



Goal III Report for 2009-2010

Second Annual Review of the Status of Lesbian, Gay, Bisexual, and Transgender Participation at the American Bar Association

To My ABA Colleagues:

The Commission on Sexual Orientation and Gender Identity (SOGI) is pleased to present the second annual review of the American Bar Association's efforts towards inclusiveness of lesbian, gay, bisexual, and transgender (LGBT) individuals. The Commission is grateful to the members and sections that participated in the Goal III survey. Your participation demonstrates your commitment to Goal III, that is to "eliminate bias and enhance diversity." We understand that discussions and reporting of diversity data can often generate anxiety, as well as surface concerns about privacy and sensitivity. Ultimately, however, gathering information about access and participation of openly LGBT people within the ABA is vital information and we continue to encourage all ABA entities to work to improve the collection of Goal III information. Without accurate reporting on the diverse members of our Association we will have no means of understanding our successes, nor of understanding where more work is necessary as we sustain and grow our membership. We appreciate the commitment of the ABA and its entities in this effort.

In addition to reporting on the involvement of openly LGBT people within the ABA, the Commission report also contains a brief review of the ABA's involvement in efforts to expand diversity in other ways, with a focus on the LGBT experience. Many different ABA entities and affiliates have worked for LGBT inclusiveness through, for example, CLE programs focused on issues impacting LGBT people.

As with any journey, there have been starts and stops along the way; still, the overall momentum has been forward. We are pleased to be a part of this effort.

Thank you for reviewing the report. We welcome and encourage your feedback.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Joslin', with a long horizontal line extending to the right.

Courtney Joslin
Chair

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Introduction

Diversity efforts at the American Bar Association have taken many forms, but among the most visible are the Association's stated diversity goal (formerly Goal IX; now Goal III) and its four diversity commissions which focus on discrete groups. At the 1986 ABA Midyear Meeting, William Neukom, then Secretary of the House of Delegates, presented a report with recommendations to expand the goals of the ABA. He moved that the House approve the Board of Governors recommendation to adopt a Ninth Goal, which read:

Be It Resolved, That the American Bar Association adopts a ninth goal . . .

GOAL IX: To Promote Full and Equal Participation in the Profession by Minorities and Women.

The Chairman of the Board of Governors' Task Force on Minorities, Calvin H. Udall of Arizona, on the floor of the House, commented "Minorities in this recommendation include all minorities, whether they be physically handicapped, Blacks, Hispanics, Mexican Americans, any nationality, regardless of national origin or anything else."¹

Although Goal IX's initial efforts, and those of subsequent Commissions (the Commission on Opportunities for Minorities in the Profession – later the Commission on Racial and Ethnic Diversity- formed in 1986; and the Commission on Women in the Profession, formed in 1987) focused on racial and ethnic minorities and women, diversity efforts soon expanded to include lawyers with disabilities and later, gay, lesbian, bisexual and transgender lawyers. Specifically, in 1999, Goal IX was reworded to include "persons with disabilities," and in 2007 to include "persons of differing sexual orientations and gender identities." In addition, also in 2007, the ABA Commission on Sexual Orientation and Gender Identity (SOGI) was created.

Most recently, the House of Delegates voted to revise the Association's Goals to ensure that the rights of other underrepresented groups could be addressed. The new Goal III and its objectives are:

"Eliminate Bias and Enhance Diversity"

1. Promote full and equal participation in the association, our profession, and the justice system by all persons.
2. Eliminate bias in the legal profession and the justice system.

Goal III Reporting at the Association

¹ 111 ABA Annual Report 31 (Midyear 1986); Calvin H. Udall

In 1995, nearly ten years after the ABA established its first diversity commission, the Commission on Opportunities for Minorities in the Profession issued the first Goal III (then Goal IX) report. The Report is now issued on a yearly basis. Since the first report was issued in 1995, the content of the Report has expanded along with the ABA's approach to diversity and inclusion. At present, each of the ABA's major diversity entities - the Commission on Racial and Ethnic Diversity, the Commission on Mental and Physical Disability Law, the Commission on Women in the Profession and the Commission on Sexual Orientation and Gender Identity - produce a "Goal III" report card to measure the "full and equal participation" in the association's leadership by *all* persons.² The 2008-2009 bar year was the first year in which the SOGI commission participated in the reporting and evaluation, enabling the ABA to assess its development of leadership among its openly lesbian, gay, bisexual and transgender members.

