

MOTION BY SUPERVISOR HOLLY J. MITCHELL

July 25, 2023

Supporting Diversity in the Los Angeles County Legal Community

Workplace diversity is crucial, now more than ever, for fostering an inclusive and thriving environment in Los Angeles County (County). Diversity goes beyond simply meeting quotas or ticking boxes on a checklist; rather, it encapsulates the recognition and appreciation of individual differences. The significance of diversity lies in its ability to unlock a multitude of benefits. When individuals from different backgrounds come together, it creates a rich tapestry of ideas, knowledge, and skills. People feel valued, respected, and empowered, leading to higher levels of engagement, job satisfaction, and retention. Moreover, workplace diversity serves as a catalyst for cultural understanding and social progress. It breaks down barriers, challenges stereotypes, and promotes empathy and acceptance among individuals. By fostering an environment that celebrates diversity, organizations contribute to building a more harmonious society and actively combat discrimination and prejudice.

The legal profession has historically been one of the least diverse and most unwelcoming professions for attorneys of color. According to the California State Bar’s *Report Card on the Diversity of California’s Legal Profession*, White people comprise 39 percent of the state’s adult population, yet are 66 percent of California’s active licensed attorneys. Latinx people comprise 36 percent of the state population but

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only 6 percent of licensed attorneys. Black people comprise approximately 6 percent of the state's population but only 3 percent of licensed attorneys.

This data is only more distressing in light of the abysmal pipeline-- according to the *Los Angeles Times*, in 2022 the number of White applicants to law schools were double the combined total applicants of three minority groups - Black, Latinx and Native American. Thus, while our nation may be more diverse than ever, law schools are maintaining the status quo. With a faulty pipeline and a culture that is too often hostile to lawyers of diverse backgrounds, it is imperative that the County's legal departments double down on diversity, equity, and inclusion to disrupt the systemic patterns of inequity in the legal profession.

By way of example, the *Los Angeles Times* recently reported that two partners at the Los Angeles location of the law firm Lewis Brisbois Bisgaard & Smith LLP disseminated hateful and vitriolic emails to each other for at least 15 years that were racist, sexist, antisemitic, anti-LGBTQ+, and plain ignorant. The extent and range of the messages are deeply concerning considering the positions of power both partners had in the firm and indicate an insidious clique that was allowed to exist in the firm - an issue that is familiar to many legal professionals. Notably, this law firm is one of nearly 300 outside firms hired by the County to perform legal services.

Upon learning of this egregious conduct, County Counsel sprang into action advising the firm that the County would not be assigning the firm any new matters and is undertaking a review of the matters the firm is currently handling for the County to make further determinations on an individual case-by-case basis. What makes this unique is the fact that the egregious conduct was made public, and while we can cease providing County business to this one firm, with five legal service departments - County Counsel, Public Defender, Alternate Public Defender, Child Support Services and District Attorney, which collectively have a total of over 2,100 attorneys, we can go a step further.

While all departments are tasked with complying with the Board of Supervisor's Anti-Racism, Diversity and Inclusion (ARDI) Policy, such policy should set a bar that all of our legal departments aim to exceed. We are decidedly already making progress. For example, County Counsel has created the Inclusion, Diversity, Equity, and Antiracism,

Committee, also known as the IDEA Committee, where the voices of the entire office are heard. County Counsel has also appointed a dedicated Chief Diversity Officer to evaluate and update its policies related to contract law firms, revise its Professional Legal Services Agreements (PLSA) to include specific reference to ARDI, and require firms to implement the State Bar's Diversity, Equity, and Inclusion "Call to Action", and more. Additionally, there is an opportunity to require, through the PLSA, that law firms provide information regarding their commitment to pro bono work, especially representation that expands access to justice for County residents and promotes the fair and efficient resolution of civil and criminal legal disputes. County Counsel is also proud that its workforce is more diverse than the State Bar's statistics as 12% of employees identify as Black, 27.1% identify as Latinx, and 20.1% identify as Asian American and Pacific Islander .

