

Celebrating
Year *One*

Diversity Action Plan | 2014 Implementation Report



Diversity and Inclusion: Making Us Stronger

Messages from the Executive Director and BOG President



Sylvia E. Stevens
Executive Director

To fully achieve the Oregon State Bar's mission, we must ensure that our programs, services, and activities are delivered in an inclusive and culturally responsive manner to our diverse bar and community. Our goals and strategies for achieving that objective are contained in the Diversity Action Plan 2014–2016 developed by the Diversity Action Council (comprised of senior staff and two members of the Board of Governors) and adopted by the Board of Governors in November 2013. In this report, we are pleased to celebrate the accomplishments of our first year of implementation and to affirm our commitment to continued progress in the coming years. The Diversity Action Plan is a living document and we will adjust our strategies based on our implementation results. I wish to thank the Diversity Action Council as well as all of the bar staff and volunteers for their hard work over the past year and their genuine commitment to our collective efforts. I welcome feedback from the bar and community about our progress to date and recommendations for the future.



Richard G. Spier
President, 2015

As a member of the Board of Governors, I was pleased to see this plan develop and proud to have a role in approving it. Now as OSB President I am delighted to see how much progress has been made over the past year. I am excited to pursue my goal of encouraging lawyers of all backgrounds to volunteer for OSB-related services and governance opportunities, including service on the Board of Governors. I also want to express my appreciation for fellow board members Josh Ross and Audrey Matsumonji, who serve on the Diversity Advisory Committee charged with implementing the plan. This is important work, and I thank them for their dedication.

Why Diversity and Inclusion Matters

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 credibility of the legal profession.

GOAL #1**Increase the diversity of the Oregon bar and bench**

- Strategy 1 – Increase the accuracy of the bar’s diversity demographic membership data
- Strategy 2 – Develop a diverse pipeline of law students who feel supported, welcomed, and encouraged to practice law in Oregon
- Strategy 3 – Encourage a diverse applicant pool for judicial appointments
- Strategy 4 – Ensure the Board of Governors’ judicial appointment recommendations includes candidates who have demonstrated competency in dealing with diverse people and issues

GOAL #2**Increase engagement by bar leadership for community outreach**

- Strategy 1 – Increase participation in events hosted by diverse organizations

GOAL #3**Increase the diversity of the pool of volunteer bar and community members engaged in OSB activities and leadership**

- Strategy 1 – Increase the diversity of OSB CLE seminar speaker pool
- Strategy 2 – Increase the diversity of lawyers and community members in Board of Governors appointed volunteer positions and on the Board of Governors
- Strategy 3 – Increase the diversity of the New Lawyer Mentoring Committee and volunteer mentor pool

GOAL #4**Increase bar staff diversity and education, and foster a welcoming and inclusive culture**

- Strategy 1 – Assess the OSB climate and workforce
- Strategy 2 – Increase outreach to diversify the pool of applicants for vacant positions at the OSB
- Strategy 3 – Provide educational opportunities for OSB staff

GOAL #5**Increase the diversity of OSB contractors, suppliers, vendors, and renters**

- Strategy 1 – Conduct an assessment and implement a process to increase diversity

GOAL #6**Foster knowledge, education, and advancement of legislation that increases access to justice**

- Strategy 1 – Increase the participation of all OSB sections in the legislative process
- Strategy 2 – Increase the coverage of diversity-related subjects in the *Capitol Insider* newsletter

GOAL #7**Expand public and bar member education, outreach, and service**

- Strategy 1 – Increase Access to Justice CLE seminar programs
- Strategy 2 – Increase outreach to diverse communities regarding OSB services to address the unlawful practice of law
- Strategy 3 – Enhance Client Assistance Office to meet the needs of a diverse community
- Strategy 4 – Enhance outreach and services provided to diverse constituents by Discipline and Regulatory Services
- Strategy 5 – Position the OSB to attract new members by adopting the Uniform Bar Exam
- Strategy 6 – Develop and sell e-books adapted for use by underserved individuals and communities
- Strategy 7 – Increase the diversity of the Bar/Press/Broadcasters Council and legal experts available to assist the media
- Strategy 8 – Enhance outreach to underserved communities regarding the modest means and lawyer referral programs
- Strategy 9 – Identify and remedy barriers to accessibility experienced by individuals with disabilities who access bar programs, services, activities and premises

GOAL #8**Increase representation of low income Oregonians and enhance accountability for services to diverse clients**

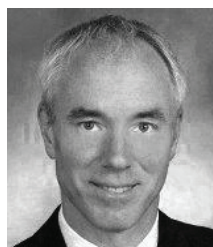
- Strategy 1 – Increase funding for The Oregon Law Foundation and the OSB Legal Services Program
- Strategy 2 – Increase pro bono representation of low income Oregonians
- Strategy 3 – Enhance legal services provider accountability for serving diverse clients

2014 Implementation Highlights



The OSB unveiled the Diversity Story Wall and received positive press concerning the bar's appreciation of our diverse pioneers and commitment to diversity and inclusion.