² The Center for CLE participates as well.

Goal III Methodology

The Goal III report primarily measures the participation of the ABA's volunteer leaders;³ it does not reflect the diversity of its staff or overall membership. Providing data for the report is voluntary. The data collection methodology has been re-designed over the years to its current format based on a Microsoft Excel spreadsheet. An identical survey was sent in August 2009 to each ABA-entity staff director of each section, division, forum, and other entity that produced CLE materials with a deadline of October that year. Definitions of terms and explanations were also included.

The survey consisted of both quantitative and qualitative questions. The numeric grids were designed by the participating diversity entities and the Center for CLE and asked for the composition of the entities' various leadership, committees, speakers, and general membership positions.⁴

In addition to data on numbers of diverse individuals within an entity's leadership cadre and among its presenters and with regard to other CLE efforts, each of the four diversity entities and the Center for CLE designed specific questions asking about specific diversity inclusiveness of the entities. SOGI's questions specific to LGBT participation were:

What efforts -- programs, projects, policies, committees or other activities -- has your entity implemented, initiated, or undertaken to support, advance, and/or retain sexual orientation and gender identity diversity in your entity, the ABA, and the legal profession?

Please describe the results that the above efforts have had in increasing sexual orientation and gender identity diversity within your entity, the ABA, and the legal profession.

The survey instrument was designed to ensure clear and consistent reporting by those who are charged with providing information. To assist in this effort, the survey included a list of definitions. The SOGI Commission provided the following:

³ Though most participants of ABA activities are ABA members, membership is not a requirement.

⁴ The positions asked were: Chair, Chair-Elect, Primary Leadership/Officers, Council or Forum Governing Committee, Membership, Committee Chairs or Forum Division Chairs, Committee Vice Chairs, Additional Committee Leadership, Other Leadership, Nominating Committee Chair, Nominating Committee, Subcommittee Chairs, Programming Faculty, Publication Authors, and House of Delegates.

"Sexual orientation" is the preferred term used when referring to an individual's physical and/or emotional attraction to the same and/or opposite gender. "Heterosexual," "bisexual" and "homosexual" are all sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.

"Gender identity," as distinct from the term "sexual orientation," refers to a person's innate, deeply felt psychological identification as male or female, which may or may not correspond to the person's body or designated sex at birth (meaning what sex was originally listed on a person's birth certificate).

"Lesbian": a woman whose physical and/or emotional attachments are to women.

"Gay": a man whose physical and/or emotional attachments are to men.

"Bisexual": a man or woman whose physical and/or emotional attractions and attachments are to persons of both genders.

"Transgender": a person who experiences and/or expresses their gender identity differently from that which most people expect (e.g., by identifying or referring to themselves as having a gender other than that listed on the individual's original birth certificate, or by physically changing their sex.)

"Heterosexual": a man or woman whose physical and/or emotional attachments are to persons of the opposite gender.

To encourage accurate and active participation by the entities, a non-response (no number entered) would default to a certain value. For example, if a member did not identify his/her race, that person was considered "Caucasian." With respect to sexual orientation and gender identity, the default values were "heterosexual" and "non-transgender".

The implementation of the survey was determined by each individual staff director. There was no standard implementation methodology. Some staff directors filled out the survey themselves; others designated a staff member to do so. Each entity's staff had complete discretion in all of the Goal III reporting. In some entities, the staff director or other staff member communicated to the leadership about the survey, in others the entity Chair sent a message to the leadership.

Quantitative Reporting for 2009-2010

quan•ti•ta•tive *adj.* of, relating to, or involving quantity

The advancement of diversity within the ABA requires us to focus on the quantity of leadership opportunities available to diverse groups. This is our second year of reporting Goal III statistics relative to the ascension of openly lesbian, gay, bisexual, and transgender (LGBT) members into positions of authority within the Association. Simply stated, numbers count. An examination of the quantity or the number of ABA members who are openly LGBT is critical to our ability to monitor the progress being made toward achieving full participation within the ranks of the ABA and in the legal profession as a whole.

An inclusive general membership is critical to the growth of a diverse leadership population. We are encouraged by the number of ABA entities that have reported LGBT participation. Through focused diversity strategies, these entities have been able to identify and nurture potential LGBT leaders within their general ranks. Their efforts have led to the growth of openly LGBT members participating in entity leadership at the highest levels.

