedicated to the idea that each of its members is equal in right. More importantly, it should provide dispute resolution for all of its members without regard to any of the personal characteristics of disputing parties. The Oregon courts are a place where racial, ethnic, religious, gender or other social and cultural differences are irrelevant to the rights of litigants before the law."

—The Future of the Courts Committee, *Oregon Courts Statement of Values*, Final Report 3 (Jan. 1995).

INTRODUCTION

The other chapters describe implementation efforts relating to systemic changes. This chapter focuses on people. The legal profession's human component is critical to the goal of achieving a truly fair justice system because it is people, not programs or rules, who act, decide, counsel, represent and most directly inspire confidence. Programs and rules are necessary, but it is people working within the justice system that form its cornerstone. In a diverse society, the only way to achieve a truly fair justice system is to ensure that the people working within it are representative of the community served, enlightened to the value of viewpoint and cultural diversity and open to the possibility that subtle prejudices may influence their actions.

Thirty-one of the Task Force recommendations (almost half) addressed the justice system's human side. The recommendations appeared in four chapters of the Task Force Report, addressing the responsibility of law schools, justice system employers and professional groups to contribute to the diversification effort. Because the recommendations similarly addressed the human component, the implementation human component efforts appear here in one chapter. This chapter shows that the work in the "people" area requires more than employment and educational programs and recruitment strategies. It requires the commitment of several organizations—law schools, legal employers and professional groups—each doing its part to diversify and enlighten the justice system's work force.

The chapter's three sections—(1) Law Schools; (2) The Work Force; and (3) Professional Groups—represent the three converging paths necessary to achieve a justice system in which policy and decision-makers are racially diverse and culturally aware. For example, to create a more diverse work force, legal employers must hire more minority attorneys. But because the number of minority attorneys who seek to practice in Oregon is low compared to nonminority lawyers, the pool of qualified minorities must be enlarged and legal employers must actively recruit those currently available. To enlarge the pool, law schools must attract more minority students, graduate them in higher numbers and ensure that they are prepared for the bar examination. To ensure that the students stay in Oregon to practice law, law schools must recruit more Oregon minorities and employers must demonstrate a receptivity to minority attorneys.

The first section describes the implementation efforts of the three Oregon law schools and the Oregon State Bar (OSB) to enlarge the pool of qualified, racially diverse and culturally competent attorneys. The second section records the efforts of Oregon's legal employers to diversify and educate the legal work force and outlines the work of the OSB and the Oregon Supreme Court (OSC) to amend the attorney and judicial professional codes of conduct to prohibit the manifestation of bias. The third section describes the efforts of the OSB and other professional organizations to diversify their ranks, committee memberships and other high profile positions. The Implementation Committee met with the OSB, the Chief Justice of the OSC, the State Court Administrator, the Department of State Police, the Board on Public Safety Standards and Training, the deans, professors and staff of the three Oregon law schools and the leaders of Oregon's three Minority Lawyer Organizations to discuss the recommendations.

LAW SCHOOLS

Most new members of the Oregon State Bar (OSB) are recent graduates from the three Oregon law schools. Consequently, as the Task Force noted, the law schools have a "unique opportunity to influence future Oregon attorneys" and the racial composition of the OSB's membership. The two primary methods the Oregon law schools can use to exercise this influence is in their recruitment strategies and educational programs. As highlighted in the first section below, the Oregon law schools and the OSB are implementing programs not only to recruit more minority and bilingual students to law schools in Oregon, but also to increase the interest of Oregon minorities in a legal career. In the second section, the law schools' efforts to graduate prepared and culturally competent law students are described.

ENLARGING THE POOL OF QUALIFIED OREGON MINORITY ATTORNEYS

- **Increasing the Interest in a Legal Career Among Oregon Minorities**
- **Recruiting Minority and Bilingual Law Students To Oregon**
- **The Oregon Law Foundation's Minority Law Student Scholarship Program**

The Task Force noted that nationally, the percentage of minority law school applicants is much less than the percentage of minorities in the general population. Consequently, law schools and law firms across the country compete for a limited number of minority students and attorneys. The Task Force recommended that the Oregon State Bar and members of the legal profession work together to increase the pool of Oregon minorities interested in a legal career to improve the chances that minority law students and lawyers will study and practice in Oregon. As the following examples illustrate, the effort to enlarge the pool of minority persons interested in a legal career is a cooperative effort. The Task Force also encouraged law schools to continue and increase their efforts to actively recruit minority law students and to weigh bilingual ability in law school admissions. The recruitment strategies of the various law schools are described below.

INCREASING THE INTEREST IN A LEGAL CAREER AMONG OREGON MINORITIES

The effort to increase the interest in a legal career among Oregon minorities requires parallel efforts by law schools, the state bar and individual attorneys because although each group can provide an effective service, individual efforts alone will not achieve the desired results. With the cooperation of these three groups, all Oregonians will recognize that law schools want them as students, the bar wants them as attorneys and other attorneys will support them once committed to a legal career. The trilateral effort will ensure that Oregon minorities receive a message of inclusion, support and encouragement from the justice system of our state.

The Classroom Law Project. The Classroom Law Project is a nonprofit organization designed to educate grade, middle and high school students in civics studies. Attorneys, business leaders, educators and police officers volunteer their time to assist the Project. The Project has three main components: (1) workshops for educators to train them in current legal events and how to present the issues to students; (2) tours of courthouses; and (3) mock trial competitions. The program works with many minority youth, involves legal issues, exposes the youth to the legal profession and in some cases, sparks a minority student's interest in the possibility of pursuing a legal career. For more information, call the Classroom Law Project at (503) 245-8707.

Oregon State Bar New Lawyers Division. Since 1994, members of the Oregon State Bar (OSB) New Lawyers Division have participated in a program aimed at high school students and designed to motivate them to stay in school. The volunteers conduct a one-hour presentation in high school classrooms showing the "Dropout Prevention" videotape and facilitating a follow-up discussion. Contact the New Lawyers Division at (503) 639-9713 for more information.

The Oregon State Bar's (OSB) Youth-At-Risk Internship Program. In the summer of 1995, the OSB implemented its Youth-At-Risk Internship Program. The work experience program placed economically disadvantaged youth in paid internships with six participating law firms (the firms are listed in this chapter's second section entitled "Work Force"). The bar designed the program to expose lower-income youth to legal careers and to help them develop transferable job skills. For more information call program coordinator Jennifer Maldonado at (503) 620-0222, ext. 377.

The Three Oregon Law Schools. Northwestern School of Law of Lewis & Clark College (Northwestern), the University of Oregon School of Law and Willamette University College of Law are committed to increasing the pool of Oregon minorities interested in a legal career; yet, each addresses the issue in a slightly different manner. The differences are described below. The schools are similar, however, in two efforts: (1) recruitment and (2) support of each schools' Minority Law Student Association (MLSA). Regarding recruitment, each school maintains an active minority recruitment effort and a heavy focus on recruitment from Oregon undergraduate institutions. Northwestern recently implemented an additional effort to include high schools in recruitment visits. Each school supports the public outreach efforts of its respective MLSA. The MLSAs operate mentoring programs with middle schools in their communities and coordinate their school's and the Oregon State Bar's participation in the annual Minority Law Day. The yearly event is designed to expose prelaw minority students to legal careers and increase the awareness of lawyers and law students to multicultural issues. In addition to the initiatives described above, the efforts of the Oregon law schools to increase the pool of Oregon minorities interested in a legal career include the following activities:

(1) Northwestern School of Law of Lewis & Clark College (Northwestern)

* *1993 Pre-Law Conference For Portland's Ethnic Minority High School Students*	In the summer of 1993, Northwestern collaborated with the American Bar Association's (ABA) Young Lawyers Division to sponsor a prelaw conference designed to expose ethnic minority high school students to the legal profession. Northwestern sent invitations to Portland high schools. The schools then selected the students who would attend. Based on the event's success, the director of Northwestern's Academic Enhancement Program, Ms. Stella Manabe, was invited by the ABA's Young Lawyer Division to serve on the national committee for minority prelaw conferences.
* *Participation at Minority Career Symposiums*	In 1994, Ms. Manabe was the keynote speaker at the Multicultural College Fair at the University of Portland and participated in an Oregon Indian Education Association presentation to Native American high school students regarding the legal profession.
* *The Summer Law Camp*	In the summer of 1995, Northwestern conducted a week-long law camp for middle high school minority students. Northwestern designed the program to expose students to the law, the academic requirements necessary to attain a legal degree and minority lawyer role models. The camp based its activities on sports law and included visits with members of the Portland Trail Blazers basketball team.
* *The Street Law Course*	Northwestern's Street Law Course offers students an opportunity to teach high school youth basic legal concepts. Law students enrolled in the course teach a one-hour class twice a week. The classes are taught at local high schools as part of the high school students' regularly scheduled curriculum. Although the program is not specifically designed to increase the interest of local minority high school students in a legal career, the program has this tangential effect because many of the students are minorities with an interest in law and the program provides the students with an opportunity to meet law students and discuss the requirements of a legal education and career possibilities.

For more information on Northwestern minority programs, contact Ms. Stella Manabe at (503) 768-6622.

(2) The University of Oregon School of Law (UOSL)

* *Minority Graduate Program Career Fair*	Each year, UOSL helps coordinate and participates in the University of Oregon's Minority Graduate Program Career Fair. The fair provides information to interested minority persons on law school and other graduate programs. The law school invites minority high school youth, college students and "career changers" to the fair.
* *The Undergraduate Mentoring Program*	UOSL coordinates a mentoring program for University of Oregon undergraduate minority students. The program links minority law students with undergraduate students of color. The law students provide support and insight on the requirements of a legal education.
* *The People's Law School*	UOSL offers law students an opportunity to serve as teachers in the People's Law School program. The program provides basic legal education to members of the Eugene, Oregon, community. While not specifically designed to increase the pool of Oregon minorities interested in a legal career, the program exposes minority persons to the law and law students and to the possibilities of pursuing a legal career.
* *Summer Community College Classes*	Since 1992, Associate Dean Jane Gordon has taught a five-week summer community college class covering legal issues of particular interest to minorities. Through the courses, minority students gain exposure to pertinent legal issues, how the law can be used to address such concerns and possibly become interested in pursuing a legal career.
* *Undergraduate Courses Taught by Law Professors*	During the 1994-95 school year, two of UOSL's minority professors taught undergraduate courses in addition to their law school classes. One course focused on Asians and the law, while the other examined issues concerning Hispanics and the law. In addition to their substantive value, the courses had the effect of increasing interest among minority students in pursuing a legal career due to the relevancy of the subject matter examined and the exposure to the professors as role models.

For more information on UOSL minority programs, contact Associate Dean Jane Gordon at (503) 346-1558.

(3) Willamette University College of Law (Willamette)

* *General Efforts*	Willamette facilitated the inclusion of Oregon professional and graduate schools in the James DePreist Multi-cultural College Fair for high school students in Oregon and works with the Classroom Law Project.
* *Project Summit—A Program to Encourage Hispanic Youth to Pursue a Legal Career*	In June 1995, Willamette, in partnership with the Salem/Keizer School District, provided local Hispanic high school students an opportunity to discuss legal issues of interest to them, conduct legal research and participate as a jurors in a mock trial. Ten faculty members and several alumni participated in the one-day event. Project Summit is a statewide initiative designed to encourage Hispanic youth to seek a variety of leadership positions. The program at Willamette was specifically designed to encourage Hispanic youth to pursue a legal career.