The Board of Governors Board Development Committee's outreach efforts led to historic increases in the diversity of the board membership, including the addition of a member from a large firm, as well as two former and one current specialty bar leaders:



Per Ramfjord
Partner, Stoel Rives



Simon Whang
Former President
OAPABA



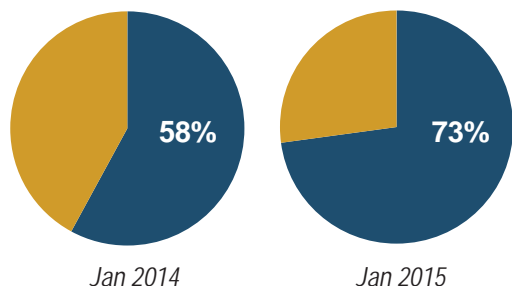
Kathleen Rastetter
Former President
OWLS



Ramón Pagán
President
OHBA

The OSB established an accessibility review team and provided two mandatory ADA training sessions for all bar staff.

The OSB enhanced its diversity demographic collection efforts. The rate at which members volunteer to share information about their race and ethnicity increased by 15%.



*I am conscious
of a soul-
sense that
lifts me above
the narrow,
cramping
circumstances
of my life.
My physical
limitations are
forgotten –
my world lies
upward, the
length and the
breadth and
the sweep of
the heavens are
mine.*

Helen Keller,
Author and advocate

When we have judges who are biologically different from men, or who have different cultural training and uniquely different live experiences, they will see the law from a different set of values. And that will make a difference in results, and how the courts are perceived.

Betty Roberts, Oregon
Supreme Court Justice

Goal #1

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Accuracy of OSB Member Demographic Data Improved

The Oregon State Bar first created an online reporting tool and promoted participation through regular communication channels. Step two, implemented in November 2014, required members logging in to the bar's website to either complete the form or decline to participate. After eight weeks, the percentage of bar members listed in our database as "declined to state" dropped significantly across all demographic categories. In addition, several categories achieved significant gains in member totals: sexual orientation other than heterosexual (+211); multiple ethnicities (+235); and disability of some type (+129).

Student Pipeline Outreach Efforts Enhanced and Yield Results

In 2014, the Opportunities for Law in Oregon (OLIO) Orientation program eligibility criteria was expanded to include multiple dimensions of diversity, which increased the diversity and number of 1L participants. The OSB wants to see at least 35% of OLIO Orientation participants who graduate from law school become Oregon bar members by April of the year after they graduate. Currently, 31% of OLIO Orientation participants who graduated from law school in 2014 have taken and passed the Oregon bar exam. We will know whether we reach our 35% goal after the February 2015 bar exam results are available. Regardless, we have made significant progress toward achieving our target measure.



Hon. Marco
Hernandez
US District Court



Hon. Michael J.
McShane
US District Court



Hon. Lynn R.
Nakamoto
Oregon Court of
Appeals



Hon. Adrienne C.
Nelson
Multnomah Cnty
Circuit Court



Hon. Darleen
Ortega
Oregon Court of
Appeals

GOAL #2

Increase engagement by bar leadership for community outreach

Strategy 1 – Increase participation in events hosted by diverse organizations

Bar Leaders Expand Engagement with Diverse Communities and Organizations

Members of the Board of Governors and bar staff have expanded their engagement with diverse communities by attending and supporting events hosted by diverse specialty bars and community-based organizations. In 2015, the board plans to meet with the leadership of selected community organizations to learn about and address access to justice concerns. These outreach efforts help the bar better understand the diversity, strengths, and needs of our membership and the community that we serve.