Last year, 25 ABA entities reported the participation of members who identified as lesbian, gay or bisexual and two entities indicated the participation of members who identified as transgender. This includes members in general membership and in leadership positions. This year, the total number of entities reporting LGBT participation in general membership and leadership is 21. Three of these entities also indicated participation of transgender members. The table below shows the breakdown of these general participation numbers by entity, in descending order:

2009-10 LGBT Participation in General Membership and Leadership by Entity

Entity	Lesbian/Gay/Bisexual	Transgender
Litigation	34	
Tort Trial & Insurance Practice	34	
Labor & Employment Law	26	
Individual Rights & Responsibilities	14	1
Young Lawyers	13	
General Practice, Solo & Small Firm	11	
Health Law	8	1
Intellectual Property Law	7	
Dispute Resolution	5	

International Law	5	
Public Contract Law	5	
Family Law	4	
National Conference of State Trial Judges ⁵	4	
Environment, Energy & Resources	3	
Law Student Division	3	
Commission on Law and Aging	2	
Law Practice Management	2	
Antitrust Law	1	
Commission on Domestic Violence	1	1
State & Local Government Law	1	
Taxation	1	
Total	184	3

Based on the data reported by the above-referenced groups, there are 187 openly LGBT members participating in entity activities as either general members or in leadership capacities. This represents a modest increase from the 180 openly LGBT members participating in 2008-09. Excluding the number of openly LGBT persons represented in general entity membership (31), the number of openly LGBT members in leadership this year is 156. This number includes the three transgender members noted above. The Health Law Section has identified one transgender member as a Committee Vice Chair. The Section of Individual Rights and Responsibilities has identified one transgender member as a Committee Chair or Forum Division Chair, and the Commission on Domestic Violence has identified one transgender member in Programming Faculty.

Compare these statistics to the 2008-09 numbers below:

2008-09 LGBT Participation in General Membership and Leadership by Entity

(in descending order)

Entity	Lesbian/Gay/Bisexual	Transgender
Tort Trial & Insurance Practice	43	
Individual Rights & Responsibilities	22	2
International Law	17	
Labor & Employment Law	15	
General Practice, Solo & Small Firm	15	

⁵ The National Conference of State Trial Judges is a Conference of the Judicial Division.

Judicial Division	14	
Young Lawyers	9	
Litigation	8	
Family Law	6	1
Commission on Domestic Violence	4	
Dispute Resolution	4	
Commission on Racial and Ethnic Diversity in the Profession	4	
Forum on Entertainment and Sports Industries	3	
Public Contract Law	3	
Environment, Energy & Resources	2	
Law Student Division	2	
Commission on Mental and Physical Disability Law	2	
Intellectual Property Law	1	
Center for Professional Responsibility	1	
Taxation	1	
Commission on Lawyers Assistance Programs	1	
Total	177	3

With the exception of the Forum on Entertainment and Sports Law (which reported three LGBT members in 2008-09), the Commission on Lawyers Assistance Programs (which reported one LGBT member in 2008-09), the Center for Professional Responsibility (which reported one LGBT member in 2008-09), the Commission on Mental and Physical Disability Law (which reported two LGBT members in 2008-09) and the Commission on Racial and Ethnic Diversity in the Profession (which reported four LGBT members in 2008-09), all of the entities that reported LGBT numbers last year reported again this year. Last year, the Judicial Division and all of its Conferences reported. This year, only the National Conference of State Trial Judges reported LGBT numbers. Six new entities reported LGBT statistics this year: the Section of Antitrust Law, Health Law Section, Law Practice Management Section, Section of State and Local Government, the Commission on Law and Aging and the Commission on Women in the Profession. The addition of these new reporting entities is an encouraging sign that more ABA groups are beginning to include LGBT members and concerns in their overall diversity efforts.

In 2008-09, the Tort Trial & Insurance Practice Section, Section of Individual Rights and Responsibilities, Section of International Law, Section of Labor and Employment Law, General Practice, Solo and Small Firm Division and Judicial Division boasted the highest numbers of openly LGBT members. This year, the Tort Trial & Insurance Practice Section, Section of Individual Rights and Responsibilities, Section of Labor and Employment Law and General Practice, Solo and Small Firm Division remain at the top of the

list. They are joined by the Section of Litigation and the Young Lawyers Division. The Section of International Law and Judicial Division lost some openly LGBT members this year and moved down on the list. The Section of Intellectual Property Law, Section of Dispute Resolution, Section of Public Contract Law, Section of Environment, Energy & Resources and Law Student Division all saw increases in the number of openly LGBT members participating. The Section of Taxation maintained the same level of LGBT participation as it had in 2008-09. The number of LGBT identified members participating in the Section of Family Law and the Commission on Domestic Violence decreased by two, respectively.

