



## CALIFORNIA ASSEMBLY JUDICIARY COMMITTEE

MAY 14, 2019 TESTIMONY

My name is Chris Punongbayan, and I am the Executive Director of California ChangeLawyers. Our mission is to build a better justice system for all Californians. We believe that lawyers are changemakers. We exist to harness the power of lawyers for justice and to invest in the next generation of leaders. Thank you for the opportunity to speak about this important issue of increasing diversity in the profession.

Albert Einstein once famously said, "We cannot solve problems with the same thinking we used when we created them." I like this quote because it invites us to approach intractable problems with an entirely fresh mindset. With that, I'd like to reframe the issues before us today because what's at stake is more than just a lack of representation; it's the current inability of our justice system to serve all individuals in the same manner and with the same level of fairness.

In our country today, there is a growing lack of trust in our democratic institutions. In many ways, this has already been the case for communities of color. For example, in the criminal justice context, there is a deep lack of confidence that the system will treat all defendants fairly. This is compounded by the fact that 95% of prosecutors are white and, overall, 67% of our California judges are white. View these facts in light of the reality that 75% of incarcerated men in California are men of color. The fact that black and brown Californians are overpunished is not coincidental.

This lack of equal justice will not be remedied solely by increasing diversity in the legal profession, but it is undeniable that increasing diversity, equity, and inclusion in the law is a powerful place to start.

People of color, women, and other diverse Californians do not feel a sense of belonging in the law. It's that feeling you get when you walk into a room and you are the only person there of your race or gender identity or sexual orientation, and you feel like you are not on the same playing field. You can't live up to your full potential as a lawyer or, frankly, as a human being. But we're talking about more than just a feeling.

This lack of belonging is backed by hard statistics about the barriers facing people of color entering the profession, staying in the practice, and ascending to positions of influence. The reality is that diverse attorneys are much less likely to rise to powerful positions in the legal system such as judges, firm partners, or nonprofit executive directors. Those who do so have overcome tremendous odds, but the numbers are still far too low given this day and age. The pace of progress is far too slow.

So, what can be done?

California ChangeLawyers is one of just a handful of statewide organizations committed to addressing the problems stemming from a lack of diversity, equity, and inclusion in the law. We empower a new generation of changemakers. We have created a community where first-generation law students and lawyers find a sense of belonging, where they know we are committed to their success. We believe that they can become the next Supreme Court Justice, the next Attorney General, or the next Senator.

To launch their careers, we provide scholarships to help defray the staggering cost of law school and bar expenses; public interest fellowships to pay for summer long or year long jobs in legal aid; trainings on imposter syndrome and bar passage; ongoing professional development opportunities; and access to mentors and networks. We are also beginning to develop programs focused on increasing access to prestigious state and federal law clerkships.

In spite of our support, there is one issue that our scholars tell us is a major concern for them, which is the racial disparity in the rates of bar passage. Imagine you are the first in your family to go to college and then the first to continue on to law school. You have amassed hundreds of thousands of dollars in educational debt. You have faced exclusion in law school because of your identity, but you have nonetheless graduated and now the one thing standing between you and practicing law is the bar exam. The pressure to succeed is simply enormous. While bar passage rates are historically low for all exam

takers, the reality is that if you are black or brown, you are more likely to fail the exam than if you are white. This has to change, particularly since past efforts to remediate the issue in any significant manner have been fruitless.

At ChangeLawyers, we firmly believe that those who are closest to the problem are also the ones closest to the solution, whether on bar passage, career pathways, or in achieving equal justice. Our legal community will never move forward on these important issues if we do not create meaningful opportunities for lawyers of color, LGBT lawyers, women lawyers, and lawyers with disabilities to be heard and have the power to change the status quo. In order to radically accelerate the pace of change, we need to have lawyers who look like the people of California in the seats of power in all of our legal institutions.

We in California are a shining beacon on so many issues for our country. We stand for the promise that, yes, a truly multiracial democracy with legal institutions that serve all Californians with dignity is possible. We are invited by our very own U.S. constitution to “form a more perfect union.” And yet, we still have not adequately addressed the core issues that prevent lawyers from all communities from realizing their full potential in the workplace and for society. The time is now for us to rethink our approach, restore trust in our legal system, and innovate solutions that will create lasting change.