*As you discover
what strength
you can draw
from your
community
in this world
from which it
stands apart,
look outward as
well as inward.
Build bridges
instead of walls.*

Sonia Sotomayor, U.S.
Supreme Court Justice



*We have
become not a
melting pot
but a beautiful
mosaic.
Different
people, different
beliefs, different
yearnings,
different hopes,
different
dreams.*

President Jimmy Carter

GOAL #3

Increase the diversity of the pool of volunteer bar and community members engaged in OSB activities and leadership

- Strategy 1 – Increase the diversity of OSB CLE seminar speaker pool
- Strategy 2 – Increase the diversity of lawyers and community members in Board of Governors appointed volunteer positions and on the Board of Governors
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Steps Taken Increase Diversity of CLE Speakers, Section Executive Committees, and OSB Volunteers

Data was gathered for all section sponsored CLE programs beginning in the spring. During the tracking period, 129 members presented one or more CLE programs. Of the speakers who provided their demographic information to the OSB, 7% of them self-identified as belonging to a historically underrepresented group.

In year one, the Member Services Department assisted five sections in open recruitment for diversifying their executive committees. Membership lists were made available to sections during creation of nomination committees and included demographic information. The department will continue to work with sections in subsequent years to encourage balanced executive committee membership.





Both lawyer and non-lawyer volunteer forms were modified to collect demographic information corresponding to the OSB demographic fields. Volunteers were also informed that the demographic information they choose to disclose could be used to update the OSB member data. Members of the Board Development Committee worked with several bar-affiliated

and community organizations to recruit diverse candidates for various bar volunteer positions. Eight non-lawyer volunteers applied in 2014; none of them self-identified as a minority from any of the five demographic categories. In 2014, 268 bar members applied to serve as a volunteer. Of those who provided their race and ethnicity, 9% are minority. In terms of gender, 43% self-identified as female and 57% self-identified as male. Of those who provided their sexual orientation, 6% identified as lesbian, gay, or bisexual. Of the members who provided their demographic information on the survey, 3% indicated they have a disability. Members of the Board Development Committee built relationships with a variety of minority and specialty bar associations to encourage candidates from underrepresented groups to run in the Board of Governors election. As a result of the outreach, the candidate diversity increased significantly. The election held in the fall of 2014 and a special BOG appointment made in early 2015 resulted in five new Board of Governors members, including one from a large law firm, one racial and ethnic minority, and two female lawyers.

The Oregon State Bar was successful this year in significantly diversifying the appointments to the New Lawyer Mentoring Committee, with the addition of three new members, including members of Asian, Indian and Native American descent. One new member in particular works closely with immigrant populations and is already proving to be a valuable resource in our outreach to a more diverse community. Additionally, as staff begin the planning for both New Lawyer Mentoring Program (NLMP) CLE seminars this year, we have discussed including a diverse pool of speakers and topics in both of those programs. An additional goal is to conduct some outreach to specialty bars to begin to establish greater partnerships to enhance the diversity and overall success of the NLMP.



We need every human gift and cannot afford to neglect any gift because of artificial barriers of sex or race or class or national origin.

Margaret Mead,
anthropologist

*It is time for
parents to teach
young people
early on that
in diversity
there is beauty
and there is
strength.*

Maya Angelou, author

*Treat all men
alike. Give them
all the same
law. Give them
all an even
chance to live
and grow*

Chief Joseph,
Nez Perce leader

GOAL #4

Increase bar staff diversity and education, and foster a welcoming and inclusive culture

- Strategy 1 – Assess the OSB climate and workforce
- Strategy 2 – Increase outreach to diversify the pool of applicants for vacant positions at the OSB
- Strategy 3 – Provide educational opportunities for OSB staff

OSB Expands Assessment and Staff Education

The bar engaged a consultant to review the diverse composition of current OSB staff. The overall results show that bar staff reflects the diverse composition of surrounding communities. Recruitment efforts continue outreach to reach out to diverse communities and continue tracking which outreach activities are most effective.

In May 2014, Figure 8 Consulting presented a seminar “The Power of Unveiling Unconscious Bias.” Evaluations show the seminar was very well received by staff. Amber Hollister presented a seminar reviewing the Americans with Disabilities Act and Denise Spielman was brought in to present “Creating a Welcoming Environment for People with Disabilities.” Attendance was required of all staff at each of these seminars and a DVD created so future staff are exposed to them as well.

GOAL #5

Increase the diversity of OSB contractors, suppliers, vendors, and renters

- Strategy 1 – Conduct an assessment and implement a process to increase diversity

OSB Prepares to Begin Assessment in 2015

Plans are under way to fully assess the diversity of OSB contractors, suppliers, vendors and, renters in 2015. The OSB began advertising notice of room rental availability on the monitor on the first floor at the bar center in Tigard. Additional outreach is planned for 2015.