The United States Supreme Court last month ruled in *Students for Fair Admissions, Inc. (SFFA) v. University of North Carolina* and *SFFA v. President & Fellows of Harvard College* that the colleges' use of race as a decision factor in college admissions is a violation of the Equal Protection Clause of the 14th Amendment. The decision rejected prior justifications of race-conscious admissions based on universities' interest in building racially diverse student populations and will have an immediate impact on admissions practices at selective institutions across the country. The decision – however, notably did not invalidate other forms of affirmative action, like legacy preferences and early admissions — affirmative action policies that disproportionately benefit white students. These recent decisions will undoubtedly impact diversity at institutions of higher learning. It is therefore critical that our own legal community take a strong stance in the defense of equity, diversity, and inclusion. It also reinforces the need to support students at all levels- as early as elementary school, by ensuring that they have access to information and resources, including the fact that a legal practice in the public sector is dynamic, fulfilling and provides incentives not available in the private sector.

I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

1. Direct County Counsel, the Public Defender, Alternate Public Defender, the Director of the Child Support Department and request the District Attorney, in collaboration with the Executive Director of the Anti-Racism, Diversity and

Inclusion (ARDI) Initiative, to report back to the Board in writing within 180 days on:

- a. Current efforts to advance the implementation of the ARDI Initiative within each department.
 - b. Current recruitment activities and recommendations on how to advance diversity, inclusion, and belonging within all aspects of each department's recruitment, hiring, onboarding, promotion, and retention processes ensuring fair and equitable access to employment opportunities for all qualified individuals.
 - c. Recommendations to improve efforts to create a more robust pipeline of diverse attorneys by reaching students at all levels- from grade school to law school, including Los Angeles County (County) law schools and diverse law schools nationwide.
2. Direct County Counsel to report back in writing within 180 days on:
- a. Efforts to create a more equitable process and policy for hiring outside counsel and increasing contracting opportunities for small, more diverse firms including meaningful consideration of firms' commitments to:
 - i. creating culture where diversity, equity, inclusion, and belonging efforts are of the highest priority;
 - ii. creating a diverse pipeline of attorneys;
 - iii. pro bono representation that advances equity and access to justice in the County, such as, but not limited to:
 1. full or partial scope civil legal representation to low-income County residents;
 2. full scope legal representation for indigent defendants facing criminal charges;
 3. other support to service providers whose services advance County initiatives.
 - b. adherence to the County's anti-racism principles.



CALIFORNIA

Revenge served ice cold? Top L.A. law firm outs former partners' racist, sexist emails



Former partners for the law firm Lewis Brisbois, John Barber, left, and Jeff Ranen, have left the firm to start their own boutique practice. Following their departure, Lewis Brisbois released hundreds of emails in which Barber and Ranen spoke in vile and offensive terms about women, Jews, Blacks, Asians, Armenians, Persians and gay men. (Handout)

BY MATT HAMILTON, HARRIET RYAN

JUNE 7, 2023 5 AM PT

Last month, Lewis Brisbois Bisgaard & Smith, one of the nation's largest law firms, was rocked by the announcement that two top partners were starting their own boutique practice and taking as many as 140 colleagues with them.

The shock inside Lewis Brisbois' downtown Los Angeles headquarters soon gave way to anger as the recently departed partners embarked on a press campaign that portrayed their former employer as a profit-focused legal mill that ground down the aspirations of its lawyers.

"We decided we didn't want to compromise anymore," one of the partners, John Barber, told a reporter in May. The other, Jeff Ranen, recalled giving a rousing "Jerry Maguire speech" to convince colleagues to follow him out the door.

But over the weekend, Lewis Brisbois struck back.

In an extraordinary move, its management team directed the release of scores of emails in which Barber and Ranen used vile terms for women, Black people, Armenians, Persians, and gay men and traded in offensive stereotypes of Jews and Asians. In one fell swoop, the venerable firm managed to torpedo its new rival, destroy the defecting partners' careers and send the legal establishment reeling.

The emails, stretching back 15 years, were head-spinning in their coarseness and vitriol. A Superior Court judge was called "Sugar T—s." Multiple female lawyers were referred to as "c—." The epithets "fag" and "faggot" were deployed as all-purpose insults. An Asian job applicant was denigrated for the supposed size of his genitalia. Ranen dismissed another job candidate with, "How about someone who's not a Jew."

By Monday, the emails had been excerpted by the New York Post and the Forward, a Jewish newspaper, and the nascent firm Barber Ranen had collapsed.

“The last 72 hours have been the most difficult of our lives, as we have had to acknowledge and reckon with those emails,” Barber and Ranen said in a joint statement announcing their resignations. “We are ashamed of the words we wrote, and we are deeply sorry.”