For more information on Willamette minority programs, contact Mr. Larry Seno at (503) 370-6282 or Professor David Cameron at (503) 370-6718.

RECRUITING BILINGUAL AND MINORITY LAW STUDENTS

Each Oregon law school uses two primary minority recruitment tools: (1) regional law forums; and (2) the Law Services Candidate Referral Service (CRS). The law forums are events designed to inform undergraduate students interested in a legal career about various law schools, the admission policies and academic environment. The CRS is a recruiting tool that provides, based on search criteria, mailing labels of prospective law students. The Oregon law schools use the CRS to obtain, in addition to other potential applicants, a list of all prospective minority law students. Each school uses the two recruitment tools in a slightly different manner and the variations are highlighted below. Because scholarships play a significant role in recruiting minority students, each school's scholarship opportunities are also discussed.

Northwestern School of Law of Lewis & Clark College (Northwestern). Northwestern conducts three activities regarding minority recruitment—CRS mailings, personal contacts and representation at law forums—and makes it a priority in the school's overall recruitment strategy. The school also makes three scholarship funds available to minority students.

- ***Recruitment.*** Northwestern divides its recruitment efforts among three individuals: the Director of Admissions, the Recruitment Director and the Director of the Academic Enhancement Program (AEP). The Director of Admissions has the responsibility of using the CRS and accordingly contacts all prospective minority candidates with a mailing that includes a letter from a minority alumnus, a letter from the AEP Director and other general informational material. The Recruitment Director has general and full time recruitment responsibilities, while the AEP Director has a specific minority recruitment role.

  The AEP Director has two duties regarding minority recruitment: (1) represent Northwestern at law forums in regions with large concentrations of minority students; and (2) personally contact, or arrange for minority alumni or law students to communicate with, prospective minority applicants. Regarding the first duty, the Director attends five of the six law forums in regions that contain large numbers of ethnic minorities. During the events, she participates in panel discussions designed to inform minority prelaw students about the admissions process. She also represents Northwestern at the annual Morehouse-Spellman Prelaw Society Mini Law School Forum and Thurgood Marshall Breakfast in Atlanta, Georgia, and participates in the Chicago State University Law School Forum. African-American prelaw students comprise the majority of the participants at the two events. Additionally, the Director attends the Graduate and Professional School Fairs of New Mexico University and the University of New Mexico. Each school serves large numbers of Hispanic and Native American students. And finally, the Director includes high schools in her recruitment visits.

- ***Scholarships.*** Northwestern awards scholarship funds to ethnic minority students from three sources: (1) the general scholarship fund; (2) the Oregon Law Foundation (OLF) scholarship fund; and (3) the Quinalt Allottees Association Scholarship Program. The school awards general fund scholarships to all entering students based on incoming academic credentials. In the entering class of 1994-95, Northwestern awarded 51 scholarships ($219,750) to admitted minority students (not all students accepted admission). The school also awards scholarships funds from

the OLF fund to any upper division student who demonstrates a financial need. The Quinalt Program ($4,000 per year) is specifically earmarked for Native American students. Northwestern is also in the preliminary stages of developing a large ethnic minority scholarship endowment.

The University of Oregon School of Law (UOSL). UOSL uses four tools to recruit minority law students of color—CRS mailings, personal contacts, representation at law forums and outreach with the undergraduate campus. The law school is also developing a recruitment strategy to increase the number of minority law students, with a special emphasis on Hispanic candidates, through the development of relationships with undergraduate institutions serving large numbers of minority students. Further, UOSL is considering inclusion of a candidate's bilingual ability in the application process. And finally, UOSL provides two scholarship funds to minority students.

- ***Recruitment.*** UOSL's Director of Admissions has full responsibility for minority recruitment. Regarding the CRS, the Director seeks information on the ethnicity of prospective students. Once qualified minority candidates are identified, she sends them an application packet. If the student expresses interest in the school, the Director coordinates a follow-up phone call by a minority student or alumnus. If the prospective student decides to visit the campus, the Director coordinates a viewing of the campus with a minority student, housing in a minority student's home and, if possible, a meeting with local minority alumnus. The Director also distributes the Law Services booklet entitled "Thinking About Law School: A Minority Guide" to all minority applicants. The 105-page guide addresses some of the problems minority applicants encounter when preparing for and applying to law school.

  The Director also represents UOSL at all the regional Law Forums and invites a minority law student to participate in the events in regions with large percentages of minority candidates (e.g., Chicago, New York, Atlanta and Los Angeles). In 1993, the law school also participated in the Yakima Nations law forum. UOSL also maintains an active networking and outreach program with the University of Oregon's undergraduate campus.

  Finally, the Minority Student Program Committee is developing a strategy to attract more minority students, particularly of Hispanic origin, and to weigh bilingual ability in the admissions process. To implement its strategy, the school has taken preliminary steps in the following two areas. First, it is beginning a program of targeting schools and prelaw advisors who work with minority students. In the fall of 1994, the Director made a successful visit to Howard University to discuss the idea. In late 1994, the Director initiated discussions with Law Services (the administrator of the Law School Admissions Test) regarding the possibility of including information on a candidate's bilingual ability. Law Services was open to the idea but has not made any decision.

- ***Scholarships.*** UOSL's general scholarship fund is open to all entering students. The school selects students based on their incoming academic credentials. The law school also has a specific minority scholarship program. Through the program, UOSL can provide $2,000 per year to minority students who show a financial need.

Willamette University College of Law (Willamette). Willamette uses three minority recruitment tools—the CRS, Law Forums and prelaw advisors. Further, the school's acting dean is developing an innovative recruitment strategy with African American ministers from California. The school also has two scholarship opportunities for minority law students.

- ***Recruitment.*** Willamette's Director of Recruitment is responsible for general and minority recruitment. He uses the CRS, participation at the regional Law Forums and communication with prelaw advisors that counsel large numbers of minority students to identify qualified candidates. Once identified, the Director sends the prospective minority students a letter drafted specifically for ethnic minorities that describes the advantages and disadvantages of attending law school at Willamette and in Salem. The Director attends all the regional Law Forums and participates in panel discussions at the events. The panel discussions are geared toward orienting minority prelaw students to the law school admissions process. With six Northwest law schools, he also organized a recruiting event at the University of Oregon.

  The Director uses a telephone list of minority alumni as an additional recruitment tool. He developed the list to distribute to prelaw minority students at the Law Forums and to send directly to minority students who have expressed an interest in Willamette. The prospective students can call an alumnus for a personal analysis of attending law school at Willamette. Finally, the acting Dean of the College of Law is working to establish a recruitment relationship with African American ministers from California.

- ***Scholarships.*** Willamette has two full-tuition waivers and one half-tuition waiver specifically available for minority law students. The Director tries to distribute the waivers to as many minority students as possible by offering, for example, five half-tuition waivers. The waivers are not based on a student's financial need, but rather, on Willamette's judgment regarding a minority's ability to succeed at law school. Willamette also has the Watanabe Scholarship which is a scholarship specifically earmarked for Japanese-American students.

THE OREGON LAW FOUNDATION'S MINORITY LAW STUDENT SCHOLARSHIP PROGRAM

For several years, the Oregon Law Foundation (OLF) has had an active program to fund minority law student scholarships. The Oregon State Bar (OSB) Affirmative Action Program administers the scholarship program. Any minority law student who attends an Oregon law school and plans to practice law in Oregon upon graduation is eligible to apply. On July 7, 1994, the OLF wrote the OSB to note its ongoing commitment to the program, and to express its interest in participating in the process of correcting the problems identified by the Task Force report. The OLF stated that during the 1993-94 grant years, a shortage of funds severely restricted the OLF's grant program. Consequently, the OLF is considering the implementation of the following two-part process to increase its financial resources: (1) the development of a better system to collect check-off funds; and (2) a program to encourage bar members to make a $15 contribution to the OLF at the time of paying their bar dues.

In 1995, the OLF awarded $449,000 in grants, a 38 percent increase from its 1994 award total. The OLF awarded most of the grants to organizations dedicated to delivering legal services to low income individuals. Regarding the OLF's commitment to diversifying the legal profession, it awarded Northwestern $22,500, Oregon $22,500 and Willamette $15,000 to fund minority law student scholarships.

Related Task Force recommendations: R 8-1, 8-2, 8-3, 8-4, 8-7, 9-1 and 9-2

GRADUATING PREPARED AND CULTURALLY COMPETENT LAW STUDENTS—THE OREGON LAW SCHOOLS

- **The Academic Support Programs**
- **The Mentoring Programs**
- **Institutionalizing Cultural Awareness**

Although efforts to increase the pool of qualified minority attorneys in Oregon is a necessary part of the law schools' responsibility to help diversify the legal profession, it is only the first step. Increasing minority enrollments at law schools will not affect the bar's diversity unless the enrolled students ultimately become practicing attorneys. Consequently, the law schools have an additional, important and unique role in the diversification process: to graduate prepared and culturally competent law students. More specifically, the schools must achieve two additional goals to complete their role in the diversification effort: (1) ensure that admitted minority students graduate and are prepared to pass the bar exam; and (2) ensure that nonminority students who graduate possess an increased sensitivity to cultural issues that permeate the legal profession.

Regarding graduation and bar exam passage rates, the Task Force noted that the law schools recruit and admit minority law students in numbers that meet or exceed their percentage representation in the general population but do a much poorer job in graduating and preparing the students for the bar exam. Consequently, the Task Force recommended that the law schools improve the academic support programs in the areas of bar courses during the second and third year of law school and bar exam review after graduation. Regarding cultural awareness, the Task Force recommended that law schools offer more lectures or seminars that directly focus on how cultural differences affect legal rights and attempt to weave more cultural issues into course materials. Northwestern School of Law of Lewis & Clark College, the University of Oregon School of Law and Willamette University College of Law are addressing the Task Force's concerns by continuing to provide strong academic support programs, attempting to add a bar preparation component, supporting mentoring relationships with minority students and alumni and enhancing their cultural awareness activities by attempting to weave cultural issues into the general academic environment.

THE ACADEMIC SUPPORT PROGRAMS

Northwestern, Oregon and Willamette operate formal academic support programs for minority law students. Although the specific components of each program are slightly different, four common elements exist. First, each school's year-round support program is voluntary, but participation is strongly encouraged. Second, each school offers an orientation prior to first year. Third, the primary focus of each program is first-year academic support. Fourth, the teaching assistants are paid second- and third-year law students.

Northwestern School of Law of Lewis & Clark College (Northwestern). For nineteen years, Northwestern has operated an academic support program for minority law students, international students and students with disabilities. Over the years, it has improved the program by allocating the funds necessary to hire a full-time director, changing its focus from tutorials to skills building and changing the program's name from the Academic Support to the Academic Enhancement Program

(AEP) to reflect its new focus and to recognize the high quality of incoming minority students. The AEP provides three services designed to improve the skills necessary to succeed in law school and pass the bar exam: (1) the Summer Institute; (2) the first year AEP; and (3) the Bar Support Program.