GOAL #6

Foster knowledge, education, and advancement of legislation that increases access to justice

- Strategy 1 – Increase the participation of all OSB sections in the legislative process
- Strategy 2 – Increase the coverage of diversity-related subjects in the Capitol Insider newsletter

Bar Expands Legislative Process Education, Outreach, and Focus on Access to Justice

The Public Affairs Department reaches out to every bar committee and group to provide an overview of the bar's legislative process as well as to explain how to engage at whatever level is appropriate for the makeup of that particular bar group. Also, the Public Affairs Department has worked to include greater coverage of diversity-related issues in the Capitol Insider, including articles on the use of racial and ethnic impact statements for proposed legislation and the efforts to combat notario fraud.

*Few will have
the greatness
to bend history,
but each of us
can work to
change a small
portion of
events.*

Senator Robert F. Kennedy



It takes no compromise to give people their rights...it takes no money to respect the individual. It takes no political deal to give people freedom. It takes no survey to remove repression.

Harvey Milk,
American politician

GOAL #7

Expand public and bar member education, outreach, and service

- Strategy 1 – Increase Access to Justice CLE seminar programs
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Concerted Efforts Yield Notable Expansion of Education, Outreach, and Service

In 2013, the CLE Seminars Department created a new program, utilizing Race: The Power of an Illusion panel presentation on DVD and as an on demand seminar. As of December 31, 2014 there were 91 sales.

During 2014, the CLE Seminars Department sponsored or cosponsored the following seminars that qualified for access to justice credit:

- Sponsored Thurgood Marshall's Coming! a movie presentation and panel discussion to commemorate the 60th anniversary of Brown v. Board of Education (31 live attendees)
- Sponsored an encore presentation of Race: Myths and Realities, featuring the documentary Race: The Power of an Illusion and a panel discussion (172 live and webcast attendees)
- Cosponsored Echoes of Inequality: Oregon's Exclusionary Laws from Past to Present with the Legal Heritage Committee (91 live and webcast attendees; 61 on demand purchases)
- Sponsored a CLE seminar on notario fraud, which had an audience of both ethnic minority community members and leaders and OSB members (88 live and webcast attendees; 4 on demand purchases)
- Cosponsored Special Topics in Disability Law with the Disability Law Section (34 live and webcast attendees; 14 on demand purchases)

- Hosted an online video replay of Echoes of Inequality (25 attendees)

Focus on Notario Fraud in Spanish-Speaking Immigrant Communities

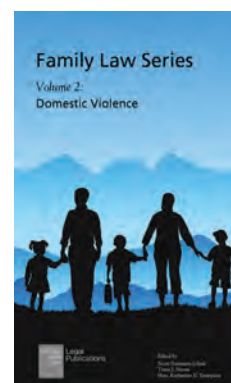
The bar identified Spanish-speaking immigrants as a vulnerable population that has been the target of exploitation by notarios publicos and other illegal immigration consultants. General Counsel's Office developed an outreach plan to combat notario fraud and began implementation of that plan in partnership with various bar departments and key stakeholders outside the bar. Together we:

- Developed and distributed 4,000 copies of a Stop Notario Fraud brochure in Spanish, with an electronic version posted on the OSB website.
- Coordinated an interview with Univision regarding notario fraud.
- Provided information to the Oregonian for publication of an article on notario fraud.
- Translated the UPL Advisory Opinion on notario fraud into Spanish and posted it on the OSB website.
- Sponsored the Notario Fraud Conference, bringing together key representatives from state and not-for-profit entities who either have substantial contact with notario fraud issues or are involved in the investigation and prosecution of notario fraud. There were 88 attendees, and evaluations were overwhelmingly positive.
- Attended and hosted a table with notario fraud prevention materials at the Oregon Attorney General's Open House on Consumer Fraud in Hillsboro, Oregon.
- Attended meetings with AILA Oregon Chapter representatives and with Oregon Crime Victim's Program Immigrant Subcommittee regarding problem solving around notario fraud.
- Sought appointment of persons with Spanish and Russian language skills to Unlawful Practice of Law Committee.
- Included representatives on the UPL Committee from the Oregon Department of Justice and Department of Consumer and Business Services to help better coordinate enforcement efforts.

Bar Launches E-Books for Consumers

In May 2014, the Legal Publications Department launched a Family Law Series, which is available for purchase on Amazon. Each e-book includes a Quick Resource Guide in the front with links to lawyer referral and legal services websites. A total of 25 e-books have been sold to date. However, there have been no reviews or ratings. We plan to enhance marketing of the availability of this resource in 2015, and we will develop a new target measure.