Barber Ranen’s chief executive Tim Graves, a former Lewis Brisbois attorney, said in a statement that the remaining partners “will form a new firm” and asked for support “while we heal and plan our path forward.”

The roster of lawyers was stripped from the Barber Ranen website, and some had already asked for their old jobs back at Lewis Brisbois, a spokesperson said.

It was not all good news for the firm. Some saw the email release as a self-own for Lewis Brisbois, revealing a culture of bigotry thriving in some corners of the behemoth firm. Many objectionable messages were copied to co-workers, from junior associates to fellow partners.

“I just don’t understand that,” said Ann Park, a corporate litigator and president of the L.A. County Bar Assn. “It just reflects poorly on — obviously these lawyers — but also on their colleagues for not calling it out.”

Lewis Brisbois recently retained a diversity, equity and inclusion consultant to review internal practices, according to a spokesperson.

The men writing the emails were not junior employees, but influential veterans and supervisors. Barber was a member of the firm’s management committee, which governs its nearly 1,700 attorneys in 55 offices around the country, and Ranen had been the youngest person to make partner, according to his former firm biography. Both helped run its labor and employment practice, defending corporations against harassment and discrimination lawsuits.

Though the departure they instigated in early May represented about 8% of the firm's lawyers, it came on top of an exodus earlier in the year of 30 others. Within days, the firm's 87-year-old chair, Bob Lewis, who had founded it in 1979, stepped aside for a rejiggered management team.

Meanwhile, Barber and Ranen's new practice was attracting positive coverage in legal news outlets. According to Lewis Brisbois, it was during this time that the firm received an anonymous complaint about the former partners. It specifically recommended the firm scrutinize the emails of both men, according to a person familiar with the matter.

Firm managers launched an investigation and "were shocked to find dozens of emails ... with unacceptable, prejudiced language aimed at our colleagues, clients, attorneys from other firms, and even judges," the firm said in a statement.

The firm's leaders consulted ethics experts who laid out a variety of options: publish the emails on the Lewis Brisbois website; share the emails with partners at Barber and Ranen's new firm; and file a complaint with the State Bar of California, which licenses attorneys, according to the person familiar with the discussions.

Ultimately, firm leaders chose to provide the media with a curated, partly redacted set of correspondence — a decision that was presented as transparency and which many in the legal field saw as revenge delivered ice cold.

Scott Cummings, a UCLA law professor who teaches ethics, said that there was no legal requirement that the firm make the emails public, but that it was the ethically correct thing to do because it informed prospective employees and clients of the repugnant views the men held.

"Bringing these things to light does go toward protecting the public and alerting the profession to conduct that should be stopped," Cummings said. Even if Lewis Brisbois

was motivated by vengeance, he said, the benefits to the field and the public still stood. “These things can happen simultaneously.”

Barber and Ranen practiced in an area where company email accounts are routinely mined for evidence, and racist, sexist or other bigoted messages can translate to costly settlements or verdicts.

Yet both men appeared to revel in their flagrant disregard for professionalism and decency. In 2013, Ranen told Barber that “if you want to have fun for a second,” he should “keyword search the words ‘c—’ and ‘Jew’ on your email inbox and sent box.”

“It’s like you know me,” Barber replied.

The pair injected mundane work correspondence with antisemitism. Ranen repeatedly used “Jew” as a synonym for haggling over prices: “I might be able to Jew them down to \$390,” he wrote in 2016. When Ranen alerted colleagues to bagels he had brought to the office in 2014, Barber replied, “Jew c—.”

In a boasting 2012 email, Ranen told Barber, “Gypsy is my new word to describe about half of the minorities in California. Generally with an Armo, Persian or middle eastern flair.”

Over the next decade, Ranen invoked the “gypsy” moniker repeatedly to mock several attorneys, prompting one fellow colleague at Lewis Brisbois to confide in him last year, “Dirty Gypsy is my new favorite epithet.”

Sex was another frequent topic. After a friend promised a 2015 trip to Las Vegas where “debauchery level is unprecedented,” Ranen said he would get a continuance in a federal trial to attend and informed others accompanying him, “We’re going to a strip club or bringing in hookers.”