Lesbian, gay, bisexual and transgender persons continue to make inroads into entity leadership. For the purposes of this report, entity leadership positions include the: Chair, Chair-Elect, Primary Leadership/Officers, Council or Forum Governing Committee, Committee Chairs or Forum Division Chairs, Committee Vice Chairs, Additional Committee Leadership, Other Leadership, Nominating Committee Chair, Nominating Committee, Subcommittee Chairs, Programming Faculty, Publication Authors and delegates to the House of Delegates. The breakdown by type of leadership position is illustrated in the table below:

**Total LGBT Participation in Entity Leadership in the ABA
(excludes general membership)**

	2009-10 Total LGBT Leadership	2008-09 Total LGBT Leadership
Type of Leadership Position		
Chair	1	2
Chair-Elect	0	1
Primary Leadership/Officers	1	6
Council or Forum Governing Committee	17	12
Committee Chairs or Forum Division Chairs	26	30
Committee Vice Chairs	15	38
Additional Committee Leadership	24	7
Other Leadership	11	7
Nominating Committee Chair	1	0
Nominating Committee	2	2
Subcommittee Chairs	9	0
Programming Faculty	26	33
Publication Authors	22	12
House of Delegates	1	1
Total	156	151

The growth of LGBT members participating at the leadership level is evident. The number of openly LGBT members in leadership increased by five members overall. The additional LGBT growth is in the Council or Forum Governing Committee, Additional Committee Leadership, Other Leadership, Nominating Committee Chair, Subcommittee Chairs and Publication Authors categories. LGBT members maintained their 2008-09 leadership positions on the Nominating Committee and in the House of Delegates. LGBT participation numbers decreased in the Chair, Chair-Elect, Primary Leadership/Officers, Committee Chairs or Forum Division Chairs, Committee Vice Chairs and Programming Faculty categories. LGBT identified members continue to have a presence in all but one of these categories. However, the significant drop in LGBT leadership participation in these areas is of concern.

Also, it is important to note that the Office of the President, under the leadership of President Carolyn B. Lamm, appointed 12 members who identify as lesbian, gay or bisexual and two members who identify as transgender to positions of leadership on various Standing Committees, Special Committees, Commissions and other entities. Her predecessor, former President H. Thomas Wells, Jr., appointed 11 members who identified as lesbian, gay or bisexual members and three who identified as transgender.

The journey toward full participation of diverse groups, including lesbian, gay, bisexual and transgender persons, is long and arduous, but achievable. We may have miles to go, but every step forward is step in the right direction. Each new LGBT member who moves into a leadership position takes us one step closer to our goal.

Qualitative Reporting for 2009-2010

qual•i•ta•tive *adj*: of, relating to, or involving quality

Arguably, quality is more important than quantity, as it relates to the advancement of diversity in the profession. Quantity can be fleeting. However something of quality can stand the test of time. While the number of openly LGBT members may ebb and flow over the years, the substance of high quality diversity strategies and programming can have an ongoing, sustainable and lasting impact on the promotion of LGBT persons into positions of leadership.

1. *What efforts—programs, projects, policies, committees or other activities—has your entity implemented, initiated or undertaken to support, advance and/or retain sexual orientation and gender identity diversity in your entity, the ABA, and the legal profession?*
2. *Please describe the results that the above efforts have had in increasing sexual orientation and gender identity diversity within your entity, the ABA, and the legal profession.*

We asked every ABA entity to respond to these two questions. Thirty-two entities responded to one or both of our queries. This response rate is an improvement on the nineteen that responded last year. Several entities, in responding to the first question, stated that they had added SOGI inclusive language to their diversity plans, speaker information forms or CLE programming forms. Some indicated that they assigned a liaison to the ABA SOGI Commission. One entity stated that it was not currently targeting any specific groups. Relative to the second question, one group noted that its efforts had resulted in an increase in committee membership and greater visibility of LGBT issues ABA-wide. A few stated that they expected their LGBT participation to increase in the future as a result of initiatives they currently had in place, and a handful stated that they were currently unable to measure their results or that it was too soon to determine the results of their efforts.