In November 2014, the Legal Publications Department expanded the e-book library to include six e-books in the Consumer Law Series. Each e-book again includes the Quick Resource Guide. To date, no e-books in this series have been sold. We will continue marketing the availability of this resource in 2015.



The Family Law Series is available on Amazon.com

Discipline and Regulatory Services Enhances Outreach to Diverse Constituents

In 2014, lawyers from the Disciplinary Counsel's Office reached out to both local and specialty bars, seeking to educate members about Oregon's attorney discipline system and foster communication about upcoming developments. Presentations took place in Portland, Pendleton, Medford, Grants Pass, Coos Bay, and Gold Beach, as well as before the Oregon Public Defenders, the Oregon Criminal Defense Lawyers Association, and the Oregon Women Lawyers.

Bar Expands Diversity in Relationships with Press and Media

The OSB was successful in recruiting participants with greater geographic diversity to the Bar Press Broadcasters Council (BPBC), adding members from Eugene and Central Oregon. We had somewhat less success increasing our racial and ethnic diversity, which will remain a focus in the coming year. We did, however, invite increased minority participation in the BPBC's biggest event of the year, the Building a Culture of Dialogue program, which will see an increase in minorities both in the bar member and the media participation. This was particularly important this year, as the discussion will be loosely based on the events of Ferguson, Missouri, which continue to reverberate throughout our own community. Another benefit of our expanded invitation pool to that event will be the identification of bar members who may be appropriate to use as expert sources for media throughout the state. Although this was not a stated action item, we also began what we hope will be a successful relationship with The Oregonian's new beat reporter assigned to coverage of diversity issues. This is a new focus area for her and the first time The Oregonian has had a reporter specifically assigned to seek out topics addressing diversity. We look forward to working with her to assure that issues impacting the health and vitality of the justice system, as that relates to diversity, are regularly included in her coverage.

OSB Diversity Story Wall, Unveiled on November 7, 2014, Receives Positive Press

The OSB's exhibit featuring our diverse pioneers received positive press and media attention. An online version of the exhibit is scheduled to launch in February 2015. For additional information about the exhibit go to: www.osbar.org/storywall. To see the Story Wall Unveiling Ceremony, go to: www.youtube.com/watch?v=97hoq0lic5w.



The Oregonian

Story Wall - www.oregonlive.com/portland/index.ssf/2015/01/oregon_state_bar_leaders_debut.html

Racial Bias Report

www.oregonlive.com/portland/index.ssf/2015/01/oregon_state_bar_diversity_rac.html#incart_river

Pioneers

www.oregonlive.com/portland/index.ssf/2015/01/pioneers_of_diversity_in_orego.html#0

The Skanner

Story Wall - www.theskanner.com/news/northwest/22120-oregon-bar-celebrates-progress-in-diversity

PQ Monthly

Story Wall - www.pqmonthly.com/oregon-state-bar-unveils-diversity-inclusion-story-wall/21088

Bar Enhances Public Outreach Efforts

Baseline data is gathered annually with ongoing assessment of the OSB's public outreach programs coordinated by the Communications and Public Services Department. Grassroots marketing efforts, including distribution of Referral Information Services posters and business cards, continued in 2014, with additional outreach to state court administrators and legal aid programs. The Legal Links cable series was revived, along with a new focus on shorter videos designed to be embedded into our website. Ongoing assessment has shown decreased effectiveness in yellow pages advertising (now largely discontinued) and the Tel-Law system as a means of delivering legal information (discontinued for 2015). Speakers' Bureau requests, while also on the decline, will continue based on its potential for high-quality information, positive interaction between lawyers, and the public and minimal expense. Social media and advertising, while offering limited benefit in existing circumstances, will continue to be explored.

OSB's current focus is promoting the public information and legal help pages of our website; the Communications and Public Services Department has begun testing new website promotions, including increased use of embedded video as mentioned above and online message board and advertising as discussed below. In 2014, the focus was to increase traffic to the bar's public-facing web page, www.oregonstatebar.org. In addition to regular promotional activities, we launched test ad campaigns through Craig's List and Google Ad Words. Both campaigns directed traffic to specified "landing" pages for general information on the bar's services to the public, the Lawyer Referral Service (LRS), and the online LRS request form. Over the course of the year, traffic to these specific pages increased by more than 50%. The campaigns will be continued and refined in 2015, with special attention to under-served communities and under-accessed areas of law.

