



STATE BAR OF WISCONSIN

Racial Justice Task Force Report and Recommendations

Creating a More Diverse and Equitable Legal System

September 2021

DRAFT

Introduction

In June 2020, the Racial Justice Task Force was formed following the high profile officer involved murder of George Floyd and other deaths of Black Americans at the hands of police officers, sparking a summer of national, state, and local protests. The group, formally created as the first official act by President Kathy Brost, was charged with “examining how the strategic planning process can be used to ensure that the State Bar, including its sections, divisions and committees can work toward the goal of racial justice and/or increasing diversity, equity and inclusion in Wisconsin’s legal profession.”

Due to the importance of the issue, the Task Force included all state-wide elected officers of the State Bar, including all three Presidents, Treasurer, and both the incoming and out-going Secretary. The Task Force also included the outgoing Chair of the Board of Governors, Chair of the Section Leaders Council, Chair of the Diversity and Inclusion Oversight Committee (DIOC) and a Building Bridges liaison.

As chair of the Task Force, I want to express my deep gratitude to the members of the Task Force who volunteered their time, talent and energy in meetings over the last year. Many members were not merely involved in discussing and developing the recommendations, but also worked throughout the year to move forward State Bar initiatives relating to Racial Justice and the closely related topic of Diversity, Equity, Inclusion and Accessibility (DEIA). I want to thank UW and Marquette law schools and the affinity bars for their involvement and support with the efforts of the Task Force. I also want to thank State Bar sections, divisions and committees for their important work assisting the Task Force and implementing its recommendations and for taking up their own initiatives to bring this work to life. Lastly, I want to thank Executive Director Larry J. Martin, and the hard-working and dedicated staff of the State Bar, who not only provide strategic guidance, but coordinate all of our work.

Racial Justice Task Force Members

- Jill Kastner, Chair
- Eric Andrews
- Hon. Carl Ashley
- Hon. Kori Ashley
- Kathy Brost
- Randal Brotherhood
- Cheryl Daniels
- Alexander Lodge
- Kristen Hardy
- Starlyn Tourtillott
Miller

The Task Force had deep conversations about disparities and racial inequality in the justice system and how it directly conflicts with the State Bar’s mission, vision, and purposes, including its commitment to equal justice under the law. We also spent significant time talking about DEIA in the Wisconsin legal profession, and how we can more effectively model this across the organization and in the day-to-day work at the State Bar Center in Madison. In having these discussions, the Task Force recognized that words not followed up by deeds would never achieve the desired goal. Deliberate and intentional actions were required to eliminate barriers,

disparity and injustice. Thus, the Task Force focused on developing actionable recommendations for projects, programs and other initiatives the State Bar can undertake to advance racial justice and DEIA.

As the Task Force developed recommendations, State Bar leaders and committees began implementing many of those recommendations while bringing others to the Board of Governors for discussion and approval. The following report contains the Task Force Recommendations, specifying which have been implemented, are in the process of being implemented, and those that require further discussion and development. While the work of this Task Force is complete, the work to promote access to justice, eliminate disparities, and improve DEIA in the profession continues.

Respectfully submitted,

A handwritten signature in black ink, reading "Jill M. Kastner". The signature is written in a cursive style with a long horizontal line extending to the right.

Jill M. Kastner, Chair

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Background and Goals

The State Bar has a long history of working on diversity, equity, inclusion and accessibility (DEIA) issues dating back at least 30 years.

The last major task force appointed by State Bar leadership to address diversity and equity issues was the Diversity Task Force appointed in 2012. The report and recommendations helped inform the work of the State Bar in the following years as it implemented that Task Force's recommendations. Additionally, successive State Bar Presidents and other leaders within the State Bar continued to promote DEIA efforts.¹

The work of the Racial Justice Task Force (hereinafter "RJTF" or "Task Force") was informed by the past efforts of the State Bar and its leadership to promote DEIA within the profession and to combat disparities and inequities within the justice system. The Task Force also recognized that despite good intentions and some progress made toward promoting diversity and inclusion within State Bar leadership, more needed to be done to address broader issues within the profession and the justice system. The Task Force found that past efforts were too limited in their focus on the internal work of the State Bar. The Task Force agreed that its recommendations would focus not just on the internal structure of the State Bar and its leadership, but it would also work to develop recommendations as to how the State Bar could help to break down barriers and foster DEIA within Wisconsin's law schools and the broader legal profession as well as make substantive improvements in Wisconsin's legal system to eliminate racial disparities and inequities.

The goals of the Racial Justice Task Force included:

- Moving beyond performative measures and working toward substantive and measurable changes;
- Promoting greater DEIA within the State Bar, collaborating with affinity law groups, the law schools, and other stakeholders to promote greater diversity of law students, faculty, and presenters, as well as racial justice education and antiracism training at the law schools;
- Advancing a proposal that allows State Bar members to earn CLE credit for attending programs or training related to bias and DEIA and encouraging all members to take such training, including by advancing a petition to make such CLE mandatory;
- Directing relevant State Bar committees, including all three Board of Governors committees, to implement DEIA efforts and explore how the committees can promote racial justice;

¹ A copy of "Diversity Task Force Initiatives 2012-20" is attached as Appendix A.