Several entities provided detailed responses, identifying specific programming and initiatives, including the development of CLE programs on topics of interest to LGBT members; the establishment of LGBT lawyer committees; the development of scholarship programs; the establishment of liaison relationships with LGBT bar associations; the creation of recruitment materials targeted to LGBT law students; the development of LGBT mentoring and retention programs; the co-sponsoring of events with local and national LGBT bar associations and other LGBT professional organizations; the support of LGBT initiatives of other ABA entities (including

the LGBT Domestic Violence Project and “The Gay Bar: LGBT Attorneys in the Profession” hearings) and the hosting of receptions and other events for LGBT groups.

This information is of particular value to us as we continue to examine the issue of leadership diversity in the Association and beyond. We appreciate the input of the 32 responding entities. It enables us to gauge how far we have come and how far we have yet to go in promoting LGBT leadership in the profession. Specifically, we thank the following entities:

Sections

- Antitrust Law
- Business Law
- Criminal Law
- Dispute Resolution
- Environment, Energy and Resources
- Family Law
- Government and Public Sector Lawyers
- Individual Rights and Responsibilities
- Intellectual Property
- International Law
- Labor and Employment Law
- Law Practice Management
- Legal Education and Admissions to the Bar
- Litigation
- Public Contract Law
- Science and Technology Law
- State and Local Government Law
- Taxation
- Tort Trial & Insurance Practice

Divisions

- General Practice, Solo and Small Firm
- Judicial

- Law Students
- Senior Lawyers
- Young Lawyers

Forums

- Communications Law
- Entertainment and Sports Industries
- Franchising

Commissions

- Domestic Violence
- Law and Aging
- Mental and Physical Disability Law
- Racial and Ethnic Diversity in the Profession
- Women in the Profession

Entities Recognized for Special Efforts

It is clear that some ABA entities are farther along the path toward greater LGBT representation in leadership than others. We encourage those just beginning their journey and continue to support those that have been marching toward the goal but still have a ways to go. We are particularly enthusiastic about the exciting diversity-related programming being developed by some of our ABA counterparts. They lead by example:

The **Section of Individual Rights and Responsibilities (IRR)** was founded with the purpose of ensuring equal opportunity and civil rights for all Americans. We continue to be indebted to the Section for its decades-long efforts to remove barriers for LGBT members of the profession. Through its Sexual Orientation and Gender Identity Committee, it has presented programs regarding the rights of lesbian, gay, bisexual, and transgender (LGBT) people and drafted recommendations to amend the former Goal IX to include persons of differing sexual orientations and gender identities. It also suggested that other Section-sponsored recommendations be amended to address issues related to sexual orientation and gender identity. Many of the Section's committee members helped to found the Commission on Sexual Orientation and Gender Identity and currently serve on its board. The Section is currently lobbying on the Employment Non-Discrimination Act. Recently, the Section partnered with the ABA Commission on Domestic Violence to spearhead an Enterprise Funded Project addressing domestic violence in the LGBT community. Through the project, the Section and Commission provide training to civil lawyers representing LGBT victims of domestic violence. They are also developing a public affairs campaign to raise awareness about this issue. In January 2009, in collaboration with the Commission on Domestic Violence and Criminal Justice Section, IRR convened an LGBT Domestic Violence Attorney Meeting in Washington, D.C., that brought together 25 leaders in the LGBT domestic violence field for peer-to-peer education and to develop national policy priorities and client representation strategies. Two working groups on the Representation of LGBT Clients in Domestic Violence Cases and LGBT Domestic Violence Policy emerged from this meeting. These groups have helped to mobilize the domestic violence policy community to consider including LGBT as a traditionally marginalized population under the 2010 reauthorization of the Violence Against Women Act. Additionally, two webinars on LGBT domestic violence accessed by over 150 individuals sprang out this meeting.