Bar staff have developed, and members of the Public Service Advisory Committee have approved, a procedural change in lawyer referral practices to help members of the public identify lawyers they believe will better meet their needs. Beginning with the 2015–16 program year, LRS and Modest Means Program panelists will have the option of indicating whether they are a member of an Oregon-based specialty bar with a primary purpose of promoting diversity within the legal profession and in the provision of legal services. Membership in these groups would be a searchable referral criteria, similar to foreign language ability or special services, e.g., credit card acceptance. The organizations that currently qualify, all of which hold membership open to any Oregon lawyer, are: OWLS—Oregon Women Lawyers, OMLA—Oregon Minority Lawyers Association, OC-NBA—Oregon Chapter of the National Bar Association, OAPABA—Oregon Asian-Pacific American Bar Association, OGALLA—Oregon Gay & Lesbian Law Association, and OHBA—Oregon Hispanic Bar Association.

*Our greatest
glory is not in
never falling,
but in getting
up every time
we do.*

Confucius


Just because a man lacks the use of his eyes doesn't mean he lacks vision.

Stevie Wonder,
musician and composer


Bar Launches Accessibility Review Team

The OSB established the Bar Accessibility Review Team (BART) to review and address accessibility issues reported by bar staff, bar members, and members of the public, and to raise awareness of accessibility issues within and around the bar. BART completed an initial self-assessment of bar programs, services, activities, and premises, but will continue its assessment in 2015 through one-on-one meetings with bar managers and a survey of bar members and the public. Highlights of BART efforts to raise awareness of accessibility issues include:


- Providing training to all OSB staff regarding identification of barriers and appropriate response to requests for accommodation;
- Creating an intranet page with accessibility resources;
- Posting the ADA Notice & Grievance Procedure on the bar's website, in the OSB Center lobby, and in the large conference rooms;
- Publishing an article about the ADA in the November 2014 OSB Bulletin; and
- Publishing a newsletter article for Lawyer Referral Service panelists regarding ADA compliance.




Access to Low Vision




Accessibility Symbol




Audio Description



Volume Control Telephone




Sign Language Interpretation




Assistive Listening Systems




The Information Symbol




Closed Captioning (CC)




Braille Symbol




Telephone Typewriter (TTY)



Accessible Print



Visually Impaired



Americans with Disabilities Act Continues to Elevate Civil Rights, with Mental Health Now at the Forefront

By Melody Finnemore

National preparations are underway for the 25th anniversary of the Americans with Disabilities Act, including a legacy project that provides multiple forums for people to talk about the act's history and its future.

Oregon attorneys who have worked with the ADA since its passage in 1990 say its impact has been overwhelmingly positive over the last quarter century. Its implementation got off to a rocky start, however, and while the public's understanding of it has grown, there are several improvements that need to be made over the next 25 years.

Portland attorneys Dano Sullivan and Dennis Steinman have litigated a host of ADA-related cases over the years. They agree that the goals originally intended for the act were sorely misinterpreted, largely due to the U.S. Supreme Court's early rulings. These rulings severely limited the act by focusing on what constituted a disability rather than how disabilities should be accommodated. Congress in 2008 effectively reversed the Supreme Court's approach with the ADA Amendments Act, which significantly broadened the definition of disability and focused on legal interpretations of what constitutes reasonable accommodation for people with disabilities.

"From a litigation standpoint, defendants were winning summary judgments the majority of the time before the ADA Amendments Act. The amendments act shifted it the other way, and the vast majority of cases were in the employment arena," says Steinman, a civil rights litigator with Kell, Altermann & Runstein and one of the state's first lawyers to become fluent in American Sign Language.

"The amendments act alone, even if you disregard everything else in the ADA, has been a rollercoaster ride for disabled people in terms of employment and other aspects of their daily lives," Steinman says. "It took a very long time for the public and private sectors to grasp what they were responsible for and what they had to pay for. There has been a shift not only in how accommodation is perceived, but also about who pays for the accommodation."

Sullivan, a partner with Buchanan, Angel, Altschul & Sullivan and president of the Multnomah Bar Association, says she also witnessed a sea change in the focus of litigation once the amendments act was passed.

"The fight is where it should be, which is over what is being done to accommodate people with disabilities," she says.

Eric Fjelstad of Smith & Fjelstad in Gresham also began handling ADA cases shortly after the act's passage and has seen a definite evolution. "The changes in our cases have directly reflected the amendments. It used to be a drag-out fight about whether the client was disabled," he says, recalling a particular client who was diabetic and the ensuing argument about whether that qualified as a disability. "It was interesting because I had just been diagnosed as a diabetic and I learned a lot during that case."