- ***The Summer Institute.*** The Summer Institute (the Institute) is an eight-day program offered prior to the beginning of the first year of law school. Northwestern designed the program to give incoming minority students an experience like law school and to engender a sense of community among the students. During the first five days, the Institute focuses on skills building and an orientation to the legal profession, devoting two days to legal writing and three days to briefing, note-taking and outlining. During this time, the students also receive an ethics and professionalism mini-course and spend a morning in court. The Institute's final three days include a noncredit class taught by two tenured professors, a two-hour final exam and a personalized critique of the test by one of the professors.

- ***The First Year AEP.*** The First Year AEP provides weekly skills-building sessions and individual assistance if necessary. Four second- and third-year law students (many of whom participated in the AEP) serve as paid program directors, dedicating 15 hours per week to the program. They work with the students on outlining and note-taking skills, provide scheduled practice exams and critique and encourage substantive discussions.

- ***The Bar Support Program.*** Eight weeks prior to each bar exam, the AEP Director conducts the Bar Support Program (BSP). The program meets once a week for three hours and provides substantive review and a community support network. Families are encouraged to participate to raise their awareness to the heavy demands bar study places on an individual. Because the Director did not design the BSP to serve as a replacement for the bar review course, participation in the program is limited to those graduates also enrolled in, or who have previously completed, an official bar review course. The BSP also offers an emotional support program for minority students who recently failed a bar exam. The program meets once a week during lunch.

The University of Oregon School of Law (UOSL). UOSL's Academic Support Program (ASP) is a voluntary program open to minority, disabled and other nontraditional students with all levels of academic credentials. Its mission is to help students improve from wherever they begin, which may mean increasing a student's grades from a B to an A or from a D to a C. The ASP has two facets: (1) a summer orientation program; and (2) an academic support component. UOSL's Minority Student Program Committee (MSPC) recently decided to improve the ASP by seeking the involvement of minority alumni to assist in long term academic support, promoting mentoring relationships between minority law students and professors and providing upper level bar course tutorials. The MSPC believes that individual mentoring situations are more effective than substantive tutorials in improving a student's academic achievement because what minority students need most are study skills, not substantive knowledge.

- ***The Summer Orientation.*** One week prior to the beginning of first year, UOSL's offers incoming minority law students a week-long orientation program designed to prepare the students for the academic voyage on which they will soon embark. The program provides students with mock classes, background information on the law, study methods, legal writing techniques and community building social events.

- ***The Academic Support Component.*** During the school year, the UOSL's provides biweekly review sessions. The program is staffed by paid student instructors who received a B+ or better in the same class in which they tutor. Prior to serving as instructors, the school trains the student tutors in effective teaching methods. In the past, when resources were more abundant, the program also provided academic support for second- and third-year students.

Willamette University College of Law (Willamette). Willamette's Academic Support Program (ASP) has three components: a three day orientation, the traditional academic support program and the Academic Circles (AC) program. During the 1994-95 school year, Willamette inaugurated the three day orientation and AC program. The three day orientation and ASP is open only to those students (minority and nonminority) whose entering academic credentials are at, or below, a certain level. The AC program is open to all students. Further, the chair of the Willamette's Minority Affairs Committee is pursuing a collaborative effort between the bar and the other two Oregon law schools to provide all minority law students with additional academic and bar support. Finally, Willamette also promotes mentoring relationships between students and faculty members, judges from the Oregon Court of Appeals and members of the legal community that are intended to improve students' academic skills.

- ***The Three-Day Summer Orientation.*** Willamette provides the three-day summer orientation prior to the commencement of the students' first year. Willamette designed the event to help students develop a program of study for their first year tailored to reflect the individual's learning style. The program introduced students to the Socratic method and typical homework assignments, note-taking and outlining skills and exam preparation. The law school provided three follow-up sessions during the fall semester to reinforce the study techniques learned during the summer session. During the program, Willamette also coordinated three luncheons with the students and faculty members, minority alumni and other minority students to develop a sense of community in the Willamette environment.

- ***The Traditional Academic Support Program (ASP).*** Throughout the first year, Willamette conducts biweekly tutorial sessions for all minority and nonminority students whose academic credentials are at or below a specified level. Second- and third-year student tutors staff the ASP. Faculty members who teach the subject area which will be covered in the ASP recommend the student tutors. The program focuses on analytical skills through writing and exam taking techniques.

- ***The Academic Circles Program (ACP).*** In the 1994-95 school year, Willamette inaugurated the ACP. The ACP was open to all students who chose to participate. The school's administration organized the participating students into groups, designing them to be diverse in terms of age, race and academic credentials. The administration also assigned a faculty member to each group. The circles meet periodically to provide academic assistance, teach study techniques and improve the interpersonal relationships among the students.

THE MENTORING PROGRAMS

The three Oregon law schools, the Oregon State Bar, Oregon Women Lawyers and Oregon attorneys value the importance of mentoring programs, particularly regarding minority law students in Oregon. Accordingly, they are committed to implementing, or participating in, such programs. As the Task Force noted, mentoring programs in which minority alumni serve as mentors to minority law students greatly enhance the law school success rate of these students because the programs ameliorate the feeling of isolation many minority students experience while attending law school. Moreover, the programs provide excellent networking and educational opportunities for the participating students, which in turn, support educational success and job retention.

The Oregon State Bar (OSB). Since 1989, the OSB has operated its Professional Partnership Mentoring Program to "provide a bridge between minority law students and members of the professional legal community." The program links first-, second- and third-year law students with active members of the OSB. Through the relationships, students gain exposure to the realities of law practice and receive support and encouragement during the rigors of law school. For more information, call Ms. Rita J. Lucas, Administrator of the OSB's Affirmative Action Program, at (503) 620-0222, ext. 337.

Oregon Women Lawyers (OWLs). OWLs coordinates an active mentoring program in Portland, Eugene and Salem that links law students with practicing attorneys. At each location, an OWLS member, a law school staff person and a member of the local bar association assist in the overall program coordination. The program is open to all law students and provides them with support and networking opportunities. Currently, the program is facilitating over 330 mentoring relationships—80 at Northwestern, 81 at Oregon and 170 at Willamette.

Northwestern School of Law of Lewis & Clark College (Northwestern). In 1994, Northwestern provided a minority law student reception that involved all minority law students in Oregon and members of the Association of Oregon Black Lawyers, the Oregon Minority Lawyers Association and the Asian-Pacific American Lawyers Association. Northwestern designed the program to provide a networking opportunity and to foster a sense of community among the participants. Northwestern is also considering the development of a minority alumni newsletter.

The University of Oregon School of Law (UOSL). UOSL receives many inquiries from minority alumni regarding mentoring possibilities and actively facilitates a connection between interested alumni and minority law students. Additionally, the school publishes a directory that lists all minority attorneys in the state and distributes it to minority law students and attorneys who request it.

Willamette University College of Law (Willamette). Willamette operates a mentoring program that is available to all Willamette students who wish to participate. Willamette coordinates the program with the Marion County Bar and Oregon Women Lawyers. Although the program does not specifically seek minority alumni participation, nor focus primarily on minority students, many such alumni and students partake. Additionally, Willamette organized a luncheon during the summer orientation with incoming minority law students and minority alumni.

INSTITUTIONALIZING CULTURAL AWARENESS

Through course offerings, professors, speakers and other activities, law schools indoctrinate students to the legal profession. Indeed, it is through the law school experience that students transform from undergraduates into lawyers and more importantly, it is through this experience that students develop their perspective of the law's purpose and effects. It is therefore crucial for law schools to recognize the formative nature of the law school experience and accordingly the unique opportunity to ensure that graduating students are culturally enlightened. The Task Force underscored this dynamic by recommending that law schools weave more cultural issues into various courses and to provide more nonclass lectures on issues of cultural diversity and the law.

In its final report, the Task Force highlighted courses the law schools provide that raise students' awareness of cultural issues inherent in the law. For example, Northwestern offers courses covering racism and the law and Native Americans and the law; UOSL provides two summer classes for law students and members of the community that focus on issues of particular concern to minorities, and Willamette provides a civil rights course in which the professor has woven different ethnic issues into the curriculum. The law schools also conduct extracurricular activities that recognize cultural differences and raise cultural awareness. The events range from "Minority Law Day" to Martin Luther King, Jr. birthday celebrations. While these efforts are commendable, they alone are not enough because only the enlightened students and faculty members attend the activities, not those most in need of cultural awareness. The Task Force accordingly recommended that law schools make such activities mandatory to ensure that racial fairness information reaches the "unaware."

The Implementation Committee learned that the deans disagreed with the mandatory requirement. Notwithstanding the disagreement, the deans appreciated the problem and were seeking to implement an alternative solution: the institutionalization of cross-cultural issues into the law school culture. Under this scheme, all students and faculty members receive the information despite their area of academic interest or level of cultural awareness. For example, Northwestern's Dean James Huffman noted that he was seeking to create an academic environment in which the concerns were not primarily discussed as separate units but rather as part of an ongoing dialogue. At UOSL, the Minority Student Program Committee recommended that the school train professors at its annual Teaching Effectiveness Course on methods to weave cultural issues into their standard course offerings, that it pursue a new series of "Cultural Enhancement Lectures" and that the school offer two new courses of special concern to minority students. And finally, acting Dean David Kenagy noted that weaving cultural issues into the academic curriculum was a fundamental component of legal education at Willamette.

Related Task Force recommendations: R 8-5, 8-6, 8-8, 8-9 and 8-10

IMPLEMENTATION PROGRESS "AT A GLANCE"

Rec. #	Description	Implementation Status
8-1	Oregon law schools should intensify their efforts to recruit more minority students, especially Hispanic students.	• All Oregon law schools target minority students for recruitment using the CRS, personnel contacts and participation in law forums in regions with many minorities. • Each school recruits from colleges in the Southwest that enroll many Hispanic students. • Willamette hosted an event to encourage Hispanic youth to pursue a legal career.
8-2	Organizations that provide funding for minority scholarships should increase their efforts to provide funds to Oregon law schools.	For years, the Oregon Law Foundation (OLF) has had a minority law student scholarship program. OLF hopes to increase the fund by improving its collection system and implementing an active contribution program.
8-3	Law schools should commit more of the money they obtain from their fund raising efforts to programs targeting minority students and applicants.	All Oregon law schools are committed to R 8-3 but face financial challenges. Each school uses money for minority scholarships and programs. Northwestern dedicated funds to employ a full-time director for its minority program and develop a summer law camp for minority middle school youth.
8-4	Law schools should increase their efforts to enlarge to pool of Oregon minorities interested in a legal career.	• All schools participate in the annual Minority Law Day and recruit from local colleges. • Northwestern and UOSL operate programs in which law students teach law to high school youth. • In 1995, Northwestern operated a summer law camp for local middle school minorities. • UOSL organizes and participates in a "professional school" career fair and operates a mentoring program between minority law and undergraduate students. Two minority law professors taught college courses. • Willamette facilitated the participation of law schools in the James DePreist Multi-cultural College Fair for high school students and hosted "Project Summit—A Program to Encourage Hispanic Youth to Pursue a Legal Career."
8-5	Law schools should address the lower graduation rates among minority law students.	Each law school recognizes this as a problem and is realigning its academic support program to address it. (See R 8-6 below.)