- Eliminating disparities in the justice system and furthering access to justice by advocating for such policies and by direct action, such as getting State Bar leaders directly involved in filling unmet legal needs and by drawing the attention of the public and elected officials to important issues², such as amending Wisconsin’s expungement laws, and making them more fair and equitable to marginalized communities; and
- Developing other concrete recommendations on projects, initiatives or other actions promoting racial justice.

Racial Justice Task Force Recommendations

The following are the recommendations approved by the Task Force. The work of RJTF was reported at each Board of Governors meeting throughout the 2020-21 State Bar year. Due to the strong commitment of State Bar leadership and the Board of Governors, many of these recommendations have already been implemented or are in the process of being implemented.

Recommendations Already Implemented

1. Make Diversity, Equity, Inclusion and Accessibility more prominent on the [State Bar website](#).
 - Include resources for attorney members: [“What You Can Do”](#)
 - Include resources on issues of free speech, right to protest, and available legal resources: [“How to Help the Public”](#)
 - Include information on what the ABA and other states are doing: [“Statements on George Floyd Death and Protests”](#)
2. Issue a strong statement condemning racism – [“Racial Equity of Black Americans: It’s Time to Step Up | A Statement”](#).
3. Direct the Policy Committee to consider developing policies related to additional issues such as:
 - over-policing;
 - qualified immunity;
 - supporting First Amendment Rights, including the rights of protesters;
 - misuse of peremptory challenges in jury selection;
 - diversion programs;
 - treatment court; and
 - other issues regarding to racial justice³
4. Direct the Governance Committee to:
 - Complete a job description for the Building Bridges Liaisons

² A copy of “2020 Policy Positions Related to Inequality” is attached at Appendix B.

³ A copy of “Policy Positions Related to Racial Justice” is attached as Appendix C.

- Survey Building Bridges Liaisons as to whether they had a good experience serving on the Board of Governors, whether they believe that experience was worthwhile, and are they more or less likely to serve the State Bar as a result of that experience (and why)⁴
 - Examine bylaws/governance for other areas that can be amended or improved to promote DEIA⁵
5. Direct Strategic Planning to consider DEIA in the FY 21-22 strategic planning process.⁶
 6. Direct the Leadership Development Committee to develop mentorship capacity for diverse attorneys and law students.⁷
 7. Conduct regular antiracism and DEIA training for the Board of Governors and other State Bar leaders.
 8. Provide DEIA/racial justice programming/CLE options and resources for members, including at the Annual Meeting and Conference.
 9. Hold a meeting of the affinity groups to discuss racial justice efforts and collaboration.
 10. Invite Building Bridges Liaisons to submit written reports to the Board of Governors on the activities of their affinity groups.
 11. Meet with the Deans of UW and Marquette law schools to discuss the promotion of DEIA as well as racial justice efforts and collaboration.
 12. Involve State Bar leadership (one or more of the Presidents) to participate in the meetings and activities of the Diversity and Inclusion Oversight Committee (DI OC).

Recommendations in Progress

13. Gather input from affinity groups and other stakeholders in working to develop State Bar strategic goals and priorities.
14. Regularly communicate with affinity group leaders requesting input on State Bar action items.
15. Have regular communications between the State Bar, affinity group leaders and local bars to find opportunities to collaborate in programs, initiatives and other joint efforts.
16. Host regular meetings of leaders of affinity groups to facilitate open communication and foster collaboration.
17. Increase involvement with law school students and law student affinity groups (focusing on UW and Marquette law schools).

⁴ A copy of “Building Bridges Liaison Self-Assessment” is attached as Appendix D.

⁵ A copy of the Governance Committee Report is attached as Appendix E.

⁶ Copies of the various reports are attached as Appendix F.

⁷ A copy of the Leadership Development Committee’s report is attached as Appendix F.

18. Host/participate in meetings of stakeholders who are involved in race equity work including WisTAF, Public Defender's Office, civil legal aid providers, affinity bar groups and others.
19. Review current efforts and data and reassess if the State Bar's efforts are accomplishing the intended outcomes (e.g., surveying Building Bridges liaisons [see Appendix F] tracking the number of diverse Board of Governors members and types of diversity, the number of diverse practitioners in our profession in the state, and effectiveness of past efforts in improving diversity within State Bar leadership and/or the profession).
20. Provide more robust DEIA and racial justice training to State Bar leaders.
21. Provide State Bar leaders and members with volunteer opportunities to serve the community by addressing disparities and promoting access to justice, such as an expungement clinic (scheduled for Sept. 21, 2021).
22. Petition the Wisconsin Supreme Court to amend the State Bar Bylaws and Supreme Court Rules to remove any language viewed as a barrier to inclusion and adopt gender neutral language as recommended by the BOG Governance Committee (passed by the Board of Governors in June 2021).