Fjelstad says the battle now wages about how to provide accommodations and who is responsible. As he sees it, there is a lot of gray area surrounding these issues.

"There are very liberal standards that need to be fleshed out through case law as far as who is responsible for the breakdown in the conversation about reasonable accommodations and how they should occur," he says. "These are questions that are out there and need to be addressed in the relatively near future."

Litigation Common Despite Clearer Rules

Bob Joendeph, executive director of Disability Rights Oregon, says a noticeable change regarding the ADA is the increased enforcement that has occurred under the Obama administration. This has generated more action and clarity for businesses and other private and public entities, which now face greater accountability after years of stagnation in meeting ADA requirements.

GOAL #8**Increase representation of low income Oregonians and enhance accountability for services to diverse clients**

- Strategy 1 – Increase funding for The Oregon Law Foundation and the OSB Legal Services Program
- Strategy 2 – Increase pro bono representation of low income Oregonians
- Strategy 3 – Enhance legal services provider accountability for serving diverse clients

Efforts to Increase IOLTA Account Interest Rates for Legal Services Funding

The Oregon Law Foundation made a concerted effort to convince banks to increase the amount of interest offered for IOLTA Accounts, which goes directly to fund legal services for low-income Oregonians. US Bank holds approximately 30% of all IOLTA deposits in Oregon. When it decided to no longer pay a supportive interest rate on its IOLTA accounts starting in 2014, there was a large impact on the Oregon Law Foundation's revenue and ability to meet the metric of .7% to 1% interest. Accordingly the target metric of the total IOLTA deposits that earn .7% to 1% interest will be adjusted from 80% to 60%.

The Oregon State Bar, Oregon Law Foundation, and the Campaign for Equal Justice continue to explore funding options for legal aid. There are current options being explored in the 2015 Legislative session and through the Campaign for Equal Justice's Task Force on Legal Aid Funding that set goals to achieve minimally adequate funding for legal aid.



*Injustice
anywhere is a
threat to justice
everywhere*

Martin Luther King, Jr.,
U.S. clergyman and
civil rights leader

*In recognizing
the humanity
of our fellow
beings, we pay
ourselves the
highest tribute.*

Thurgood Marshall,
U.S. Supreme Court Justice

Call to Action: Report Pro Bono Service Hours

Baseline data regarding pro bono participation gathered for approximately eight years shows a fairly steady but low reporting of pro bono hours by attorneys. Without mandatory pro bono reporting it is impossible to measure pro bono activity accurately. OSB staff will continue to encourage voluntary reporting and will work with new OSB data system to find more efficient ways to encourage pro bono reporting. Staff will continue to encourage new programs to become certified. Current programs, under-staffed due to shrinking budgets, do not have the staff support to increase pro bono participation by 10% annually for the foreseeable future.

Assessment of Legal Service Providers (LSP) Underway

Legal aid providers are currently assessed using the OSB LSP Standards, and Guidelines, which incorporate the American Bar Association's (ABA) Standards for the Provisions of Civil Legal Aid. The ABA standards already measure the cultural responsiveness of legal aid in the key areas of staff diversity, community outreach, and training. A better target measure for this strategy is to change the LSP Accountability Self-Assessment tool to better collect information in those key areas. The Self-Assessment tool will be revised in 2015 to better gather information and measure Strategy 3.



Legal Aid offices in 17 communities serving all 36 counties.

GLOSSARY

ACRONYMS

ACDI	Advisory Committee on Diversity and Inclusion
CAO	Client Assistance Office
CRA	Community Reinvestment Act
IOLTA.....	Interest on Lawyers Trust Accounts
LSP	Legal Services Program
MBE	Multistate Bar Exam
NLMP	New Lawyers Mentoring Program
OLF	The Oregon Law Foundation
OLIO	Opportunities for Law in Oregon
OSB	Oregon State Bar

TERMS AND CONCEPTS

Community Reinvestment Act

A United States federal law designed to encourage commercial banks and savings associations to help meet the needs of borrowers in all segments of their communities, including low and moderate income neighborhoods.

Culture:

The system of shared beliefs, values, customs, behaviors, and artifacts that the members of society use to cope with their world and with one another, and that are transmitted from generation to generation through learning.

Source: *Cultural Proficiency*, San José • Evergreen Community College, www.sjeccd.edu

All human beings are programmed by cultural “software” that determines our behavior and attitudes. Once we recognize what our programming teaches us, we have the capacity to control our choices.