Rec. #	Description	Implementation Status
8-6	Law schools should guarantee academic support for all minority students who need it, including bar courses.	• All three law schools promote mentoring relationships between minority students and professors. • Northwestern provides three related services: (1) an eight-day Summer Institute; (2) a first-year skills building program; and (3) a Bar Support Program. • UOSL provides two services: (1) a week-long summer orientation; and (2) a first-year skills building program. UOSL is strategizing on how to provide second- and third-year academic support. • Willamette offers three services: (1) a three-day summer orientation; (2) a first year skills building program; and (3) an Academic Circles Program. Willamette is also collaborating with the bar and the other two Oregon schools to provide all minority law students with more academic and bar support.
8-7	Each law school should consider weighing bilingual skills in the admissions process.	Each law school appreciates the growing need for bilingual skills in the practice of law and is considering R 8-7. UOSL is developing a strategy to weigh bilingual ability in the admissions process. Its Director of Admissions contacted Law Services to discuss the possibility of obtaining information on an applicant's bilingual ability via the LSAT.
8-8	Law professors should attempt to weave more legal issues affecting minorities into their curriculum.	The deans from each law school agree with R 8-8. Each school provides courses addressing racial bias in the law; however, they are also attempting to institutionalize cross-cultural issues into their law school's culture so that bias issues are a natural part of all courses.
8-9	Law schools should offer more lectures focusing on how cultural differences affect legal rights and should require attendance by nonminority faculty and students.	• See R 8-8 above. • UOSL plans to provide a series of "Cultural Enhancement Lectures" and offer two courses of special concern to minority students.

Rec. #	Description	Implementation Status
8-10	Minority alumni from all Oregon law schools should be encouraged to support minority law students.	• **Law Schools.** All schools encourage mentoring relationships with minority alumni and students. The schools encourage their minority students to participate in the OSB's mentoring program and help facilitate the OWLs program. Northwestern hosted a minority law student reception and is considering the development of a minority alumni newsletter. UOSL publishes a directory of minority lawyers in Oregon and distributes it to minority law students and attorneys. Willamette runs a mentoring program and hosted a luncheon with incoming minority law students and alumni. • **The OSB.** The OSB coordinates a Professional Partnership Mentoring Program that links minority law students with practicing attorneys. • **Oregon Women Lawyers.** OWLs coordinates a mentoring program in Portland, Eugene and Salem. The program established over 330 mentoring relationships.
9-1	The Oregon State Bar, other bar organizations and attorneys should expose junior and high school minority students to the legal profession and the academic requirements.	• The Classroom Law Project is an organization designed to educate grade, middle and high school students in civics studies. Because the Project involves legal issues and works with a diverse group of youth, it exposes many minority students to the legal profession. • The OSB helps the Classroom Law Project coordinate its mock trial competition. • The OSB New Lawyers Division conducts presentations of the "Drop Out Prevention" video to local high school students. • Northwestern and UOSL offer classes for law students in which the students teach law to high school students. • Northwestern conducted a summer law camp for minority middle school students. • Willamette hosted a program called "Project Summit—A Program to Encourage Hispanic Youth to Pursue a Legal Career." • The Minority Law Student Associations at each Oregon law school coordinate mentoring programs with local middle schools.
9-2	Law schools should encourage law students and faculty to volunteer in programs that encourage minority high school youth to consider a legal career.	The deans from each law school have distributed copies of the Task Force report to, and discussed it with, all faculty. Also, each school's minority student affairs committee has discussed the report and developed strategies to address the relevant recommendations. (Also, see R 9-1 above.)

THE WORK FORCE

As noted in the previous sections, an enlarged pool of qualified minority attorneys and culturally competent nonminority lawyers is important to the diversification effort; however, enlarging the pool is only one component of an effort to achieve a truly representative and culturally competent justice system. An additional and essential step is hiring those in the pool and educating the current work force because without such efforts a diversity of viewpoints and an increased cultural understanding will not enter the various decisionmaking processes of the justice system. Additionally, the professional codes regulating the conduct of attorneys and judges need to safeguard the decisionmaking processes by explicitly prohibiting the manifestation of bias. This section describes the efforts of the Oregon State Bar, Oregon's legal employers, the Judicial Department, law enforcement agencies and the Department of Corrections to create a culturally diverse, competent and bilingual work force. The last part of this section also describes the implementation progress made regarding professional codes of conduct for judges and attorneys.

A CULTURALLY DIVERSE & BILINGUAL WORK FORCE

- **The Oregon State Bar's Employment Programs**
- **The Commitment of Oregon's Legal Employers**
- **The Judicial Department**
- **Law Enforcement Agencies**
- **The Department of Corrections**

OREGON STATE BAR'S MINORITY LAW STUDENT AND ATTORNEY EMPLOYMENT PROGRAMS

Since 1971, the Oregon State Bar's (OSB) Affirmative Action Program (AAP) has been engaged in an effort to address the problem of underrepresentation of minorities in the legal profession. To this end, the AAP provides a wide range of services to minority prelaw and law students and attorneys. The services include financial aid, a mentoring program, bar study assistance and employment programs. During its existence, the percentage of minorities in the OSB has risen from .5 percent to 2.5 percent. While still well below parity with the percentage of minorities in the total population (10 percent), the 400 percent increase represents a significant and commendable improvement. Moreover, the AAP is constantly reviewing and improving its programs to further increase the percentage of minority attorneys practicing in Oregon. The program's impressive 24-year effort has earned it a reputation as a model program of its kind in the country. The AAP's ultimate goal regarding its employment programs is to increase the number of minority attorneys who practice in Oregon. The AAP provides the following six programs:

The Diversity Task Force. In 1995, the Affirmative Action Committee proposed, and the Board of Governors approved, the creation of a Diversity Task Force. The Task Force's purpose will be to reassess and reexamine the bar's entire Affirmative Action Program. The Task Force will accomplish its purpose by engaging in the following four activities: (1) reviewing the current diversification efforts of the Oregon State Bar; (2) gathering information from and analyzing the gains made by the affirmative action programs of other bar organizations; (3) assessing the cultural barriers to retention of minority lawyers in law firms and the bar as a whole; and (4) assisting the bar's Board of

Governors and Affirmative Action Committee in expanding and improving their efforts to diversify the bar's membership.

The Minority Law Student First Year Honors Program. The AAP designed the First Year Honors Program to improve the employment opportunities for outstanding minority law students who attend one of the three Oregon law schools. The program's ultimate goal is to increase the opportunities for minority law students who, upon graduation, choose to practice law in Oregon. Faculty Selection Committees at each Oregon law school select minority students to participate in the program based on academic achievement, leadership skills and community service. The participating employers then receive the candidates' resumes and select students for law clerk positions.

In the summer of 1995, eighteen first-year minority law students participated in the program. As a sign of the program's success, and the quality of minority law students in Oregon, one participating employer (a partner in a large Portland law firm) had this to say in a 1995 letter to the AAP's director: "For what it's worth—I have the task of reviewing resumes for summer clerk positions that come in from all over the country. *Your first-year honors program candidates are equal to, if not superior to the resumes that I have received from around the country, even from the 'best' schools."* (Emphasis added.)

The First-Year Minority Clerkship Program. The AAP designed the Clerkship Program to provide job opportunities for minority law students and an incentive for prospective employers to hire these students. The student applicant must be committed to practicing law in Oregon and possess a financial need. The Bar provides participating employers a wage stipend to partially cover the student's wages. In the summer of 1995, thirteen first-year minority students received law clerk positions through the program.

The Public Honors Fellowship Program. In 1995, the AAP implemented a new program entitled the Public Honors Fellowship Program. Through the program, the AAP funds fellowships with prestigious public employers (e.g., the Oregon Supreme Court and Court of Appeals) for second-year minority law students who have a strong interest in public sector law practice. The program provides the students an opportunity to acquire skills and experience in public sector law, which in turn enhances their ability to secure permanent legal employment upon graduation. It also provides participating employers an opportunity to work with academically successful and committed minority law students. In 1995, two second-year minority law students received positions through the program.

The Professional Partnership Mentoring Program. In 1989, the AAP developed the Mentoring Program to link minority law students with practicing attorneys. The program's goal, while not designed as an employment program, is to provide students with the support and encouragement needed to make successfully the transition from law student to practicing attorney.

The Minority Attorney Employment Project. In January 1995, the AAP implemented the Employment Project to assist minority lawyers in Oregon in securing full time employment. The AAP provides the program free of charge to employers and participants and offers job search and interview preparation assistance. The Project's goal is to develop a market for the employment of minority attorneys. Minority attorneys also have access to the bar's job notice mailing service.

THE COMMITMENT OF OREGON'S LEGAL EMPLOYERS

The commitment of Oregon's public and private legal employers to diversifying their work forces is demonstrated by their participation in the OSB's minority employment programs and recently developed Youth-At-Risk Internship Program, sponsorship of a minority job fair and a pledge by nine of Portland's largest law firms to increase the diversity of their work forces.

Participation in the Bar's Minority Law Student Employment Programs. The following thirty public and private legal employers have participated in the bar's Minority Law Student Employment Programs:

Private Firms	Public or Public Interest Employers
Bullivant, Houser, Bailey, Pendergrass & Hoffman	Juvenile Rights Project, Inc.
Cosgrave, Vergeer & Kester	Lane County District Attorney
Cramer & Mallon	Lane County Legal Aid
Davis Wright Tremaine	Multnomah County Counsel
Harrang Long Gary & Rudnick, P.C.	Multnomah County District Attorney
Lane Powell Spears Lubersky	The Native American Program of OLS
Law Firm of Emily Cohen	The Oregon Department of Justice
Law Office of Jana Toran	The Oregon Judicial Department
Legacy Health System	Portland City Attorney's Office
Linda Friedman Ramirez, P.C.	Western Environmental Law Center
Luvaas, Cobb, Richards & Fraser, P.C.	
Miller, Nash, Wiener, Hager & Carlsen	
Perkins Coie	
Pozzi Wilson Atchison	
Preston Gates & Ellis	
Rosenthal & Greene, P.C.	
Schwabe, Williamson & Wyatt	
Stoel Rives Boley Jones & Grey	
Tonkon, Torp, Galen, Marmaduke & Booth	

Participation in the Black Law Students Association (BLSA) Northwest Regional Job Fair. The BLSA organized the Northwest Regional Job Fair to increase the representation of minority attorneys practicing in the Pacific Northwest. In 1994, these thirteen public and private legal employers of Oregon participated in the fair:

Private Firms	Public or Public Interest Employers
Bullivant, Houser, Bailey, Pendergrass & Hoffman	Metropolitan Public Defender
Davis Wright Tremaine	Multnomah County District Attorney
Foster Pepper & Shefelman	Oregon Legal Services Corp.
Lane Powell Spears Lubersky	Portland City Attorney's Office
Miller, Nash, Wiener, Hager & Carlsen	
Perkins Coie	
Pozzi Wilson Atchison	
Schwabe, Williamson & Wyatt	
Stoel Rives Boley Jones & Grey	

Sponsorship of Northwest Minority Job Fair. In September 1995, Davis Wright Tremaine hosted the 9th Annual Northwest Minority Job Fair in its Seattle, Washington office. Last year, fifty employers participated and interviewed over three hundred minority law students. For more information, call Kathleen Anamosa or Carol Yuly at (206) 622-3150.