Recommendations

23. Petition the Wisconsin Supreme Court to make DEIA/Elimination of Bias training eligible for CLE Credit (passed by the Board of Governors in June 2020).
24. Petition the Wisconsin Supreme Court to make DEIA/Elimination of Bias mandatory CLE for all attorneys. (Board of Governors directed President Cheryl Daniels to appoint task force to study this issue and report their recommendations to the Board of Governors.)
25. Encourage all judges to attend DEIA training. Petition the Wisconsin Supreme Court to make DEIA/Elimination of Bias mandatory training for judges.
26. Direct relevant State Bar committees to conduct a review of Wisconsin's limited expungement law and its efficacy in eliminating collateral consequences of conviction, and develop means to promote broader expungement reform.
27. Strengthen collaboration and partnerships with the law schools and other initiatives that support the pipeline to the practice of law for diverse students. Work with law schools to:
 - Increase the diversity of law students – such as the [program for Native Americans](#) in medical school;
 - Require DEIA/anti-racism training/classes for students, faculty and staff;
 - Develop a diverse curriculum;
 - Provide mentorships;
 - Develop relationships/opportunities to partner with student organizations; and

- Offer career assistance/development – with a particular focus on diverse students, to help keep diverse attorneys practicing in Wisconsin.
28. Strengthen mentorship initiatives for diverse law students (like the State Bar’s Diversity Clerkship Program), new attorneys, and attorneys interested in becoming judges.
 29. Request the Diversity Inclusion Oversight Committee (DIOC) to look at programs to match diverse attorneys in Wisconsin with Wisconsin companies and governmental entities. Such programs are designed with the intention of retaining diverse attorneys in the state by allowing them to develop their own books of businesses within majority and minority owned law firms.
 30. Develop a DEIA Action Plan to replace the 2018 Diversity and Inclusion Action Plan.
 31. Once the new DEIA Action Plan is approved, appoint an implementation team to continuously monitor the plan and report back to the Executive Committee and Board of Governors as to progress made in implementing the plan.

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Appendix A



Diversity Task Force Initiatives 2012-20

The last major task force appointed by State Bar leadership to address diversity and equity issues was the Diversity Task Force appointed in 2012 by then State Bar President Patrick Fiedler. Leadership tasked this group with determining the role of the State Bar in promoting and furthering diversity within the law schools, the profession and the State Bar by identifying an approach to diversity that would serve the Wisconsin legal profession. This included creating the State Bar's definition of "diversity," a future committee structure, organization-wide diversity initiatives as well as the future of the Diversity Clerkship Program and diversity-based CLE programs. In addition, the Task Force was to develop an action plan for the implementation of identified changes to create leadership opportunities for diverse lawyers within Wisconsin and the legal profession and to articulate how diversity should inform, shape and influence the work of the State Bar across the organization.

In June 2014, the Diversity Task Force submitted its report and recommendations to the State Bar Board of Governors. Since that time, the State Bar of Wisconsin took the following actions:

- 2015: The Board of Governors adopted a new definition of Diversity:

The term "diversity" has a dynamic meaning that evolves as the demographics in the state change. It is an inclusive concept that encompasses, among other things, race, ethnicity, national origin, religion, gender, gender identity, age, sexual orientation, and disability. Inclusion helps to create a culture that embraces people from the widest range of talent and experience and promotes understanding and respect for all people and different points of view in the legal profession.

- 2015: Revitalized the Diversity Clerkship Program, which offers law students with diverse backgrounds practical legal experience through summer positions.
- 2015: Established Leadership Academy – now named the [G. Lane Ware Leadership Academy](#). The purpose of the academy is to empower participants from diverse backgrounds with the skills, strategies, and resources to become effective leaders in their careers, communities, local and state bar associations, and the profession itself. The Leadership Academy and the Leadership Summit (established 2012) are part of the

State Bar's deliberate and intentional steps to increase the diversity of bar leadership by training and providing opportunities to lawyers from diverse backgrounds.

- 2016: The Diversity and Inclusion Oversight Committee (DIOC) was established as a standing committee of the State Bar. The committee serves as the State Bar's diversity "think tank" to carry out diversity and inclusion commitment and goals. The committee reports directly to the State Bar Board of Governors Executive Committee who maintains diversity and inclusion as a continuous item on their agenda. The Diversity and Inclusion Oversight Committee supports and encourages a diverse State Bar and a legal profession that respects and values its members' differences. The committee is not the sole entity charged with actually effectuating or incorporating diversity efforts into the State Bar's work, but rather it will assist, coordinate and facilitate these efforts within all of the entities of the State Bar. The committee is responsible for institutionalizing and implementing the State Bar's ultimate action plan with regard to diversity and inclusion.

- 2016: Adopted diversity and inclusion as a State Bar strategic priority:

Ensure commitment to diversity and inclusion, aligning with our guiding principle to optimize the potential of all State Bar members as well as the public we serve.

- 2016: Adopted commitment to diversity as a State Bar Guiding Principle:

Commitment to Diversity and Inclusion: *Strive for understanding and commitment to diversity, the elimination of artificial barriers to opportunities and the advancement of the universal desire of all members to optimize their potential for success.*

- 2016: Focus on Disparate Incarceration: When Wisconsin rose to the top for the mass and disparate incarceration of African Americans, then State Bar President Fran Deisinger convened a group to map out strategies going forward. The result was an education program and advocacy focus on matters that affect persons of color. The State Bar's policy priorities continued to focus on criminal justice matters, such as expungement and access to public defenders and funding for the underserved facing civil legal justice issues. Examples of content, programs, and initiatives include:
 - [How Did We Get Here? Wisconsin's Mass and Disparate Incarceration](#) (including sidebar by Presidents Fran Deisinger, Paul Swanson and Chris Rogers)
 - [Mass Incarceration: The Fiscal and Social Costs](#)
 - [State Bar of Wisconsin's Symposium on Disparate Incarceration](#) (February 2017)
- 2017: Scholarships for participants of the Leadership Development Summit and Leadership Development Academy:

- The State Bar Leadership Summit, which recruits candidates for future volunteer leadership, focuses on inclusivity. Over the years, 40 to 60 percent of participants were members of diverse groups. Participants are placed in volunteer roles with the goal of greater engagement in the legal profession.
 - Scholarships to the Annual Meeting & Conference are provided to graduates of the Leadership Development Summit, targeting participants who agree to fill State Bar volunteer positions.
- 2017: Building Bridges Liaisons – The Board of Governors added the Building Bridges program, where representatives of diverse groups (Wisconsin Association of African American Lawyers, Wisconsin Hispanic Lawyers Association, Wisconsin Asian American Lawyers Association, and Indian Law Section) have a voice on the Board of Governors, impacting the organization’s policy decisions.
 - 2017: The State Bar began devoting resources to sponsor and attend affinity bar and diverse events, including WAAL’s ValenDale Scholarship Dinner, the National Black Law Student Association, Centro Legal, and the U.W. Law School’s LEO (Legal Education Opportunities Banquet)
 - 2018: One of President Chris Rogers first acts after taking office on July 1, 2018, was to appoint two working groups. The first working group was charged with creating an action plan to promote diversity and inclusion within the bar. The second working group was charged with addressing the issue of sexual harassment within the profession.
 - Summer 2018: The Diversity and Inclusion Action Plan Working Group met to create an action plan to promote diversity and inclusion within the State Bar.
 - Fall 2018: The Diversity and Inclusion Action Plan Working Group completed its action plan and reported to leadership and the Board of Governors.
 - Winter 2018: The Board of Governors unanimously approved the Diversity and Inclusion Action Plan. The changes made by that plan include, but are not limited to:
 - Directing the State Bar Nominating Committee to strive to advance a diverse slate of officer candidates for State Bar elections.
 - Creating a policy for filling vacancies, so as to be inclusive of who is given opportunity to apply for the vacant position. All vacancies are now communicated to various affinity groups (e.g., WAAL, WABA, WHLA, LGBT Lawyers of Wisconsin, and the Indian Law Section in addition to relevant local bar associations) to encourage members of these groups to run for open seats.
 - Proactively working with the Governor’s Office and various state committees and commissions to advance the appointment of diverse candidates.
 - Increasing the diversity of leadership of section and division boards and committee membership. Sections prioritize diversifying leadership opportunities

and strive to diversify their attorneys within practice areas (e.g., the Construction Law Section held listening sessions to encourage greater diversity of lawyers in this field).

- Section Leaders Council meetings include standing conversations on best practices in diversifying leadership, section membership, and practice areas.
 - Conference speaker guidelines were revised to create an expectation that conferences, seminars, and other event planners seek out diverse voices for presentations.
 - The State Bar proactively highlights the diversity of our members – as authors, award winners, new members, community leaders, and participants of State Bar programs – in State Bar communications, including *Wisconsin Lawyer*, *InsideTrack*, and our social media channels.
 - The content delivered, lawyers interviewed, and images selected for the *Wisconsin Lawyer* magazine, *InsideTrack*, and in our social media channels are more diverse as a result of direct outreach to affinity groups and other diverse members. A new online fillable form will be distributed to affinity groups to help identify authors, speakers, and interview subjects.
- Spring 2019: President Chris Rogers appointed President-elect Jill Kastner to lead the Diversity and Inclusion Implementation Team who was charged with ensuring that the D&I Action Plan is implemented and reporting to leadership and the Board of Governors as to progress made and/or barriers to making progress.
 - Spring 2019 to present: The D&I Implementation Team – now the DEI Implementation Team - met quarterly to ensure that the State Bar, its leadership, Board of Governors, committees, and sections continued their progress implementing the Action Plan and making other strides toward promoting diversity, equity and inclusion. Progress made includes, but is certainly not limited to:
 - Educating State Bar officers, Board of Governors' members, and committee/section/division leaders on the value of diverse and inclusive perspectives.
 - Diversity training and small-group discussions are incorporated into the annual Joint Leadership Orientation. Topics include cultural awareness and implicit bias.
 - Strengthening relationships with affinity bars and diverse legal groups.
 - Facilitating ongoing conversations with the leadership of affinity groups.
 - Encouraging nominations of diverse members for State Bar and community awards.
 - Educating members about affinity bars and their leaders. A proposed series of articles is expected to roll out in fall 2021.
 - 2019: The State Bar devoted the resources to dedicate an entire staff position to diversity and inclusion efforts (80% to DEI and 20% to law school outreach).

- 2019: Building cultural competencies: Ongoing education of employees about cultural competencies and implicit bias issues:
 - An internal team coordinates internal education, small-group discussions, diversity-themed team building events, and implementation of aspects of the Action Plan.
 - Regular diversity and inclusion updates and activities at all-staff meetings.
 - Recruiting and retaining a diverse workforce:
 - Open staff positions are promoted to affinity bars and several diverse groups, with the goal of increasing diversity of candidate pools.
 - Building DEI expectations into manager's job descriptions and performance goals.
 - Increasing the diversity of contractors, suppliers, and vendors.
 - Recruiting minority owned vendors – particularly caterers – for State Bar events resulting in potential growth for these businesses.
- 2019: Most diverse group of State Bar Officers is elected. Additionally, for the first time, the Board of Governors is majority female.
- 2020: State Bar President Jill Kastner, whose term is ending, calls together a meeting of all State Bar Officers and several other leaders to discuss the racial justice protests and what the State Bar can and should do to promote racial justice within our legal system and DEIA within the legal profession; the matter is brought for further discussion to the State Bar Board of Governors.
- 2020: State Bar President Kathy Brost's first official action as President of the State Bar is to appoint the Racial Justice Task Force.