Gardenswartz & Rowe, www.gardenswartzrowe.com

Cultural Proficiency

Cultural proficiency is the level of knowledge-based skills and understanding that is required to successfully interact with and understand people from a variety of cultures. Cultural proficiency requires holding cultural difference in high esteem; a continuing self-assessment of one’s values, beliefs, and biases grounded in cultural humility; an ongoing vigilance toward the dynamics of diversity, difference, and power; and the expansion of knowledge of cultural practices of others. To provide culturally proficient services, both the individual and the institution must be culturally proficient. Five essential elements contribute to an institution’s ability to become more culturally proficient:

1. Valuing diversity
2. Having the capacity for cultural self-assessment
3. Managing the dynamics of difference
4. Having institutionalized cultural knowledge
5. Having developed adaptations to services reflecting an understanding of cultural diversity

These five elements should be manifested at every level of an organization, including policy making, administration, and practice.

Source: *Cultural Proficiency*, San José • Evergreen Community College, www.sjeccd.edu

Cultural Responsiveness

The ability to respond to and interact with people from a variety of different cultures in a culturally proficient manner.

OSB Diversity Demographic Membership Data

The bar collects and tracks member diversity demographic data based on the following criteria: sex, gender, race/ethnicity, disability, sexual orientation, and gender identity.

Demonstrated Competency

Showing or presenting a combination of knowledge, skills, behaviors, and values that indicate a person is culturally proficient.

OSB Diversity and Inclusion

Diversity and inclusion mean 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 or expression; geographic location; national origin; race; religion; sex; sexual orientation; and socio-economic status.

E-Books

Books available for purchase electronically for use on a digital reading device.

Low-income Oregonians

For the purpose of statewide legal aid services, low-income Oregonians are defined as households with incomes at or lower than 125% of the federal poverty level. This would be \$24,413 for a household of four in 2013. Another way to look at it is a single person household who makes minimum wage in Oregon would be ineligible for legal aid because they are over income.

Member Dashboard

Customized web page displayed for members logged into the OSB website. The dashboard includes regulatory notifications and provides tools to access and update member record information.

Underserved Populations

Low income and other populations who lack access to or the ability to afford legal services.

Vulnerable Populations

Communities and people who are disadvantaged and at risk due to socio-economic status, gender, age, disability, geography, language ability, race, ethnicity, or any marginalized status.

Thanks to the Diversity Advisory Council Members

Judith Baker – Director of Legal Services Programs
/ OLF Executive Director

Danielle Edwards – Director of Member Services

Dawn Evans – Disciplinary Counsel
/ Director of Regulatory Services

Susan Grabe – Director of Public Affairs

Helen Hierschbiel – General Counsel

Mariann Hyland – Director of Diversity & Inclusion

Christine Kennedy – Director of Human Resources

Linda Kruschke – Director of Legal Publications

Karen Lee – Director of CLE Seminars

Audrey Matsumonji – Board of Governors

Kay Pulju – Director of Communications
& Public Services

Josh Ross – Board of Governors

Sylvia Stevens – OSB Executive Director

Kateri Walsh – Director of Media Relations
and New Lawyer Mentoring Program (NLMP)

Rod Wegener – Chief Financial Officer



Mission

The mission of the Oregon State Bar is to serve justice by promoting respect for the rule of law, by improving the quality of legal services, and by increasing access to justice.

Functions of the Oregon State Bar

We are a regulatory agency providing protection to the public.

We are a partner with the judicial system.

We are a professional organization.

We are leaders helping lawyers serve a diverse community.

We are advocates for access to justice.

Values of the Oregon State Bar

Integrity

Integrity is the measure of the bar's values through its actions. The bar adheres to the highest ethical and professional standards in all of its dealings.

Fairness

The bar works to eliminate bias in the justice system and to ensure access to justice for all.

Leadership

The bar actively pursues its mission and promotes and encourages leadership among its members both to the legal profession and the community.

Diversity

The bar is committed to serving and valuing its diverse community, to advancing equality in the justice system, and to removing barriers to that system.

Justice

The bar promotes the rule of law as the best means to achieve justice and resolve conflict in a democratic society.

Accountability

The bar is accountable for its decisions and actions and will be transparent and open in communication with its various constituencies.

Excellence

Excellence is a fundamental goal in the delivery of bar programs and services. Since excellence has no boundary, the bar strives for continuous improvement.

Sustainability

The bar encourages education and dialogue on how law impacts the needs and interests of future generations relative to the advancement of the science of jurisprudence and improvement of the administration of justice.

Diversity & Inclusion Department

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