The Bar's Youth-At-Risk Internship Program. The following six Portland area law firms agreed to participate in the bar's Youth-At-Risk Internship Program by providing a work experience for youth: (1) Foster Pepper Shefelman; (2) Kell, Alterman & Runstein; (3) Markowitz, Herbold, Glade & Mehlhaf, P.C.; (4) Pozzi Wilson Atchison; (5) Schneider Hooton; and (6) Tonkon, Torp, Galen, Marmaduke & Booth. The program is described in more detail in the section above entitled "Enlarging the Pool of Oregon Minorities."

Pledge to Increase Diversity by Nine of Portland's Largest Law Firms. In December 1994, two members of the Implementation Committee (IC) met with the managing partners of the following nine Portland law firms: (1) Ater Wynne Hewitt Dodson & Skeritt; (2) Cosgrave, Vergeer & Kester; (3) Davis Wright Tremaine; (4) Dunn, Carney, Allen, Higgins & Tongue; (4) Lane Powell Spears Lubersky; (5) Miller, Nash, Wiener, Hager & Carlsen; (6) Perkins Coie; (7) Pozzi Wilson Atchison; (8) Stoel Rives Boley Jones & Grey; and (9) Tonkon, Torp, Galen, Marmaduke & Booth. After discussing the Task Force report and the importance of resolving the issues identified therein, the managing partners agreed to make it their goal to increase the number of minorities on each of their firm's staff at all levels. The IC and the partners met again in July 1995 to discuss the progress.

On July 28, 1995, the IC and the partners conducted their second meeting. The partners described their efforts to diversify their staffs, both in terms of attorneys and support staff. The efforts included participation in the Oregon State Bar's First-Year Honors and Youth-At-Risk Internship Programs, specific recruitment invitations to minority students during on campus interviews and the development of recruitment relationships with minority colleges. The partners identified two obstacles to attracting minorities to practice law in Oregon: (1) the lack of cultural diversity in Portland; and (2) the firms' inability to offer salaries comparable to other larger cities. The partners stated that their firms were in a slow growth mode and focused more on lateral hires than on recent law school graduates.

The partners also recognized that although their firms were influential in the legal community, they only represented three percent or less of all the job opportunities in Oregon's legal profession. Accordingly, they suggested that what was needed was an additional effort to bring more employers into the diversification discussion—i.e., the small to medium size firms. The partners decided to identify many smaller firms, divide them into discussion groups and organize several smaller meetings. The partners will conduct the future meetings in November or December of 1995.

- ***Implementation Committee Proposal 4.1.*** The IC supports the commitment that legal employers in Oregon have demonstrated regarding the diversification of their work forces. The IC commends, in particular, the public and private participation in the bar's minority law student programs. However, because the ultimate, and most important, goal of these programs is the full-time employment of minority attorneys, the IC encourages all public and private legal

employers to make a concerted effort to attract and hire qualified minority attorneys for full-time positions.

IMPLEMENTATION COMMITTEE PROPOSAL 4.2—THE DEMAND SIDE APPROACH

The IC applauds the above efforts and supports their improvement and continuation. However, because the programs largely focus on the supply-side of legal services, the IC notes that these efforts address only half of the legal market (i.e., the legal suppliers). The programs seek to increase the placement opportunities of qualified minority applicants with established legal employers, while making no direct attempt to address the needs and perceptions of the legal consumers who drive the firms' business and ultimately influence hiring decisions.

When firms realize that a diversified work force is valued by legal consumers, they will make meaningful efforts to recruit, hire and promote more minorities. Accordingly, the IC proposes an additional (not replacement) approach to improving diversity in the legal work force that links its goal with the needs of the legal consumer, rather than the desires of the legal supplier: a demand-side diversification effort. While supply-side efforts are necessary to, and effective in, improving diversity in the work force, a demand-side initiative will supplement and enhance the programs already in place. A demand-side diversification program should include two components: (1) a demand-side initiative similar to the Minority Counsel Demonstration Project; and (2) an effort to motivate legal consumers (e.g., Nike, Inc. or the City of Portland) either to mandate or express a desire to use law firms that have a demonstrated commitment to racial equality as reflected in their hiring practices and community involvement.

The Minority Counsel Demonstration Project (the Project). The Project grew out of a conclusion of the American Bar Association's (ABA) Commission on Opportunities for Minorities in the Profession (the Commission) incident to its examination of the obstacles minority attorneys and firms faced when they attempted to compete for the nation's legal business: the perception that corporate consumers of legal services did not want minority attorneys to handle their legal affairs. The Commission recognized that if majority firms operated from such a perspective, the firms would be less likely to hire minority attorneys, engage in joint ventures with, or refer "conflict" cases to, minority firms. Based on the recognition, the Commission specifically designed the Project to address the perception issue.

The Commission inaugurated the program in 1988 and initially planned that it would operate for three years. The program did not use the forced mandates of a set-aside or affirmative action program. Rather, the Project participants (corporations or law firms) voluntarily chose to take part in the program simply by announcing their commitment to the project's goals. The goals were to increase the business opportunities for minority attorneys, expand minority lawyers' potential for professional growth and to provide a model that could be adopted by local and state bar associations.

To realize its goals, the Committee encouraged participating corporations to retain minority-owned law firms and use minority lawyers from majority firms. It also encouraged majority law firms to develop joint ventures between themselves and minority law firms, to refer work between majority

and minority law firms and to increase the number of minorities they recruit, hire, retain and promote to partnership. As an example, in Seattle, Washington, a majority and minority law firm entered a joint venture under the auspices of the national demonstration project. The venture provided the minority firm with access to the majority firms' law library, word and data processing services, conference rooms, a "visiting" office and established informal consulting relationships with the majority firm's senior attorneys. The goal of the collaboration was to make the minority-owned firm a more competitive bidder for major legal services contracts by extending many of the benefits of a large association to the smaller law practice.

At the end of the initial three-year cycle, the Commission surveyed the participating corporations and law firms. The results of the survey showed that 98 percent of the participants felt that the project should continue and over 80 percent said they were satisfied with the program. Because of the overwhelmingly positive response to the project, the Commission decided to expand, and continue, the program. The state bars of New York and Georgia have recently implemented local projects. For more information call the ABA Commission on Opportunities for Minorities in the Profession at (312) 988-5643.

The City of Portland—An Example of a Demand Side Initiative. The City of Portland uses outside legal counsel for its municipal bond legal work. The solicitation process includes a request for proposals from interested firms. In the requests, the City specifically requires the applicant to answer several questions. In its 1994 request for proposal, the City included among other qualifying factors a question concerning the applicant's participation in the Oregon State Bar's Affirmative Action Program, the percentages of an applicant's minority staff members by position, a description of the applicant's minority outreach and recruitment efforts and any other related information. The City's request for proposal represents a demand-side initiative because the City, as a legal consumer, is sending a message to legal suppliers that it will view more favorably the firms committed to diversifying the legal profession than those lacking this goal.

Oregon's Effort. The Implementation Committee is working with minority attorneys to develop a similar project in Oregon. Although in the planning stage, the program will be similar to the project developed by the ABA.

THE JUDICIAL DEPARTMENT

With administrative control over the state trial and appellate courts, the Judicial Department has a unique responsibility to promote a court system in which court staff represent the diversity of Oregon's population, understand and respect different cultures and can communicate with public members who do not speak English. The *Oregon Judicial Department—Affirmative Action Plan* documents the department's efforts to achieve this goal. The 1995 plan concluded that "the [Oregon Judicial Department] needs to improve its minority work force representation." To this end, the Judicial Department's Personnel Division has implemented, or continues to provide, the following hiring and education programs.

Hiring. The Personnel Division will issue job announcements that include a preference for bilingual applicants. The Personnel Division advertises the Judicial Department's job openings through a

listing service of the Department of Administrative Services (DAS). The DAS sends all job announcements to Employment Division (the Division) offices statewide and provides them directly to over 100 minority organizations. Additionally, the Division is currently installing 169 electronic information kiosks at shopping malls, colleges and government agencies around the state to expand citizen access to state job announcements. The Division will list the Judicial Department's job openings on the kiosk system.

The Personnel Division also plans to implement a training program for supervisors which will teach the techniques of community outreach recruitment. The division believes that local outreach recruitment, in addition to the statewide dissemination of job announcements, is an effective method to successfully recruit more minorities because it fosters linkages between the county courts and local minority organizations. Although training for judges is not under the Personnel Division's responsibility, the division welcomes participation by any judge who wishes to attend the supervisory or other training.

Finally, the Personnel Division continually reviews, and improves if necessary, the Judicial Department's hiring procedures and practices to ensure that such recruitment methods are not racially biased and are most effective in recruiting minority candidates. It has developed a standardized *Recruitment and Selection Manual* to ensure uniformity in all hiring practices and trained supervisors and managers in how to conduct bias-free recruitment and selection. The Division also reviews the application form to avoid any requests for potentially discriminatory information.

Education. The Personnel Division recently implemented a diversity training module. It is described in more detail in the next section. One goal of the program is to raise the cultural understanding of all court staff so that each person values and promotes a diverse work force. Additionally, regarding language training, trial courts may authorize and pay for staff enrollment in language classes from their local budgets.

Implementation Committee Proposal 4.3. The IC commends the Judicial Department on its recruitment practices and education programs. However, it also recognizes the need to monitor these programs for effectiveness. Thus, the IC proposes that the Personnel Division develop a monitoring program designed specifically to determine whether more minorities are being recruited and whether the cultural diversity training module is achieving the desired outcome.

The Judiciary. Although judges are elected, rather than hired, they are an integral part of the Judicial Department. Thus, it is fitting to discuss the progress regarding the racial composition of the judiciary in this section. The Task Force found that of the 172 judges in the judicial system, only four were minorities. Since the publication of the Task Force's report, two additional minority attorneys have become judges. District Judge Michael Loy now presides in Multnomah County Juvenile Court and Judge Marco Hernandez serves as a District Court Judge in Washington County.

- ***Related Publication.*** In 1994, the American Bar Association published *The Directory of Minority Judges in the United States.* The directory has four sections listing all the African American, Asian/Pacific Islander, Hispanic and Native American federal, state and administrative law judges in the United States. The directory lists 2,390 minority judges. The ABA designed the

directory to serve as a resource and networking tool for minority judges and attorneys. To receive a copy of the directory, write to the Judicial Administration Division, The Task Force on Opportunities for Minorities in the Judiciary, American Bar Association, 541 North Fairbanks Court, Chicago, Illinois 60611-4497.

