

DEI Leadership Seal Program Resource Guide



The State Bar
of California

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Introduction

The State Bar has compiled these resources to highlight best practices and help your organization implement selected Action Items when applying for the [DEI Leadership Seal program](#). This document is intended as one tool to help organizations develop and achieve their DEI goals and is not intended to provide step-by-step instructions. Please send any suggested edits, feedback, and comments to DEILeadershipSeal@calbar.ca.gov.



Collect and Maintain Demographic Data



When collecting demographic data, be transparent about why the organization is doing so.



Be sensitive to terminology used to collect demographic data.

- o For example, grouping together Asian American and Pacific Islander (AAPI) communities can mask essential distinctions that may be uncovered by studying disaggregated data. Learn more about AAPI culture, history, and stereotypes by visiting the Asian American Journalists Association's [guidance and resources](#).
- o Understand that there is a difference between gender and gender identity. [Pew Research Center](#) has several articles explaining gender and gender identity.
- o Additional resources include [The Diversity Style Guide](#) and [GLAAD Media Reference Guide](#).



Consider comparing your organization's data to that of similar organizations. See, e.g., [National Association for Law Placement's \(NALP\) 2021 Report on Diversity in U.S. Law Firms](#).



The State Bar of California publishes a [Report Card](#) on the Diversity of California's Legal Profession based on demographics collected in the Attorney Census. Consider collecting demographic data in the same or similar categories so that your organization can more easily compare your attorney demographics to California's attorney population.

- o Keep in mind that certain employers may have limitations on the type of data collected from employees. Organizations are solely responsible for complying with any applicable laws, rules, and regulations relating to demographic data collection and maintenance.



Note: At this time, the State Bar will not require that demographic data be submitted to demonstrate implementation of this Action Item. This data should be collected to provide transparency to current staff and prospective staff, and to inform and assist the organization in setting potential goals when creating the DEI strategic plan or implementing other Action Items.

Create a Strategic DEI Plan



When creating a strategic DEI plan, consider addressing specific questions, such as:

- o Why is DEI important to your organization?
- o What issues does the organization intend to address?
- o How long will it take to achieve those goals?
- o What does success look like?
- o Who will provide input in setting goals and defining success?



Consider setting equity and inclusion goals for specific programs and teams within the organization based on the communities or clients served.



Once the strategic DEI plan is created, the organization's leadership must support and commit to meeting the goals identified. Employees of organizations who believe leadership is focused on achieving those goals are more inclined to buy in and assist the organization in carrying out its DEI plan.



Address how the organization intends to measure success in meeting its DEI strategic plan goals.

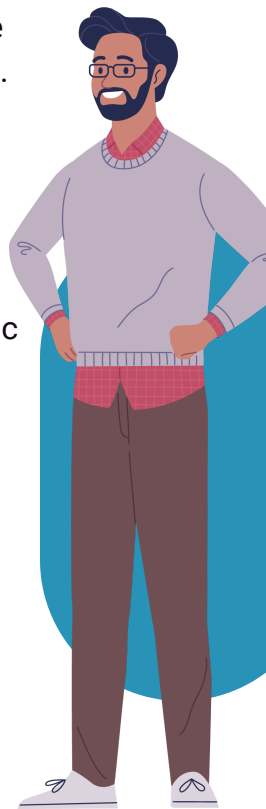
- o For example, while not specifically related to the legal profession, ABC's [Inclusion Standards](#) include benchmarks that require a specific number of completed actions in a category in order to meet a goal.

Additional Resources



Additional resources include:

- o NALP's Diversity [Best Practice Guide](#)
- o University of California, Berkeley's [Strategic Planning for Equity, Inclusion and Diversity Toolkit](#)
- o U.S. Government-Wide [Diversity and Inclusion Strategic Plan](#)
- o U.S. Office of Personnel Management [Guidance for Agency-Specific Diversity and Inclusion Strategic Plans](#)



Calculate Staff Turnover and Promotions



Calculate staff turnover and promotions by position, tenure, and demographics to identify if certain demographic groups are experiencing disproportionately higher or lower turnover or promotion rates than others.



If disparities exist between demographic groups, investigate what factors might contribute to these differences (e.g., organizational culture, growth opportunities, compensation policies, etc.) and develop a plan to address these issues.