Appendix B



2020 Policy Positions Related to Inequality

The State Bar has long worked to achieve greater equity within the justice system. But we know we must do more. The State Bar continues its work advancing legislation related to racial justice, including:

- **Expungement:** As the system has already tagged persons of color disproportionately, expungement for those who qualify helps individuals get a fresh start. Over the years, studies have shown time and again even minimal contact with the criminal justice system can have a significant detrimental impact on various aspects of a person's life. The collateral consequences of a criminal record can be a life-long barrier to success, presenting obstacles to employment, housing, education, family reunification and often resulting in significant debt.
- **Juvenile Shackling:** When a young person is brought before a court, the perception of guilt from bringing them in shackles just adds to biases already existing in the system. The State Bar of Wisconsin opposes the presumption that a juvenile must be shackled when brought to court.
- **Bail Reform:** Wisconsin's form of cash bail is counterproductive to public safety and likely contributes to the disparities in the justice system. Cash bail makes liberty depend on economic position.
- **Juvenile Jurisdiction (17 year olds):** Wisconsin is one of only five remaining states that sets the age of criminal responsibility at 17 years, a trend that has been rapidly reversing nationwide. Studies show that youth placed in an adult prison reoffend after release at higher rates than young people placed in a juvenile institution. If treated as juveniles, teens have a better chance to learn from the situation, are more likely to receive adequate services, and take steps to find success in the future. By keeping 17-year-olds in adult court, we are preventing them from getting the treatment they need to reduce the risk they will reoffend.
- **Professionalism of the Stakeholders:** While it may seem self-serving, ensuring prosecutors and defense counsel are adequately compensated is of utmost importance to advancing justice. These professionals are making serious long-term decisions affecting the lives of our citizens.

- **Access to Public Defenders (Raise the Rate):** Wisconsin was, and possibly still is, on the brink of a constitutional crisis when it comes to citizens of limited means exercising their right to counsel in criminal matters. Too often, a person arrested for a crime will wait days, weeks, even months before they receive legal representation from the Public Defender's Office and often their attorney has little time or resources to prepare an adequate defense for their client. A coalition, including the State Bar, was successful in getting an increase in the private bar rate to increase access to representation.
- **Civil Legal Aid Funding:** Not only does support for civil legal aid funding support eligible individuals and families, but resolving civil legal issues also has a far reaching impact on the judicial system as a whole. When individuals have legal representation or receive proper legal advice about their rights or legal processes, it increases courtroom efficiency, reduces court crowding, and improves public confidence in our system of a fair and impartial justice.
- **Exoneree Compensation:** Wisconsin was once a leader in providing a statutory mechanism for compensating individuals who are able to prove that they were innocent of the offense for which they were wrongly convicted. However, Wisconsin's statute has not been updated in decades, and is now the most inadequate of any such statute in the nation. The State Bar of Wisconsin believes recent legislation is an attempt to correct errors in the judicial system, to ensure that exonerees are appropriately compensated for the injustice they suffered and the years of freedom they lost.

Appendix C



MEMORANDUM

To: Board of Governors

From: Atty. Starlyn Miller, Chair
Atty. Lisa Lawless, Vice Chair
BOG Policy Committee

Copy: Larry Martin, Executive Director

Date: Jan. 22, 2021

Re: Policy Positions Related to Racial Justice

The Board of Governors' Committee on Policy was charged by the Racial Justice Leadership Group to review possible additional public policy positions that would address possible legislation for the upcoming legislative session. The Committee reviewed proposals that have been forwarded by Governor Evers and Republican Senator Van Wanggaard. After several meetings and discussions, the Committee is forwarding these two policy positions for consideration. One policy specifically relates to policing. The other recommendation revises an existing policy position on racial profiling.

The Committee voted 15-2 to recommend the following policy position.

Law Enforcement Reform – *The State Bar supports efforts to address racial injustice and improve the justice system, including through policing reforms and citizen engagement with law enforcement. The State Bar supports increased training for law enforcement on the appropriate use of force including de-escalation and preservation of life, a statewide model for use of force standards and their enforcement, annual reporting of use of force incidents, and the public posting of use of force policies by law enforcement agencies.*

The State Bar supports additional funding for communities to establish community policing efforts for better community interactions and to better mediate conflicts between citizens and law enforcement.