LAW ENFORCEMENT AGENCIES

In its final report, the Task Force concluded that the public's perception regarding bias of law enforcement personnel could be addressed if more police officers were minorities and bilingual. The Task Force accordingly recommended that state, county and city law enforcement agencies implement a hiring program to attract more minority and bilingual officers. The IC found that the Oregon State Police and county and city police departments are committed to diversifying their personnel at all levels and are implementing aggressive minority recruitment campaigns. For example, the State Police Personnel Division works with Portland's Northeast Coalition members and other groups representing minorities in its recruitment efforts. Also, the Multnomah County Sheriff recently promoted Day Shift Lieutenant Vera Poole to Commander of the Corrections Support Division in the Sheriff's Office. Commander Poole is Oregon's first African American female to become Commander of Corrections. Additionally, all law enforcement agencies request information on an applicant's bilingual ability and consider the skill a positive screening factor. The agencies provide language training or funds for language classes. A spokesperson for the State Police noted that after graduation from basic training, many officers voluntarily enroll in language courses at local colleges.

THE DEPARTMENT OF CORRECTIONS

In its final report, the Task Force concluded that while the Department of Corrections (DOC) had generally achieved a representational work force, upper level positions were filled primarily by nonminorities. It accordingly recommended that the DOC develop a program to improve the retention rate of and promotional opportunities for minority employees in the DOC. The DOC agreed with the Task Force's conclusion and is developing innovative recruitment and promotional incentives to address the issue. Regarding recruitment, the DOC recently implemented a hiring strategy actively seeking minority candidates. To reach these applicants, the DOC is creating an interactive recruitment program using community outreach to public and private sector groups (e.g., churches, schools, professional organizations and state and local agencies). The interactive model will use the following five techniques to aggressively recruit minority candidates: (1) make personal follow-up phone calls to minority applicants; (2) send DOC representatives who are minorities to job fairs; (3) develop job announcements specifically targeted to minority groups; (4) give DOC representatives the authority to make direct appointments during recruitment efforts on college campuses; and (5) conduct quarterly "open houses."

Regarding retention and promotion, the DOC will implement the following four initiatives: (1) facilitate job rotations; (2) identify qualified minority employees for promotional opportunities; (3) propose extra compensation for employees who are bilingual and use their language skills in job activities; and (4) develop a special compensation and housing reimbursement package to

encourage minority employees to relocate to areas where promotional opportunities are present but racial and ethnic diversity is lacking. In its November 16, 1995 report entitled *Racial/Ethnic Issues in Oregon Corrections: An Update*, the DOC reported that minority employees leave their jobs at rates lower than the departure rates of white employees and that it recently appointed two minorities as superintendents of two of Oregon's nine correctional facilities. One of the appointees, an African American, is in charge of Oregon's largest prison, the Oregon State Penitentiary.

Related Task Force recommendations: R 2-3, 3-1, 3-2, 3-3, 3-6, 3-9, 4-2, 4-15 and 9-3

CULTURALLY COMPETENT STAFF

- **Cross-cultural Education**
- **Professional Standards**

The previous section discussed efforts to develop a work force that roughly matches the racial composition in the society at large. This section addresses the other side of the diversification coin: cultural competency. Numerical parity, while critical to a diversification effort, will not alone achieve a judicial system in which all forms of racial prejudice (conscious and subconscious) no longer exist. For example, in Oregon, racial minorities comprise roughly 10% of the state's population. Therefore, a diversification effort focused primarily on achieving racial parity will result in a work force with a 10% minority, 90% nonminority split. After parity is achieved, unless the remaining 90% nonminority employees raise their awareness, a vast majority of the work force will continue to possess the prejudices that existed prior to the numerical parity diversification effort. Consequently, because our goal is to achieve a heterogeneous judicial system in which bias in all its forms (intended and unintended) no longer exists, cross-cultural education is necessary to success.

The Task Force also recognized that in addition to the positive prospects the hiring and educational efforts provide, Oregon's judicial system must implement a mechanism to safeguard the public against the manifestation of bias by those in the work force who remain unenlightened. Because bias manifests itself in the judicial system through the actions of lawyers and judges, the Task Force appropriately recommended that the enforceable professional codes of conduct for lawyers and judges be amended to include specific prohibitions on manifestation of bias. Such amendments serve not only an educational and policing purpose; they also increase public trust of the judicial system because the anti-bias rules of conduct publicly state a zero-tolerance policy regarding bias and accordingly reflect the system's overriding commitment to fairness.

CROSS-CULTURAL EDUCATION

In four chapters of the Task Force Report, the Task Force emphasized the need for cultural competency training. But only in chapter three did the Task Force succinctly summarize the goal of the diversification effort: a truly heterogeneous culture. After posing the question of how to achieve such a culture, the Task Force summarily answered "by *education, education and more education.*" As the following examples demonstrate, the many organizations involved in the justice system agree and have accordingly implemented or maintained cultural diversity educational programs.

The Judicial Department. In April 1995 the Oregon Judicial Department (OJD) implemented a diversity training program for all interested OJD staff and judges. OJD intended the four-hour training sessions to help foster a work environment in which diversity is valued. The goal was to create an atmosphere of mutual respect in which OJD employees treat each other and the public with fairness and value individual differences. The training examined many stereotypes and beliefs—race, gender, age, lifestyle differences, religion, marital status and physical capacity—to demonstrate the breadth of "diversity" and to identify the wide range of personal filters individuals use to "prejudge" people. OJD offered sixteen training sessions at six locations throughout the state.

Additionally, the OJD provided managers and supervisors specific information on how to manage a diverse work force. OJD presented this information at supervisory follow-up training sessions. OJD revisited these issues during a supervisory training session in September 1995. And finally, the OJD's Judicial Education Committee has provided judges with training on cultural issues. These judicial educational efforts are described below in the section on the judiciary.

The Oregon State Bar. For many years, the Oregon State Bar (OSB) has been committed to increasing the cultural awareness of its members, staff and Board of Governors (BOG). The bar frequently provides its staff and the BOG diversity training seminars or workshops. For example, in January 1995, the OSB's Board of Governors, and other leaders in the bar, attended a two-hour Leadership Workshop For Diversity Training. The bar also provides several educational vehicles to raise the cultural awareness of Oregon lawyers—minority employment programs and educational seminars. The programs educating attorneys through professional interactions with minorities were discussed in a previous section entitled "The Oregon State Bar's Minority Law Student and Attorney Employment Programs." The other educational tool the bar uses to raise the cultural awareness of Oregon attorneys is the MCLE program.

All Oregon lawyers are required to take a certain number of continuing legal education classes each year. As part of this program, the bar continually has provided courses for attorneys designed to raise their awareness of diversity issues. For example, in the past three years, the OSB Minimum Continuing Legal Education (MCLE) program approved for credit the following nine continuing legal education classes concerning issues of cultural diversity and bias in the legal profession: (1) Working Together: A Presentation on Workplace Diversity (1992); (2) Diversity Hiring (1992); (3) Eliminating Gender Bias in the Legal Profession (1992); (4) Elimination of Bias (1993); (5) Diversity and Harassment Training (1993); (6) Race Fairness, Ethnic & Cultural Awareness Faculty Development Workshop (1994); (7) Diversity: It's Not Just the Law (1994); (8) Celebrating Diversity (1994); and (9) Climbing Toward Justice: Summit '95 (1995).

Although the bar's educational efforts are commendable, the Task Force concluded that many of the lawyers attending the diversity classes were attorneys who were already culturally aware. Consequently, the training was not reaching those most in need of cultural awareness education. The Task Force accordingly recommended that the MCLE Committee amend the continuing education rules to make diversity training courses a mandatory component of the MCLE program. In January 1995, the BOG asked the MCLE Committee to consider the Task Force's recommendation. At the same time, the IC met with the MCLE Committee to discuss the recommendation. The MCLE

Committee noted its support of the recommendation but wanted to analyze the administrative issues related to a mandatory requirement. In March 1995, the MCLE Committee completed its analysis concerning the recommendation and concluded that a mandatory requirement was not appropriate. However, it decided to include new language in the MCLE rules highlighting the importance of cultural awareness training and encouraging attorneys to take at least three credit hours of diversity training per reporting period. The bar will publish the new MCLE policy statement in the 1996 bar directory. For more information on the MCLE program, contact Ms. Lisa D. Williams, the MCLE Administrator, at (503) 620-0222, ext. 368.

The Judiciary. All Oregon state court judges must be members of the OSB. Consequently, many have attended the above MCLE courses. Judges have also participated in educational programs offered by the Oregon Judicial Conference's Judicial Education Committee and the Oregon Judicial Department's Personnel Division, the American Inns of Court, the National Judicial College and other judicial education organizations.

- ***The Oregon Judicial Department.*** The Oregon Judicial Conference's Judicial Education Committee (JEC) provides judges with continuing educational opportunities to improve their ability to perform judicial functions. One of the JEC's five goals is to "preserve the integrity and impartiality of the judicial system through eliminating bias and prejudice and the appearance of bias and prejudice." The JEC seeks to accomplish this goal through the provision of in-state judicial training or the reimbursement of tuition at out-of-state conferences. The JEC is also developing a strategy to make the issue of racial fairness a part of all educational activities, in addition to addressing it as a separate topic, to ensure that information on issues of racial fairness in the courts is disseminated widely and to reflect the reality that bias can affect all areas of judicial activities. Further, the Judicial Department provides all judges up to $300 per year for membership in nonprofit, nonpolitical organizations relevant to the judiciary. Many judges belong to organizations that provide their own training and symposiums on issues of cultural fairness in the courts (e.g., the National Bar Association and the Inns of Court).

  In the last three years, the JEC conducted two symposiums on cultural issues in the courts and implemented a mandatory week-long orientation for new judges that includes a discussion of racial fairness in the judicial system. In 1992, the JEC provided judges training entitled "The Effective Use of Interpreters and Working with Multicultural Populations." During this program, the program presenters discussed fairness issues and methods judges might use to improve the ability of multicultural populations to access justice. In 1993, the JEC coordinated a judicial training program entitled "Cultural Diversity in the Justice System: New Times, New Questions." The program was designed to better equip judges to assess the impact of cultural values on decisions and to create a judicial environment that embraces and incorporates diverse cultural values. The JEC sent audio tapes of the 1992 program and audio and video tapes of the 1993 program to all judicial districts for use by new judges, staff, pro tem judges and special court judges. In 1995, the JEC's week-long New Judge Seminar included a program entitled "Courts and Community: Access to Justice." The program was designed to help judges identify factors that negatively affect a minority's ability to access the court system and suggested methods to eliminate any identified barriers. By letter, the JEC informs all new judges that the court's

library has audio and video tapes on racial fairness in the courts and encourages the judges to review the material.

- ***The American Inns of Court.*** The American Inns of Court is a national organization with local chapters composed of judges, attorneys and law students. Its purpose is to enhance trial practice skills and professionalism. The local chapters meet monthly at dinner gatherings where important court issues are presented and discussed. In 1994, the two Portland Inns of Court chapters featured programs on racial and ethnic issues in the court and the Eugene chapter presented a symposium entitled "Celebrating Diversity." In 1995, the Salem chapter conducted a similar presentation on issues of racial fairness in the courts and the Bend chapter presented a symposium on the discriminatory use of peremptory challenges.

- ***The National Judicial College.*** The National Judicial College (the College) is an organization dedicated to "achieving justice through quality judicial education." The College is located on the campus of the University of Nevada, Reno, and offers over 56 resident and extension courses to interested judges worldwide. In 1994, it implemented a special faculty development project entitled "Race Fairness and Cultural Awareness Development Workshops." The purpose of the new project was to teach judges and judicial educators how to integrate race, ethnic and cultural issues into local training programs. Oregon Supreme Court Associate Justice Richard L. Unis attended the program. The College also offered courses concerning equal justice and other diversity issues in 1992, 1993 and 1994. All courses were attended by some judges from Oregon.