When a female lawyer asked for upgrades to the firm lactation room, Ranen forwarded it to a male colleague with speculation about her appearance after bearing two children. He then added, “She could be 200 pounds and acne scarred and after all this time I’d still f— her.”

The emails also include a seemingly gratuitous use by Barber of the n-word. After a colleague informed him that another participant in a 2013 mediation objected to the word being spoken, Barber replied, “Got it.” He then spelled out the word.

Lewis Brisbois redacted the names of many individuals who participated in the odious conversations, but the names of some maligned are visible. One is Linda Miller Savitt, an employment lawyer at a rival law firm who Ranen described as “a real c—” in a 2018 email to two other lawyers.

“It’s very disappointing to learn this about colleagues, even if they are competitors,” she told The Times. Savitt represents the newspaper in employment litigation.

Jonathan Delshad, an attorney who opposed Lewis Brisbois in a 2016 case, found out from The Times on Tuesday that Ranen had written of him to a co-worker, “Tell him that he’s the reason why most people hate Jews.”

“I make it a point not to get caught up in personal disputes,” Delshad said, adding, “I do my best to treat every human being with dignity and respect regardless of our position on a legal dispute.”

Merle Vaughn, an attorney and legal recruiter specializing in finding diverse candidates, said that the emails raised the question of what office life had been like for women and minorities.

“If they were putting that in writing, what were the quote-unquote microaggressions they had to endure to keep their job,” said Vaughn, the managing partner in the L.A.

office of Major, Lindsey & Africa.

Their apparent comfort in putting offensive ideas in writing was evidence, she said, that “they believe they are above it and they won’t get caught.”

Barber seemed to recognize as much. In 2015, he told an acquaintance, “There is no ‘NSFW’ for me,” abbreviating “not safe for work.”

“My average email would get someone fired,” he added.



Matt Hamilton

Matt Hamilton is a reporter for the Los Angeles Times. He won the 2019 Pulitzer Prize for investigative reporting with colleagues Harriet Ryan and Paul Pringle and was part of the team of reporters that won a Pulitzer Prize for its coverage of the San Bernardino terrorist attack. A graduate of Boston College and the University of Southern California, he joined The Times in 2013.



Harriet Ryan

Harriet Ryan is an investigative reporter for the Los Angeles Times. Since joining the paper in 2008, she has written about high-profile people, including Phil Spector, Michael Jackson and Tom Girardi, and institutions, including USC, the State Bar of California, the Catholic Church, the Kabbalah Centre and Purdue Pharma, the manufacturer of OxyContin. Ryan won the Pulitzer Prize for Investigative Reporting with colleagues Matt Hamilton and Paul Pringle in 2019. She and Hamilton won the Collier Prize for State Government Accountability in 2023. She previously worked at Court TV and the Asbury Park Press. She is a graduate of Columbia University.



Diversity of 2022 California Licensed Attorneys

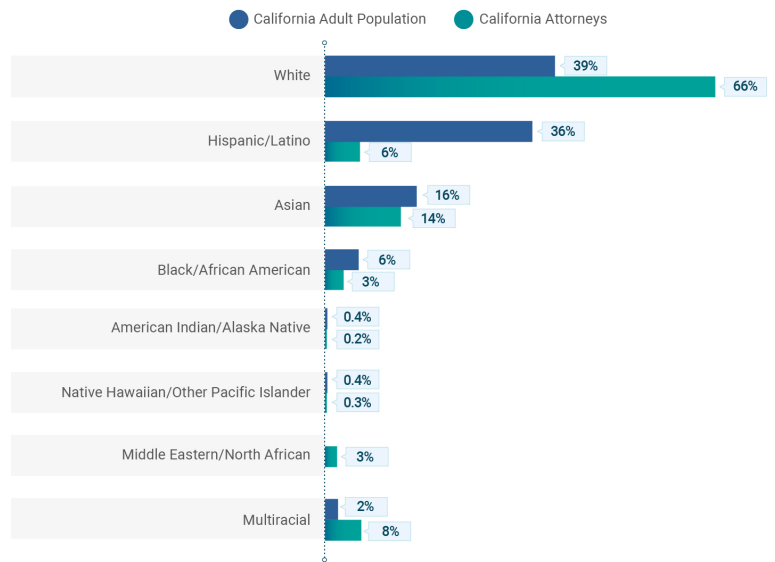
In 2022, there were approximately 195,000 active, licensed attorneys in California. The analyses below show that the state's active attorney population does not reflect the state's diversity.¹

¹Due to rounding, numbers presented throughout this report may not add up precisely to subtotals and totals.