****See also State Bar Position on Profiling and Collection of Demographic Data.***

[Position to be reaffirmed or sunset on Nov. 9, 2022]

The Committee voted unanimously to recommend the following policy position to replace the existing position:

Existing Policy Position:

Racial Disparities – *The State Bar of Wisconsin opposes racial and ethnic profiling and supports the collection and dissemination of data on racial disparities in the criminal justice system by appropriate agencies, and encourage the consideration of such data by decision makers in the system. [adopted December 2019]*

Proposed Amended Position:

Profiling and Collection of Demographic Data – *The State Bar of Wisconsin opposes discrimination of any form in the justice system, including profiling on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, disability, medical condition, genetic information, marital status, sexual orientation, gender expression, or gender identity. The State Bar supports the collection and dissemination of demographic data on persons interacting with law enforcement in the justice system by appropriate agencies, and encourages the consideration of such data by decision makers in the system. (See also Law Enforcement Reform Policy)*

Based on these new positions, the State Bar has registered in favor of the following legislation:

[SB-118/AB-112](#) **Law Enforcement** (James, Jesse) (Wanggaard, Van) The creation of an independent use of force review advisory board. **SUPPORT**

[SB-120/AB-108](#) **Law Enforcement** (Spiros, John) (Wanggaard, Van) Law enforcement agency policies on the use of force. **SUPPORT**

[SB-122/AB-110](#) **Law Enforcement** (Spiros, John) (Wanggaard, Van) Public access to policies regarding the use of force by law enforcement. **SUPPORT**

[SB-123/AB-109](#) **Law Enforcement** (Spiros, John) (Wanggaard, Van) Reporting of law enforcement use of force incidents. **SUPPORT**

[SB-124/AB-258](#) **Law Enforcement** (Wanggaard, Van) (Spiros, John) Community-oriented policing-house grant program and making an appropriation. **SUPPORT**

[AB-329](#) **No-Knock Warrants** (Steineke, Jim) Reporting the use of no-knock entry in the execution of a search warrant. **SUPPORT**

[AB-330](#) **Resource Officers** (Steineke, Jim) School resource officers. **SUPPORT**

[AB-331](#) **Law Enforcement** (Steineke, Jim) Requiring prospective law enforcement officers to complete a psychological examination prior to employment as a law enforcement officer and granting rule-making authority. **SUPPORT**

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[AB-332](#) **Law Enforcement** (Steineke, Jim) Crisis training for law enforcement officers. **SUPPORT**

[AB-333](#) **Crisis Program Grants** (Steineke, Jim) Crisis program enhancement grants. **SUPPORT**

[AB-334](#) **Law Enforcement** (Steineke, Jim) Drug testing of law enforcement officers involved in certain critical incidents while on duty. **SUPPORT**

[AB-335](#) **Camera Grants** (Steineke, Jim) Grants to law enforcement agencies for body cameras. **SUPPORT**

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Appendix D



Building Bridges Liaison Self-Assessment

Take this quick self-assessment to help you reflect on your role as a Building Bridges liaison this past year and help the State Bar and you prepare for an ever better experience in the coming year.

After the first question, the following statements will help gauge how well we've prepared to be a Building Bridges Liaison. Answer these questions using a 1-5 scale (1 is low, 5 is high).

1. How many years have you served or participated in your respective affinity bar? (Place to insert # of years)
2. I am sufficiently knowledgeable about the State Bar's overall programs and services. (formatting will reflect the 1-5 scale)
3. I received a thorough orientation about the Board of Governors' structure and operation when I became a Building Bridges' liaison.
4. Generally, I am familiar with the State Bar's strategic priorities.
5. I have a good working relationship with the Executive Director.
6. I have a good working relationship with the President or the President-elect.
7. I am fully participating on a board committee (Governance, Policy, or Strategic Planning).
8. I believe I make a real contribution to the work of the board.
9. I believe I have sufficient information about the State Bar's finances.
10. I generally understand how the State Bar's budget is developed and how it is presented to the board for approval.

11. I have adequate opportunities to socialize with other governors and staff.
12. Do you believe that your Building Bridges role has resulted in increased participation from your affinity bar members with the State Bar? Please explain.
13. What information would help the Board of Governors understand the issues/challenges faced by members of your association? Please explain.
14. What would you change about the board buddy experience?
15. Is there anything you would change about BOG meetings?
16. Did you actively encourage the members of your affinity bar to have a greater voice in the profession by voting in the State Bar elections?
17. Did you actively encourage members of your association to write for State Bar publications or speak at State Bar events?
18. Do you have any other suggestions, comments or observations you'd like to share for improving your board experience?

Appendix E



To: Jill Kastner

From: Anu Chudasama, Governance Committee Chair

Date: June 4, 2021

Completed projects relating to racial justice initiatives:

The items delegated to, and work done by, the Governance Committee from June 2020 to the present have included:

- 1. Identify any barriers to involvement within the organization based on the Rules/Bylaws (review finalized and on consent agenda for the June 2021 Board of Governors meeting).**

The Governance Committee undertook a review of the Rules/Bylaws language to identify anything that might be considered a barrier to diversity and inclusion in the State Bar, including race and gender related language. No race related language was identified, but gender-specific language in the Rules/Bylaws was changed to more broad, comprehensive gender-neutral terms.

- 2. Create a Building Bridges Exit Survey and Self-Assessment to gather more information to make meaningful enhancements to the program.**

Building Bridges Exit Survey and Self-Assessment forms were designed to gauge whether the position provides the Building Bridges liaison opportunities to grow and gain meaningful experience, as well as encourage liaisons to seek greater State Bar engagement and run for a seat on the Board of Governors. Questions on the survey gather insight into whether the program goals are being met, possible program enhancements, and whether the building bridges liaison may be interested in running for a Board of Governors position.

Attached are the finalized Building Bridges Self-Assessment and Exit Survey.

- 3. Identify any training topics for the Board of Governors relating to diversity, equity, and inclusion, including relating to the elimination of bias.**

The Governance Committee brainstormed ideas for the diversity, equity, and inclusion training that was provided to the Board of Governors in the fall of 2020 at the Joint Leadership Orientation.

