
**9. Diversity and Inclusion Assessment Increase
(Board of Governors Resolution No. 2)**

Whereas, the 1974 Oregon State Bar Annual Meeting approved the creation of an Oregon State Bar Affirmative Action Program (AAP) due to the low numbers of racial and ethnic minority bar members (.5% of the membership); and

Whereas, in 2006 the House of Delegates (HOD) approved a resolution reauthorizing the AAP through December 31, 2021 at the same funding level established for the AAP in 1989 (\$30 per active member per year and \$15 per active member for less than two years); and

Whereas, since the mid-1970's, the number of bar members who identify as racial and ethnic minorities has increased to 6.6%, while the population of racial and ethnic minorities in Oregon has increased to 16.4%; and

Whereas, the demographics in Oregon and America are rapidly changing, and there is a compelling need for the bar to serve an increasingly diverse population and to reflect the community we serve; and

Whereas, a diverse and inclusive bar is necessary to solve the challenges faced by the legal profession; and

Whereas, the name of the AAP was changed to the Diversity & Inclusion Department and Programs (D&I) in 2011; and

Whereas, the assessment to fund the Diversity & Inclusion Department has not increased in 23 years; and

Whereas, an increase in the Diversity & Inclusion Assessment is necessary to retain staff, and continue programs and outreach; now, therefore, be it

Resolved, that effective in 2014, the Diversity & Inclusion Assessment be set at \$45 for active members admitted in any jurisdiction before January 1, 2012, and at \$25 for active members admitted in any jurisdiction on or after January 1, 2012.

*Presenters: Ethan Knight, BOG, Region 5
Hon. Ann Aiken, Chief Judge, U.S. District
Court*

Proponent's Statement

The Board of Governors recommends passage of the resolution increasing the assessment to fund the bar's Diversity & Inclusion Department and Programs (D&I), formerly known as the Affirmative Action Program (AAP). The assessment to fund D&I was last raised 23 years ago in 1990, so funding for D&I has not kept pace with inflation. Additional funding is

needed to retain staff and fund important programs and outreach.

The OSB established the AAP, which is now called the Diversity & Inclusion Department and Programs, in 1974. At that time only 0.5% (27 out of 5,450) bar members identified as racial and ethnic minorities. Initially, D&I was funded by a \$10 per bar member "Affirmative Action" assessment. The assessment was increased from \$10 to \$15 in 1980, and from \$15 to \$30 in 1990. In 2006, the House of Delegates authorized the \$30 assessment through 2021.

The mission of the Diversity & Inclusion Department of the Oregon State Bar is to support the mission of the Oregon State Bar: by promoting respect for the rule of law, by improving the quality of legal services, and by increasing access to justice. The Program serves this mission by striving to increase the diversity of the Oregon bench and bar to reflect the diversity of the people of Oregon, by educating attorneys about the cultural richness and diversity of the clients they serve, and by removing barriers to justice.

With its dedicated resources, and a long history of committed advisory committee volunteers, D&I has made significant progress toward increasing the diversity of the OSB, which is one of its primary missions. This work is evidenced by the increase in the number of attorneys licensed in Oregon who identify as racial and ethnic minorities from .5% in 1974 to 6.6% today. That said, there is much more work that needs to be done, especially given the rapidly changing demographics in Oregon and the United States, the rise in the number of Americans who are unable to afford legal services, declining law school enrollment, and the legal jobs crisis.

The board believes that a diverse and inclusive bar is necessary to solve the challenges facing the legal profession. In particular, a diverse and inclusive bar is necessary to attract and retain talented employees and leaders; effectively serve diverse clients with diverse needs; understand and adapt to increasingly diverse local and global markets; devise creative solutions to complex problems; and improve access to justice, respect for the rule of law, and the credibility of the legal profession. Until a diverse set of lawyers is present at every level of the profession

-- partners in firms, government agencies, nonprofits and businesses, judges both state and federal, etc.-- there is still work to be done.

Race and ethnicity is one important aspect of diversity that requires deliberate attention, but the concept is much broader than that. In 2012 the board defined diversity and inclusion as acknowledging, embracing and valuing the unique contributions our individual backgrounds make to strengthen our legal community, increase access to justice, and promote laws and creative solutions that better serve clients and communities. Diversity includes, but is not limited to: age; culture; disability; ethnicity; gender and gender identity; geographic location; national origin; race; religion; sexual orientation; and socio-economic status.

D&I's signature program, Opportunities for Law in Oregon (OLIO), was created in 1998 as a racial and ethnic minority law student recruitment and retention strategy. Direct program expenses for OLIO are paid entirely with non-member resources (donations, grants, etc.). Beginning in 2005, the eligibility requirement for OLIO was opened to allow any law student who supported the program's mission to attend the OLIO Orientation as an upper division student as well as all the other OLIO program components. Today, all of D&I's programs and outreach extend beyond programs for students and include all bar members and the community at large.

The OSB has had a long-standing tradition of supporting the advancement of diversity and inclusion within the bar. The challenges faced by the legal profession nationally and in Oregon demand that we increase our effort to support diversity as key to the bar achieving its mission. While we recognize the difficulty in asking our bar members to pay more in a time of less, we on the Board of Governors encourage the members of the House of Delegates to support this increase as a modest investment in a future bar that is more inclusive and promotes access to justice for all Oregonians.