- ***Other Judicial Education Organizations.*** In the last year, judges from Oregon also attended two national conferences on racial and ethnic bias in the court system. In December 1994, the National Council of Juvenile Family Court Judges (NCJFC) conducted a conference on disproportionate overrepresentation of minority youth in confinement. The NCJFC's program included an analysis of the overrepresentation problem and the development of possible solutions. Two Oregon judges attended the three-day conference. In March 1995, the National Center for State Courts (NCSC) coordinated the First National Conference on Eliminating Racial and Ethnic Bias in the Courts. The NCSC designed the conference to help judicial leaders identify racial and ethnic bias in the court system and develop innovative strategies for its elimination. Three Oregon judges participated in this three-day national conference.

Law Enforcement Agencies. See chapter two, "The Criminal Justice System—An Issue of Public Trust," page 43.

The Department of Corrections. See chapter two, "The Criminal Justice System—An Issue of Public Trust," page 43.

Two Related Publications. The following two publications provide useful resource information on cultural diversity training:

- FEDERAL JUDICIAL CENTER, DIVERSITY IN THE COURTS: A GUIDE FOR ASSESSMENT AND TRAINING (March 1995). The Federal Judicial Center designed this 147-page guide to assist courts in planning cultural diversity education programs. It provides step-by-step instructions on how to design

and implement a diversity training program, complete with sample questionnaires, agendas, curriculum components and evaluation forms. The guide's five main sections are: (1) Assessing Readiness and Needs for Diversity Training; (2) Designing the Program; (3) Finding and Working with Outside Experts on Diversity; (4) Promoting the Program; and (5) Evaluating the Program. To obtain a guide, write to the Federal Judicial Center, Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.E., Washington, DC 20002-8003.

- METROPOLITAN HUMAN RIGHTS COMMISSION, ROAD MAP FOR THE JOURNEY TOWARD DIVERSITY—A DIVERSITY TRAINING RESOURCE GUIDE (1994). The Metropolitan Human Rights Commission (MHRC) designed this 29-page guide to provide organizations with a cultural diversity training "road map." It identifies fourteen questions organizations should ask before calling a diversity trainer, lists five reasons why diversity training is important, provides a historical look at diversity training, describes five case studies of organizations that have diversified their staffs and offers information on how to locate an effective diversity trainer that meets an organization's particular needs. The MHRC also compiled a list of 43 diversity trainers from the Portland Metropolitan area. For more information, or to obtain a guide, write to the MHRC, 1120 S.W. Fifth Avenue, Rm. 516, Portland, OR 97204-1989 or call (503) 823-5136.

Implementation Committee Proposal 4.4.—Cultural Diversity Training In Private Law Firms. The Implementation Committee (the IC) commends the efforts of the Oregon State Bar, the Oregon Judicial Department and other public agencies to raise the awareness of its members and employees. The IC is concerned, however, about the lack of any program specifically designed for private law firms to educate their nonminority lawyers. In January 1995, the IC met with the leaders of Oregon's three minority lawyer organizations (MLOs) to discuss this and other concerns. At the meeting the IC proposed that a nonprofit foundation be created to raise the awareness of nonminority lawyers and conduct other programs. The foundation would seek funding to prepare an educational program designed to educate attorneys and their nonlegal staff through eight or nine weekly, on-site and self-facilitated sessions. The materials would include weekly reading assignments and discussion questions. Each week a different member of the discussion group would facilitate the session. The weekly sessions would last one hour and likely occur over lunch. The IC is working with the MLOs to develop a funding proposal for this project.

PROFESSIONAL STANDARDS

As noted above, ongoing cross-cultural education is necessary to raise the cultural awareness of nonminority staff, lawyers and judges and thereby achieve a culturally competent, heterogeneous and fair justice system. But, diversity training provides no guarantees. The profession needs a mechanism to regulate attorneys' or judges' conduct to ensure that their conduct conforms to the standards of fairness and are not clouded by racial stereotypical beliefs or racial bias.

Professional codes of conduct govern actions of lawyers and judges. The codes mark the lines between ethical and unethical conduct and are enforceable if violated. Consequently, these rules are the logical place to establish safeguards against racial bias in the actions of lawyers and judges. The Task Force discovered, however, that despite Oregon's ethical codes prescribing a responsible,

ethical and fair code of conduct, they contained no specific prohibitions on the manifestation of racial bias. The Task Force accordingly recommended that the Oregon Code of Professional Responsibility for Lawyers and the Oregon Code of Judicial Conduct be amended to include specific prohibitions of racial bias.

The Oregon Code of Professional Responsibility for Lawyers. The Oregon State Bar (OSB) is responsible for developing the Code of Professional Responsibility for Lawyers. In January 1995, the OSB's Board of Governors assigned the bar's Legal Ethics Committee (EC) the task of developing and recommending for adoption two disciplinary rules based on the Task Force's recommendations. In March 1995, the EC developed proposed disciplinary rules. One rule would make it professional misconduct to exercise a peremptory challenge "for reasons judicially determined to be constitutionally impermissible." The other disciplinary rule would prohibit the manifestation of bias or prejudice based on "race, color, creed, gender, national origin or sexual orientation." In May 1995, the EC submitted the proposed rules to the Chief Justice's Disciplinary Rules and Procedures Committee (DRPC) for review at its meeting on July 21, 1995. The DRPC concluded that the proposed rule relating to peremptory challenges was not needed because what a lawyer can and cannot do regarding the exercise of such challenges is spelled out in case law and in the Oregon Rules of Civil Procedure. Regarding the manifestation of bias rule, the DRPC felt it was too broad and postponed a rewrite until the Supreme Court adopts a similar rule for the Judicial Code. The DRPC postponed a rewrite because it wanted the rules to be consistent.

The Oregon Code of Judicial Conduct. The Oregon Supreme Court is responsible for developing and adopting the Oregon Code of Judicial Conduct. In December 1994, the Oregon Supreme Court began the task of reviewing Task Force recommendations 3-10 and 3-11 and developing an appropriate judicial canon prohibiting the manifestation of racial, ethnic, gender and socioeconomic bias. On April 25, 1995, the Oregon Judicial Conference (Conference) approved a Proposed Revised Oregon Code of Judicial Conduct. The Conference proposed a section be included in *Judicial Rule 2: Impartial and Diligent Performance of Judicial Duties* (JR 2-110) that would address Task Force recommendations 3-10 and 3-11. It would prohibit actions of judges, and those under a judge's control, that may reasonably be perceived as biased. The rule would not "preclude consideration or advocacy of any issue relevant to the proceeding." The Chief Justice signed an order adopting the revised code on November 22, 1995.

Related Task Force recommendations: R 3-4, 3-5, 3-10, 3-11, 7-14 and 7-15

IMPLEMENTATION PROGRESS "AT A GLANCE"

Rec. #	Description	Implementation Status
2-3	Trial courts should increase the number of bilingual and bicultural employees.	• OJD uses applications with a preference for bilingual ability. • OJD authorizes trial courts to pay costs of language classes for staff and judges. • See R 3-2 below.
3-1	Judicial selection committees should include diversity as a factor in making judicial appointment recommendations to the Governor.	• Judicial selection committees are committed to diversity in the judiciary. Recently, two new minority judges were recommended and elected.
3-2	The Judicial Department should seek to reach more minority applicants.	• OJD sends job announcements to all Employment Division (ED) offices statewide and to over 100 minority organizations. • OJD will include job notices in the ED's new electronic kiosk system. • OJD is implementing a training program for supervisors to teach them the techniques of community outreach recruitment. • OJD periodically reviews applications and has developed a standardized recruitment manual.
3-3	The Judicial Department should train presiding judges and administrators in how to attract qualified minority applicants.	• See R 3-2 above.
3-4	Judges, administrators and all court personnel must be convinced, through education, of the need for and value of increasing diversity of the work force at all levels.	In April 1995, OJD implemented a four-hour diversity training module for all OJD staff and judges. It offered 16 training sessions at six locations statewide. OJD also provided managers and supervisors specific information on how to manage a diverse work force.

Rec. #	Description	Implementation Status
3-5	OJD should establish an ongoing cross-cultural awareness training for judges and court staff.	• See R 3-4 above. • **Oregon Judicial Conference Judicial Education Committee (JEC).** JEC provides in-state judicial training or the reimbursement of tuition at out-of-state trainings and is attempting to weave fairness issues into all course offerings to accomplish one of its five goals: to "preserve the integrity and impartiality of the judicial system through eliminating bias and prejudice and the appearance of bias and prejudice." • **The American Inns of Court.** Recently, the Portland, Salem, Eugene and Bend chapters conducted programs on issues of racial fairness. • **The National Judicial College.** Oregon judges attended courses concerning racial fairness in 1992, 1993 and 1994. • **Other Judicial Education Organizations.** In the last year, Oregon judges attended two national conferences on racial fairness.
3-6	OJD should increase its efforts to train and attract bilingual employees.	See R 2-3 above.
3-9	The Chief Justice (CJ) and the State Court Administrator (SCA) should monitor the efforts to diversify court staffing and develop standards to measure the effectiveness of its diversification effort.	The CJ and the SCA were initially more concerned about implementing the necessary diversification programs. Now that implementation efforts are underway, the CJ and the SCA are committed to improving OJD's monitoring efforts. The IC also serves a monitoring role and will work with OJD to develop a formal monitoring system for the "Phase 2" implementation effort.
3-10	The Supreme Court, the Chief Justice and the State Court Administrator should adopt a canon for judges and administrative rules for staff that explicitly prohibit the manifestation of racial bias.	• **Judicial Canon**: The Supreme Court is developing a canon for judges that will prohibit the manifestation of racial and gender bias. • **Administrative Rules**: OJD's personnel policy prohibits discrimination on any basis.
3-11	Canon 2 of the Code of Judicial Conduct should be amended to provide: "A judge should not engage in conduct, on or off the bench, that reflects or implements bias on the basis of race, sex, religion, ethnic or national origin, or sexual orientation (including sexual harassment)."	See R 3-10 above.

Rec. #	Description	Implementation Status
4-1	BPSST and the State Police should ensure that all state, city and county police officers receive cross cultural awareness training. BPSST should make such training a prerequisite to certification.	• See chapter two. • BPSST mandates cross-cultural training as part of Police Academy curriculum. • The State Police also trains new recruits on cultural issues. • LALEA and BPSST are cooperatively engaged in a community policing project designed to improve the relationship between Hispanic communities and local law enforcement.
4-2	All law enforcement agencies should implement a hiring program designed to attract minority and bilingual police officers.	The State Police and county and city police departments are committed to implementing (or improving an existing one) an aggressive minority recruitment campaign, request information on an applicant's bilingual ability and provide language training or pay for language classes.
4-15	The Department of Corrections (DOC) should develop a program designed for employees to enhance retention and promotional opportunities of minorities.	• The DOC is implementing five innovative recruitment techniques and initiating four new programs to improve job retention and promotional opportunities for minorities. • The DOC recently has appointed two minorities as superintendents of two of Oregon's nine correctional facilities.
6-5	The Oregon State Bar and the Supreme Court should require all lawyers to certify completion of at least three hours of cross-cultural diversity training during each MCLE reporting period.	In January 1995, the OSB's MCLE Committee reviewed R 6-5 and concluded that a mandatory requirement was not appropriate; however, it also decided to include language in the MCLE rules that highlights the importance of cultural awareness training and encourages attorneys to take at least three credit hours. The OSB will publish the policy statement in the 1996 bar directory.
7-14	The Oregon State Bar and the Supreme Court should develop disciplinary rules making it unethical to use peremptory challenges solely on the basis of race.	In March 1995, the OSB's Legal Ethics Committee developed a draft rule that would make it professional misconduct to exercise a peremptory challenge "for reasons judicially determined to be constitutionally impermissible." After comment and review by other groups, the Committee concluded that such a rule was not necessary because the ORCPs satisfactorily govern an attorneys conduct during the jury selection process.