Ongoing or Future Projects:

There are currently no ongoing Committee projects that directly relate to racial justice, but it is anticipated work may be delegated to the Committee in the upcoming term related to whether Wisconsin should require diversity and inclusion CLE credits.

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Appendix F



STATE BAR OF WISCONSIN

Strategic Planning Committee /Racial Justice Task Force, and Diversity and Inclusion Oversight Committee Reports to the Board of Governors

Charge from the Racial Justice Leadership Group August 2020 Meeting

Strategic Planning Chair Andrews remarked about all that has happened in last few months with systemic racism and addressing racial injustice. The State Bar has created the Racial Justice Task Force to lead these important discussions. They have charged the Strategic Planning Committee with examining how the strategic planning process can be used to ensure that the State Bar, including our divisions and committees, are working toward the goal of racial justice and increasing diversity and inclusion.

Chair Andrews and Vice Chair Rosolino have agreed that to move forward with strategic planning, three workgroups should be created:

- Technology and the Disruption
- Metrics and Reporting
- Racial Justice and Diversity & Inclusion

These workgroups will meet and bring back information to the full committee for review and discussion.

Chair Andrews sent additional information on diversity and inclusion programs to the committee this afternoon (examples: The Greater Cincinnati Minority Counsel Program (GCMCP) and the Oregon State Bar).

The charge from the Racial Justice Leadership Group is in line with the SPC's goals and responsibilities. One of the tasks for the workgroup on Racial Justice and Diversity & Inclusion is to meet with Affinity Bars to see what they are doing, and what can be done better, and if there are opportunities for collaboration.

Strategic Planning Committee September 2020

The Strategic Planning Committee (SP) reviewed the charge from the Racial Justice Leadership Group, which was to examine how the strategic planning process can be used to ensure that the State Bar, including our divisions and committees, are working toward the goal of racial

justice and increasing diversity and inclusion. As a result of this discussion, two additional questions were added to the strategic planning work sheet: How will this activity support the State Bar goal of racial justice and/or increasing diversity & inclusion? What specific actions will be taken, e.g., engagement, recruitment, participation, impact, use, etc.? Adding these questions will ensure that all groups incorporate racial justice/D&I when developing their plans and setting future goals for their initiatives. (See more about the annual planning process below.)

After identifying priorities for the coming year, the committee formed three workgroups to help it accomplish its goals for the year. Workgroup leads and members have been appointed. These workgroups will meet independently, as needed, and bring back information to the full committee for review and discussion. Their work will be included in future Board Committee updates. These groups are:

1. Technology and the Disruption
2. Metrics and Reporting
3. Racial Justice and Diversity & Inclusion

The Racial Justice Task Force and Diversity & Inclusion Oversight Committee November 2020 Meeting

Atty. Rosolino gave an update from the workgroup meeting held in October. Main items that workgroup discussed included:

- Consideration of amendments in regards to language changes to the State Bar documents – an example is to the Guiding Principles – the words inclusion, equity, and accessibility aren't included very often. Atty. Rosolino would like to further discuss this at the next full committee meeting for suggestions that would then go to the Executive Committee for consideration.
- The planning work sheet is fairly new, but consideration should be given to some language changes to include inclusion/diversity/accessibility.
- Consider some language changes to DIOC and other documents to include the same words: inclusion/diversity/accessibility.
- The workgroup discussed reaching out to Affinity Bar groups to discuss racial justice/D&I and what is missing, however, there are other groups from the State Bar already having these conversations.
- It was suggested that the State Bar create a program that includes next steps for attorneys of color to continue their professional growth and career opportunities once they have started at a law firm. Atty. Rosolino will make the formal request at the next SPC meeting for movement to Dr. Briggs and the DIOC.
- Discussed the potential for the State Bar to have a program available for members and staff education on racial diversity and D&I. Mr. Robillard mentioned that the ABA has a program available on its website. We could consider reaching out to them to work together versus duplicating efforts.

Strategic Planning Committee December 2020 Meeting

The Strategic Planning Committee received progress reports from its three workgroups. The intention of the Racial Justice and Technology and Disruption workgroups is to identify issues, trends, and ideas to pass along to State Bar subject matter experts (typically committees/divisions/sections/program staff) for consideration.

The Racial Justice Task Force and Diversity & Inclusion Oversight Committee December 2020 Meeting

- Reviewing the current strategic plan and other D&I-related document language to determine if any updates or amendments are needed. While ongoing, to date, a good portion of the discussion has revolved around the need for terminology related to “equity” and “accessibility.” Updated language will be drafted for review by the full committee. Once approved, the SPC will share recommendations with the Executive Committee and other stakeholders for consideration.
- Identifying DEI program ideas to share with subject matter experts throughout the State Bar for evaluation and consideration. Two programs currently being reviewed include a “next step” to the Diversity Clerkship Program for new lawyers and a calendar-based, DEI “habit building” program that could be shared with lawyers, staff, and the public.
- With a new DEI-focused question on the FY22 planning work sheet, the workgroup will meet in the new year to compile and review the information gathered and to determine its best use going forward, including sharing it with the DIOC and other stakeholders as appropriate.