White people comprise 39 percent of the state's adult population yet are 66 percent of California's active licensed attorneys.

Hispanics/Latinos comprise 36 percent of the state's population but only 6 percent of all California's licensed attorneys. Asian attorneys comprise 14 percent of all attorneys and 16 percent of the state's population. Attorneys who identify as multiracial comprise 8 percent of all attorneys; this is four times more than the share of adults statewide who identify as multiracial. Black people are 6 percent of the adult population in California and 3 percent of all attorneys.

Figure 1. Race/Ethnicity
California's Adult Population Compared with California's 2022 Attorney Population



Data on California's adult population in this figure represents the year 2020 and was drawn from the Annie E. Casey Foundation's Kids Count Data Center.



People of color constitute 61 percent of the state's adult population yet just over one-third (34 percent) of California's attorneys.

Figure 2. White and People of Color
California's Adult Population Compared with
California's 2022 Attorney Population

California Population - Age 18+ Years



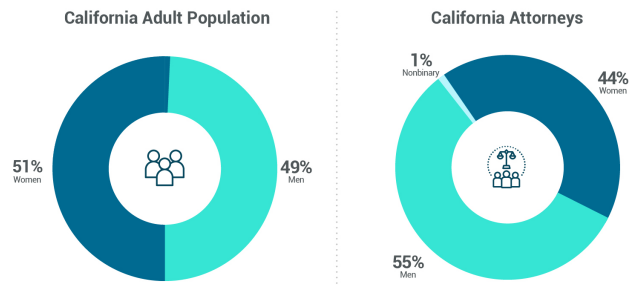
California Attorneys



Data source for California's adult population is the same as in figure 1.

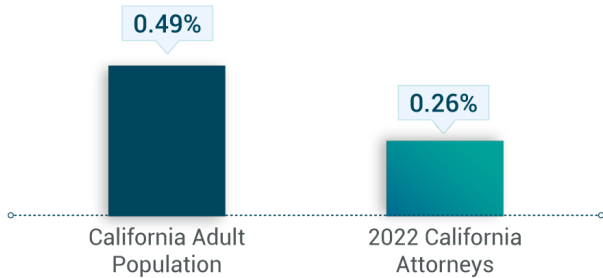


California’s adult population, but just 44 percent of California attorneys. One percent of the attorney population identifies as nonbinary.



Data on California’s adult population in this figure represents the year 2020 and was drawn from the American Community Survey, United States Census. Data on California’s adult population that identifies as nonbinary is unavailable.

Figure 4. Transgender
California Adult Population Compared with California’s 2022 Attorneys Population



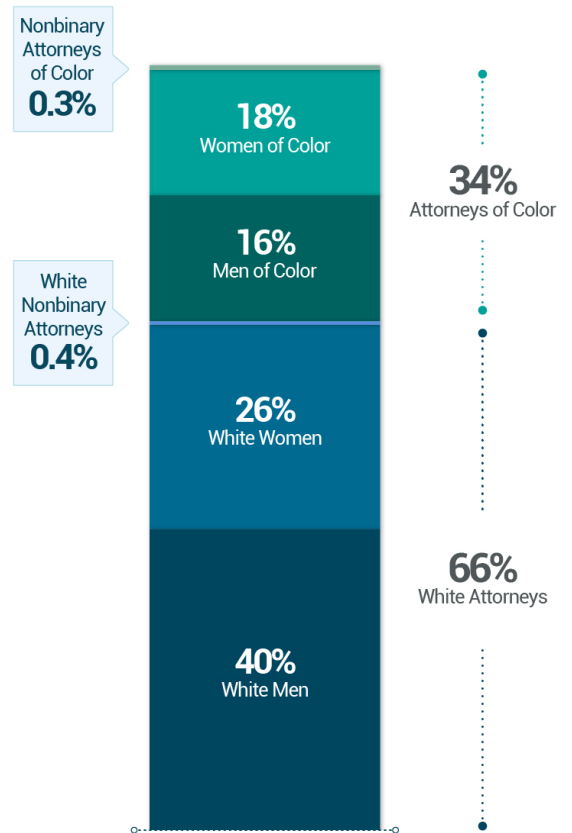
Data on California’s adult population drawn from *How Many Adults and Youth Identify as Transgender in the United States*. Williams Institute, University of California, Los Angeles Law School. This report uses multiple years of data (2017–2020) to generate the estimate of California adults who identify as transgender.