Rec. #	Description	Implementation Status
7-15	The Oregon State Bar (OSB) should develop a rule of professional responsibility prohibiting lawyers from manifesting, by words or conduct, bias based upon race, sex or socioeconomic status.	In March 1995, the OSB's Legal Ethics Committee developed a draft rule that would prohibit the manifestation of bias or prejudice based on "race, color, creed, gender, national origin or sexual orientation." After comment and review by other groups, the Committee will seek the Board of Governor's approval in August 1995.
9-3	Law firms, state agencies and other employers of lawyers should evaluate their hiring practices to avoid bias in the hiring process. The Oregon State Bar (OSB) should have a program to assist these organizations in ensuring that their hiring practices are free of racial bias.	Oregon's legal employers (public and private) have demonstrated a commitment to R 9-3. For example, over 30 public and private legal employers have participated in the OSB's minority law student employment programs. Also, in December 1994, nine of Portland's largest private law firms met with the IC and made a pledge to increase their firm's diversity at all levels. Part of these efforts includes a constant review of hiring practices to avoid bias. The OJD continuously reviews its hiring process to avoid bias and has accordingly enacted a policy to ensure uniform hiring practices statewide, trained supervisors in how to conduct bias-free recruitment and ensured that OJD applications are free of any requests for potentially discriminatory information. The Oregon Department of Justice likewise reviews its hiring practices and recently enacted three process improvements.

PROFESSIONAL GROUPS

This section describes the implementation efforts of various bar and professional organizations to diversify their groups and increase minority representation on committees and as continuing legal education authors or speakers.

IMPROVING THE DIVERSITY OF PROFESSIONAL ORGANIZATIONS

The last piece in the puzzle of a representative and culturally sensitive justice system is the diversification of bar and other professional organizations because these organizations play an influential role in the legal profession. For example, the Oregon State Bar (Oregon's largest and most influential bar organization) participates in legislative activities, develops ethical rules, sets the minimum continuing legal education requirements, prepares and gives the bar examination, determines how bar resources are to be allocated for community-related activities and plays an active and influential role in other legal policy decisions. Local bar organizations likewise provide useful and educational services to local attorneys and the surrounding communities.

Additionally, Oregon has a number of professional organizations of attorneys in similar fields or who share common interests. For example, the criminal defense lawyers in Oregon formed the Oregon Criminal Defense Lawyers Association and the state's women lawyers organized the Oregon Women Lawyers association (this organization is open to male and female attorneys). These organizations provide strong networking and educational opportunities for their members. Because these bar and other professional organizations influence legal policy, educate the communities and lawyers within our state and provide significant networking opportunities, it is important that these groups be culturally diverse to ensure that different perspectives are included in all decisionmaking processes.

The Minority Lawyer Associations. There are three Oregon minority lawyers organizations: (1) the Asian-Pacific American Lawyers Association; (2) the Association of Oregon Black Lawyers; and (3) the Minority Lawyers Association. These groups also play an important role in the diversification effort. They provide a venue though which information concerning employment and other opportunities can be disseminated and a forum for the development of relevant implementation projects. In addition to disseminating information, the minority lawyer organizations also serve an important support role in which they encourage their members to actively pursue judicial, political, bar committee and other opportunities.

In its previous sections, the report noted the implementation efforts of the minority lawyers organizations (MLO) regarding public education and employment. In this section, the MLO's efforts to increase the participation of minorities on bar committees and as Continuing Legal Education (CLE) speakers will be highlighted. At a meeting with the Implementation Committee (IC) in January 1995, the MLO noted that few minorities currently seek Oregon State Bar (OSB) committee positions or opportunities to author CLE materials or serve as CLE speakers because many attorneys of color felt the bar had been less than receptive to their past requests. The IC noted its meeting with the OSB and the contrasting message it had received from the bar, namely, the bar's expressed desire to increase the participation of minority attorneys in both these areas.

The IC and the MLO agreed that a breakdown of communication regarding opportunities for attorneys of color on bar committees and as CLE authors and speakers had given rise to the current state of disinterest. The IC and the MLO further agreed to take steps to open the lines of communication and inspire more minority lawyers to submit applications for bar committee or CLE positions. The MLO agreed to discuss the opportunities with their interested members and encourage them to apply for influential committee positions and CLE opportunities. The IC agreed to discuss the need for the bar to solicit actively the participation of minority attorneys.

The Lane County Bar Association. In 1994, the Lane County Bar Association formed a Racial Bias Committee to respond to the recommendations contained in the Task Force Report. The Committee is developing three projects to further the goals of the Task Force report: (1) a survey regarding the employment of minorities in the Lane County legal community; (2) a translation project in conjunction with the local municipal courts; and (3) a publicity campaign to highlight issues of racial fairness in the courts by placing related articles in the local bar newsletter. The Committee also coordinated a luncheon with the bar members and minority law students from the University of Oregon School of Law and is discussing methods to become more involved in their academic progress.

The Multnomah Bar Association. In July 1994, the Multnomah Bar Association (MBA) formed a Committee to Advance Equality in the Profession and the Justice System (Equality Committee). Two of its five charges focused on problems identified by the Task Force. The relevant charges directed the Equality Committee to "identify a pool of possible . . . ethnic minority MBA member Continuing Legal Education (CLE) speakers . . . in the largest practice areas" and "review . . . the Oregon Supreme Court Race Bias Task Force report [and] . . . identify related, potential action items . . . which the MBA could assist in remedying within the next year."

In accordance with the first charge, in January 1995, the Equality Committee sent a letter to all minority MBA members requesting their participation as CLE speakers or recommendations for other speakers of color. Regarding the second charge, in March 1995, the Equality Committee established a Young Lawyers Section Task Force on Improving Diversity with the MBA (the Diversity Task Force) to remedy the lack of diversity in the MBA. In June 1995, the Diversity Task Force completed its report and made nine recommendations to improve the diversity of MBA's membership. The MBA's Young Lawyers Section Board will review the recommendations and seek to implement them in 1996.

Oregon Criminal Defense Lawyers Association. In July 1994, the Oregon Criminal Defense Lawyers Association (OCDLA) formed the Committee on Race, Gender and Ethnicity (the Ethnicity Committee). The Ethnicity Committee's purpose is to promote racial and gender diversity within OCDLA at all levels and raise the cultural and gender awareness of all those involved with the criminal justice system. For more information contact the Ethnicity Committee chairperson, Ms. Linda Friedman Ramirez, at (503) 227-3717.

The Oregon State Bar. Because membership in the Oregon State Bar (OSB) is mandatory for all Oregon attorneys, the OSB's primary concern regarding minority representation in its organization relates to committee assignments and other leadership positions within the bar. In December 1994, the Committee met with Ms. Sylvia Stevens, Assistant General Counsel to the OSB, to discuss these,

and other, issues. Ms. Stevens noted the bar's concern about the lack of minority representation on influential bar committees, in other leadership positions and as CLE authors and speakers. She stated that the bar is anxious to have minority attorneys serve as committee leaders, but that few had expressed interest. Further, Ms. Stevens stated that she would be willing to work with minority attorneys to show them, step-by-step, how to obtain a committee appointment.

Ms. Stevens also made the following four recommendations to the bar's Board of Governors (BOG) regarding these issues: (1) the BOG Appointments Committee should work to "bring more minority lawyers into positions of responsibility on committees;" (2) the BOG should "encourage [bar] sections . . . to increase minority participation in positions of responsibility within sections;" (3) the BOG should "encourage greater participation by minorities on the BOG, in both the public and lawyer positions;" and (4) the bar's Executive Director should "reaffirm the bar's affirmative action policy as it regards staff, and work to bring more minorities into position of responsibility within the bar staff."

Regarding Ms. Steven's first recommendation, in June 1995, the chair of the Appointments Committee of the BOG sent a letter to leaders of the three minority lawyer organizations and Oregon Women Lawyers requesting names of minority and women attorneys who might be interested in serving on the Council on Court Procedures. The Council, one of the most influential bar committees, currently lacks significant diversity and the pool of attorneys expressing an interest for the Council's next term was exclusively white male. Consequently, the Appointments Committee postponed its selection process until it could send the June letter and possibly inspire interest among minority and women lawyers.

Oregon Women Lawyers. In 1994, Oregon Women Lawyers (OWLs) developed a five-year strategic plan "to promote the advancement of women and minorities in the legal profession." To carry out its mission, OWLS developed five general goals and forty-five specific recommendations. Goal two is to "increase [OWLS] collective power and influence organizationally and as member of the legal community." In addition to five other objectives, OWLS seeks to accomplish this goal by "increas[ing] the presence of women/minorities in elected/appointed government positions, bar leadership positions and on the bench." In July 1995, OWLS met with the IC to discuss how it could best aid the implementation process.

At the meeting, the IC helped OWLS prioritize its strategies listed in its five-year strategic plan as they related to racial fairness. The IC concluded that OWLS should focus on three areas: (1) career advancement; (2) increasing the power of minority attorneys as members of the legal community; and (3) mentoring. Regarding career advancement, the IC suggested that OWLS publicize minority attorneys and their success stories in its newsletter, encourage the formation of minority-owned firms, market minority firms to minority clients and encourage legal consumers to request that their legal providers employ minority attorneys.

To increase the power of minority attorneys in the legal community, the IC encouraged OWLS to prepare a pamphlet on how to obtain bar committee positions and how to become a MCLE author or speaker. The IC also suggested that OWLS educate minority attorneys on how to groom themselves for judicial appointments and that OWLS, in conjunction with the minority lawyer

organizations, develop and maintain a list of qualified minority judicial candidates to provide to judicial selection committees. Finally, the IC encouraged OWLS to maintain its high quality mentoring program and increase its efforts to develop relationships with minority law students.

Related Task Force recommendation: R 9-4

IMPLEMENTATION PROGRESS "AT A GLANCE"

Rec. #	Description	Implementation Status
9-4	The Oregon State Bar (OSB) and other bar-related organizations should implement plans to involve more minority lawyers in positions of responsibility.	The following six groups have taken specific action to improve the diversity of bar committee positions or their groups: • The Oregon State Bar • The Multnomah Bar Association • Oregon Criminal Defense Lawyers Association • The Three Minority Lawyer Associations • The Lane County Bar Association • Oregon Women Lawyers