The Racial Justice Task Force and Diversity & Inclusion Oversight Committee February 2021 Meeting

- Current strategic plan language is being reviewed. The plan has not been updated for several years. A good portion of the discussion has revolved around adding terminology related to “equity” and “accessibility.” Proposed amendments to the language are being finalized and will be brought to the full SPC for review and approval. If approved, the proposed amended language will be referred to the Executive Committee for consideration.
- Also reviewed was the State Bar’s diversity statement. Suggestions for possible amendments, again focused on “equity” and “accessibility,” were unanimously approved for referral to the DIOC.
- Three D/E/I program ideas were shared with Dr. Jeneise Briggs, the State Bar’s Diversity & Inclusion Specialist. After her initial evaluation, the programs will be passed along to the DIOC for consideration.
- The idea of 21-day, habit-building challenge will be referred to the YLD to see if they have any interest in pursuing such a program for the State Bar.

The Racial Justice Task Force and Diversity & Inclusion Oversight Committee

March 2021 Meeting

- Current strategic plan language was reviewed. Proposed amendments to the language centering on “equity” and “accessibility” have been shared with the full Strategic Planning Committee for review and approval. If approved, the proposed amended language will be referred to the Executive Committee for consideration.
- Recommendations related to similar amendments to the State Bar’s diversity statement language have been approved by the SPC and will be to be forwarded to the Diversity & Inclusion Oversight Committee for consideration.

Atty. Rosolino shared that an original goal of the workgroup was to review the 2020 D&I Action Plan. As she recently learned that the D&I Plan Implementation Team is planning to review the document, the workgroup will not be doing so as it does not make sense to have two groups doing the same work.

The Racial Justice Task Force and Diversity & Inclusion Oversight Committee

April 2021 Meeting

- Current strategic plan language was reviewed. Proposed amendments to the language centering on “equity” and “accessibility” have been shared with the full SPC for review and approval. If approved, the proposed amended language will be referred to the Executive Committee for consideration.
- Recommendations related to similar amendments to the State Bar’s diversity statement language have been approved by the SPC and will be to be forwarded to the Diversity & Inclusion Oversight Committee for consideration.
- The concept of a 21-day, habit-building challenge has been shared with the Young Lawyers Division for consideration and possible implementation.

The Racial Justice Task Force and Diversity & Inclusion Oversight Committee

May 2021 Meeting

Atty. LaFave gave a brief update on the status of the suggested edits to the strategic plan around diversity, equity and inclusion. She will be presenting the suggested language changes to the Executive Committee (EC) on May 21. Atty. LaFave will update the committee on the results of the EC vote once it has been confirmed.

The Racial Justice Task Force and Diversity & Inclusion Oversight Committee

June 2021 Meeting

- On May 21, proposed amendments to the current strategic plan language centering on “equity” and “accessibility” were presented to the Executive Committee for review. The Executive Committee voted unanimously to place the Strategic Plan that focus on the addition of language related to “equity” and “accessibility.”

- At its June meeting, the Board of Governors unanimously approved by voice vote the amendments to the current State Bar Strategic Plan that focus on the addition of language related to “equity” and “Accessibility.”

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Appendix G



STATE BAR OF WISCONSIN

To: Jill Kastner
From: Laura Lavey, Leadership Development Committee Chair
Anna Munoz, Ready.Set.Practice Mentoring Program Subcommittee Chair
Date: June 25, 2021

Projects delegated relating to racial justice initiatives:

The items delegated to, and work done by, the Leadership Development Committee from July 2020 to the present have included:

- 1. Expand and increase access to mentoring opportunities within the Ready.Set.Practice. Mentoring Program for diverse lawyers and law students to assist in developing a welcoming professional environment for them when they begin practicing law.**

The Ready.Set.Practice Subcommittee and State Bar staff have been collaborating to create a workable model which will match lawyers and law students requesting mentors with diverse attorneys. Subcommittee Chair Anna Munoz connected with BOG member Marisol Gonzalez Castillo who reached out to the subcommittee indicating she was very interested in being involved in this effort. With her input and suggestions, the planning will focus on providing administrative assistance to the affinity bars which include the Wisconsin Hispanic Lawyers Association, Wisconsin African American Lawyers, Wisconsin Association of LGBT Lawyers, Wisconsin Asian American Bar Association, and the Indian Law Section. The plan is to provide the administrative support in promoting the program, collecting applications and communicating matches. Once lawyers or law students are identified, their applications will be turned over to the affinity bars for matching purposes.

Additionally, two sections, the Public Interest Law Section and the Elder Law & Special Needs Section, are interested in creating mentoring opportunities with law students and new attorneys. Similar administrative support will be provided. Once applications are gathered, the information will be turned over to the sections for matching among their section members interested in serving as mentors. Using pilot opportunities with these sections will help create a workable model that can be used by other sections interested in providing law students with mentors in their specific practice areas.

Ongoing or Future Projects:

The Leadership Development Committee is committed to diversity and inclusion at every level, and is one of the key factors focused on in recruiting Leadership Academy and Leadership Summit participants. Promotional recruitment information is provided to leadership of the affinity bars including the Wisconsin Hispanic Lawyers Association, Wisconsin African American Lawyers, Wisconsin Association of LGBT Lawyers, Wisconsin Asian American Bar Association, and the Indian Law Section. Since many of these participants become the next generation of bar leaders, both programs focus on ethnic diversity, gender diversity, regional diversity and practice setting diversity when selecting applicants and work to achieve a wide variety of representation.