- o Unnecessary turnover for any organization can result in lost time and increased training and onboarding expenses.
- o Taking steps to reduce turnover among certain demographic groups helps to promote inclusion and belonging.



Analyze and share disaggregated data on turnover and retention rates with staff members who can provide recommendations on policy changes to the leadership team.



Support retention and promotion from within; do not rely solely on external lateral hires to meet DEI goals.



Compare California Attorney Hire Demographics to California Attorney Population

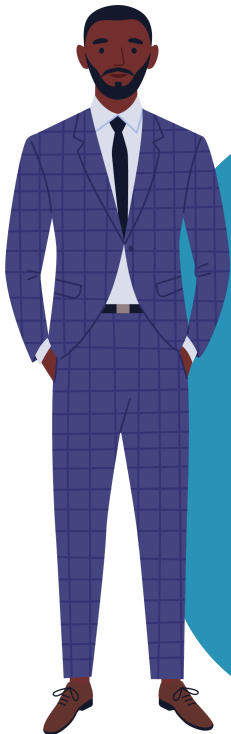


Comparing the demographics of attorney hires to the demographic of all California attorneys allows organizations to benchmark progress and address any disparities.

- o If your organization has less diversity compared to the state attorney population as identified in the [State Bar's Diversity Report Card](#), consider incorporating steps to address disparities in the organization's strategic DEI plan.



To improve representation among certain groups, your organization may want to develop an outreach plan that includes partnering with affinity groups or local or specialty bar associations when vacancies occur. California Lawyers Association has a list of [California Bar Associations and Related Organizations](#).



Create and Share Publicly a DEI Statement



Tailor the organization's DEI statement to its goals, mission, and culture. It should communicate what DEI means to the organization, the organization's commitment to DEI, and what actions the organization will take to achieve its DEI goals.



Post the DEI statement on your organization's website and other publicly available locations. Sharing this statement publicly is an important accountability measure.

- o This can also attract potential employees who want to work for an organization that prioritizes DEI.



Sample diversity statements:

- o CalPERS [Commitment to Diversity & Inclusion Report](#) (2019-20)
- o [Duane Morris](#)
- o [Farella Braun + Martel](#)
- o GSA.gov Technology Transformation Services Office [Diversity, Equity, Inclusion, and Accessibility at TTS](#)
- o [Legal Aid Society of San Diego](#)
- o [Legal Services for Children](#)
- o [OneJustice](#)
- o U.S. Department of Education Office of Inspector General [Diversity and Inclusion Strategic Plan FY 2019–2022](#)

Additional Resources



Additional resources to assist in creating a DEI statement are:

- o The U.S. Chamber of Commerce's [Writing a Diversity and Inclusion Statement: How to Get It Right](#)
- o Harvard's [DEI Commitment Statement Guide](#)



Conduct Staff Stay and Exit Interviews



Focus stay and exit interviews on organizational culture, experience of inclusion, and sense of belonging, as well as areas for improvement for the organization. Areas for improvement may include the distribution of assignments, opportunities for sponsorship, and clearer pathways for advancement.



Using rating systems and open-ended questions allows for different forms of feedback.

- o Rating systems, on a scale of one to five or from “strongly agree” to “strongly disagree,” allow interviewees to provide succinct feedback on particular areas of interest.
 - An example of a question using the rating system: From “strongly agree” to “strongly disagree,” how would you rate the following? “My employer communicates the importance of addressing racial inequities and achieving racial equity.”
- o Open-ended questions allow interviewees to provide more detail and context.
 - An example of an open-ended question is “How could a change in the organization’s culture contribute to your retention?”



Additional questions may include:

- o How has this organization demonstrated that it values diversity in its staff?
- o Describe how leadership is committed to diversity, equity, and inclusion?
- o How can the organization strengthen its DEI efforts?
- o On a scale of one to five, where one is low and five is high, how would you rate the frequency of management’s communications regarding the organization’s progress toward meeting DEI goals?
- o Using a scale from “strongly agree” to “strongly disagree,” how would you rate the following? “The organization values diversity in its staff.”