Less than 1 percent of the attorney population identifies as transgender, much like recent estimates of the transgender adult population in California.



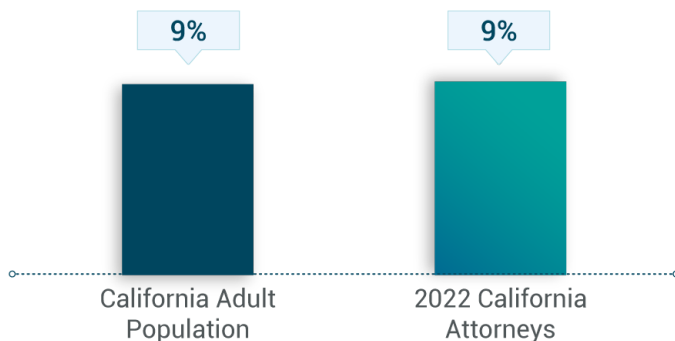
Race/Ethnicity and Gender identity California's 2022 Attorney Population

White men comprise the largest group of California attorneys. The next largest group is white women (26%), followed by women of color (18%), and men of color (16%).



Note: Comparable statewide data is unavailable.

Figure 6. Sexual Orientation/Identity: LGBTQIA+
California's Adult Population Compared with
California's 2022 Attorneys Population



The share of attorneys identifying as LGBTQIA+ is the same as California's statewide LGBTQIA+ adult population.

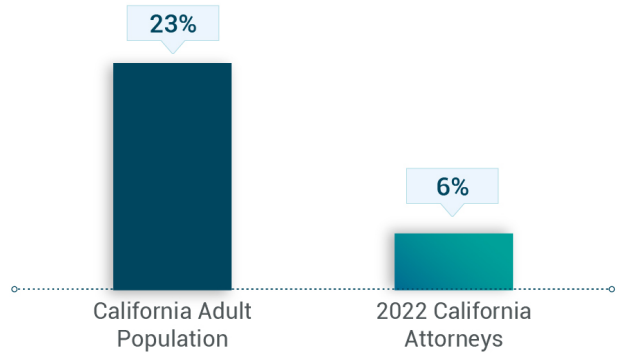




Attorneys with disabilities comprise just 6 percent of the profession.

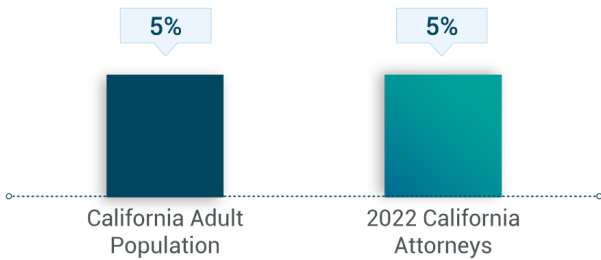
More than one in five Californians report having at least one form of disability that limits activities and self-care. These include mobility issues, cognitive impairments, and vision and hearing impairments. In contrast, only 6 percent of California attorneys reported living with a disability in 2022.

Figure 7. People with Disabilities: California's Adult Population Compared with California's 2022 Attorneys Population



Data on California's adult population reflects 2020 and was drawn from *Adults Living with Disabilities*, Centers for Disease Control and Prevention.

Figure 8. Veterans: California's Adult Population Compared with California's 2022 Attorneys Population



Data on California's adult population reflects 2020 and is drawn from the American Community Survey, United States Census.

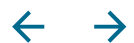
Veterans' presence in the attorney population is comparable to the state population.

Attorney Diversity Across California Counties

Attorney diversity varies across California's counties. Select the Dig Deeper Box to explore further.

Dig Deeper

Explore attorney demographic data for all counties in California.





There has been very little change in attorney demographics over the last four years. Click the Dig Deeper box to explore year-over-year data since 2019, when the State Bar of California first issued the attorney census.

demographic data
for the years 2019
through 2022.

Have questions about the data in this report? Email your questions to surveydata@calbar.ca.gov.





OPINION

Op-Ed: The legal profession lacks diversity, and the LSAT makes matters worse



Top law schools like UC Berkeley are no longer taking part in rankings by US News & World Report, which could weaken the role of the Law School Admission Test. (Eric Risberg / Associated Press)

BY JAY ROSNER

DEC. 13, 2022 3:04 AM PT

Law schools are the gateways to a legal profession that lacks [diversity by race](#), ethnicity, gender, disability and more. An important step to creating a more diverse legal profession is to change law schools' admission policies.

[More than a dozen](#) top law schools, including Yale, UC Berkeley and UCLA, have decided not to cooperate with rankings by US News & World Report. These annual rankings are widely considered to be test-driven, favoring law schools with admitted classes having higher average LSAT test scores. The decision to boycott the rankings may help reduce selective law schools' overreliance on LSAT scores (or GRE scores, which are accepted as an alternative by half the law schools), but there is a countervailing reality with much greater impact.

Law schools are now dramatically out of step with two connected movements: test-optional admissions in undergraduate and graduate higher education, and the public's increasing scorn of admissions tests since the [Varsity Blues](#) scandal. In all other domains of higher education, supporters of admission tests are on the defensive. But not at U.S. law schools.

Many prominent law school deans are now [making](#) the dubious argument that the LSAT enhances diversity by benefiting Black, Hispanic and Native American test takers. This claim is [contradicted by the data](#). In 2017, 33% of white law school applicants had the high LSAT scores (in the 160-180 range) sought by selective law schools — compared with only 7% of Black applicants, 14% of Hispanic and 14% of Native American applicants.

And 950 more males than females scored in that range, even though 5,000 more females than males took the LSAT that year.

These results, predetermined by LSAT question selection methods mirroring those [long seen in the SAT](#), are [neither fair nor objective](#). Additionally, careful [SAT research has shown](#), and similar LSAT research would likely show, that after students' parental education, family income and race are taken into account, the LSAT adds very little predictive value to its limited objective as an indicator of how students will perform in their first year of law school.

Compounding these inequities, the number of white applicants to law schools were double the combined total applicants of those three minority groups. Our country may be rapidly diversifying, but not law schools, with the LSAT inhibiting diversity and helping to maintain the status quo.

Even if law schools wanted to become test optional, they are currently prohibited by the rules of their accreditor, the American Bar Assn. The association's [Standard 503](#) mandates that all law schools require the LSAT (or GRE) in admissions. But the ABA may be poised to modify this rule. In November, its accreditation council [voted](#) to lift the mandatory test requirement. In February, the ABA's full policy-making body will [vote](#) on this change, which would permit law schools, starting in 2025, to be test optional if they choose, thus reducing their emphasis on LSAT scores.

Yet 60 of the [199 U.S. law school](#) deans [submitted a letter in September](#) to the ABA, supporting the LSAT requirement, claiming that its withdrawal would “diminish the diversity of law schools’ incoming classes, by increasing reliance on GPA and other criteria that are potentially more infused with bias.”

In other words, these deans believe that the LSAT is fairer than other admission factors, and therefore could benefit students of color. Hardly. Not only does [relevant research](#) reveal that the LSAT has larger racial disparities than other available admissions factors, but 1,800 undergraduate colleges have now had [a positive two-year experience](#) with test-optional (and test-free) admissions. Only a handful have reverted back to requiring the SAT or ACT.

Moreover, any argument supporting the LSAT mandate now is particularly poorly timed. With the impending curtailment of race-conscious admissions by the Supreme Court, selective law schools may need to diminish the LSAT's disparate impact, which rewards privilege over potential.

A tiny number of students of color with high LSAT scores and lower college GPAs may benefit from having the LSAT. However, at least an order of magnitude [more students of color are hurt](#) by the LSAT. The outliers should not be used as a rationale to continue an inequitable factor in the admissions process. It should be up to individual law schools to decide whether their educational missions are best served by being test optional or even test free, as are all of the University of California and California State University campuses for undergraduate admissions.

Ending the ABA's LSAT requirement will not, by itself, solve the law schools' diversity problem, but it would be a positive step. It would certainly be consistent with the gesture by some law schools to boycott the U.S. News rankings — and far more powerful.

Jay Rosner is executive director of the Princeton Review Foundation, a nonprofit organization not affiliated with the Princeton Review.