Use a DEI lens in reviewing interview responses and develop strategies to improve retention of diverse staff. For example:

- o If an employee who recently resigned indicated they did not feel like they belonged, the organization could implement quarterly check-ins to give staff the opportunity to share feedback. The leadership team could also encourage mentorships or support training and provide resources to cohorts of new employees to increase a sense of belonging.



Survey Staff to Gather Feedback on DEI Efforts



At least biennially, conduct surveys to help leadership gain insight into staff perceptions about DEI work and organizational culture and to gauge staff's understanding of the organization's DEI efforts and the value of DEI in the workplace.



Determine whether an anonymous survey is appropriate for your organization. Conducting anonymous surveys can solicit more honest feedback. However, it may also reduce the number of surveys collected because targeted follow-up or individual reminders are not possible. Even if the survey is not anonymous, ensure measures are in place to maintain confidentiality for survey takers.



Ask questions to get a sense of the staff's sense of belonging and inclusion. Questions may include:

- o What do you value about your work?
 - Does staff indicate they value the organizations' DEI efforts?
- o What is meaningful about your work?
 - Does staff feel invested in meeting DEI goals?
- o Which parts of the job make good use of your skills and abilities?
 - Does staff report that they are given opportunities to use their skills and abilities toward achieving DEI goals?

Require Annual Employee Implicit Bias Training



Trainings should be provided by people or organizations with significant professional or academic experience related to the trainings' content.



Different modalities (e.g. online, in-person, lecture, interactive) should be explored and trainings should incorporate adult learning theories.



Trainings may include topics related to eliminating/reducing impacts of implicit bias, including: allyship, bystander intervention, and identifying and combating microaggressions.

Additional Resource



The State Bar offers a free online MCLE e-learning course on recognizing implicit bias and strategies to reduce bias; the course is accessible only to California attorneys via [My State Bar Profile](#).

Incorporate DEI Work into Performance, Advancement, and Compensation Decisions



If DEI is a value for an organization, DEI work must be considered when making performance, advancement, and/or compensation decisions.



Questions to ask include:

- o How has the individual contributed to the DEI strategic plan and goals?
- o Does the individual create an environment of celebrating diversity and promoting inclusion?
- o What skills does the individual have that may lend themselves to achieving the organization's DEI goals?
- o How can the individual increase their participation in DEI initiatives?
 - For example, are there opportunities for staff to participate in DEI activities like employee resource groups, DEI-focused presentations or trainings, or to be involved with affinity groups?
- o Does the individual model behaviors that support DEI, such as:
 - Active listening
 - Openness to others
 - Recognition and mitigation of microaggressions in the workplace



Incorporate DEI best practices into supervisors' performance objectives. Educate supervisors on equity-based management skills.



Consider developing DEI-informed practices for supervision and performance evaluations (e.g., 360-degree evaluations).



Consider providing staff with time to volunteer to advance DEI in the legal profession, such as mentoring underrepresented law students or speaking on panels about diversity in the law.



Encourage attorneys at your organization to participate in American Bar Association (ABA) [Resolution 102 \(2021\)](#) by devoting at least 20 hours every year to advance and promote DEI in the legal profession.

Additional Resource



NAPL provides a [best practice guide](#) with suggestions on how DEI can be a part of performance and development decisions.

Integrate DEI Responsibilities Into Leadership Team Members' Job Duties. For Larger Organizations Maintain a DEI Professional Position



All leadership team members should have some DEI component(s) integrated into their job duties. Leadership team members should be responsible for implementation of the organization's DEI strategic plan, including supporting and making available professional development opportunities for staff interested in DEI work.

This might include:

- o Encouraging staff to utilize DEI resources, development opportunities, and DEI training.
- o Collaborating with the organization in hosting DEI meetings, discussions, and providing updates to staff.
- o Overseeing work related to DEI action items, including collecting and preparing materials, engaging staff in surveys, or supporting the organization in achieving its DEI goals.



For larger organizations (those with at least 100 California attorneys), establish and support senior-level DEI professional roles (e.g., chief diversity officer, director of DEI) that contribute to the organization's strategic initiatives and decision making. These roles should collaborate with staff and spearhead efforts, not rely solely on existing staff with other primary responsibilities.



Leadership team members should acknowledge that developing and implementing DEI goals is an ongoing process. Leadership team members may need to be flexible with new roles and responsibilities in order to achieve the organization's DEI goals.