The **Section of Family Law** has established a Committee on Alternative Families that addresses sexual orientation and gender identity issues in family law. Additionally, the Section has supported many recommendations affecting LGBT people, including, but not limited to, the recommendation urging repeal of Section 3 of the Defense of Marriage Act; the recommendation urging the passage of legislation enabling people to sponsor their same-sex partners for U.S. citizenship; and the recommendation opposing restrictions on foster care placement on the basis of the sexual orientation of the proposed foster parent. The Section has conducted many CLE programs addressing issues related to sexual orientation and gender identity. In 2004 and 2005, the Section produced a White Paper on

Same-sex Marriage, Domestic Partnerships, and Civil Unions. The **Section of Labor and Employment Law** amended its Diversity Plan to include specific actions to recruit LGBT lawyers, foster an atmosphere of inclusion once they are recruited, encourage their participation on panels, task forces and working groups and provide them with opportunities and training to assume leadership roles. The Section adopted the Report of the Standing Committee Best Practices Task Force and distributed the Best Practices to all of its committees. The Best Practices include goals for the recruitment and retention of LGBT lawyers. The Section's Standing Committees offer programming of interest to LGBT lawyers and lawyers representing employees and employers in matters involving claims of sexual orientation discrimination. The Section sponsored a panel on sexual orientation and gender identity during its annual CLE Conference. It also co-sponsored a social networking reception with the National LGBT Bar Association during the conference. Six of the 30 attendees chosen to participate in the Section's 2009 Leadership Development Conference were LGBT lawyers. The Section reports that LGBT members are widely represented on its various Standing Committees and that a gay lawyer currently chairs the Diversity Outreach Initiative Task Force.

The **Section of Litigation** reports that it has recently established a committee for LGBT legal professionals to address SOGI-related issues. The Section also states that it has experienced an increase in the number of its members identifying themselves as LGBT. It notes that a "respectable" percentage of its leaders are self-identified members of LGBT groups. The Section's Diversity Plan features five accountability grids related to each Goal III initiative including lawyers with differing sexual orientations and gender identities. The Section continues to support its LGBT Litigator Committee, which recently sponsored a program entitled, "So What Am I Supposed to Do Now?—Overcoming Ethical and Professionalism Predicaments in All Phases of Litigation." The Committee is now planning a program for its 2010 Winter Leadership Meeting on legal issues facing the LGBT community. The committee's current focus is expanding its structure and membership.

This year, the **Tort Trial & Insurance Practice Section** produced a diversity training video that emphasizes the competitive advantage of having a diverse work force that includes LGBT groups. It anticipates that the video will become a leading training tool for the legal profession. The Section continues to support its TIPS Leadership Academy, a leadership training program targeting diverse groups including LGBT. The Section reports that it is seeing increased participation of LGBT members in leadership as a result of the Academy.

It is our hope and expectation that the diversity-related strategies and ideas discussed in this report will lead to the development of effective programming worthy of replication. We encourage the entities to share strategies and experiences, build relationships, form partnerships and disseminate information on what works. Through these sustained efforts, we will begin to see a strong leadership class develop that is inclusive of the lesbian, gay, bisexual and transgender members of this Association and the profession.

Expanding and Enhancing Goal III Reporting and Related Diversity Efforts

The Goal III Report Card is a collaborative effort between the ABA members and ABA staff. As was the case last year, entities continue to list confidentiality and privacy as chief concerns with obtaining data on LGBT members, presenters and authors. The Commission respects the privacy of ABA members, and indeed of all people. We believe that an appropriate resolution is to incorporate the electronic member information systems already in use by the ABA, such as The Integrated Members Services Solution (TIMSS), into the Goal III data collection paradigm. While not a perfect solution, the use of existing, captured, self-reported data from our Membership group can serve as a means to mitigate any discomfort a person may feel about asking – or assuming – a member about her or his gender identity or sexual orientation.

As also noted last year, most of the numeric categories require ABA membership. To be included in a section’s leadership or membership, one has first to be a member of the ABA. However, there is no entity membership or general ABA membership requirement to be counted as a “Programming Faculty”⁶ and a “Publication Author”.⁷ Like the other categories, the current tracking system has no mechanism to ensure that each participant is counted only once. Since Goal III is designed to measure participation by the ABA’s volunteer members, the present system does not distinguish between the efforts of members and those of non-members. Also, there could be repeat participants in both those categories in the same entity and across the entities. For a fuller discussion of TIMMS and the value of electronic tracking, please refer to the SOGI Commission’s 2008-09 Goal III Report Card.

The SOGI Commission continues to encourage the various ABA entities to develop and/or expand their respective diversity plans, especially with respect to efforts to address and reach LGBT lawyers. This year, 22 responding entities described activities or strategies designed specifically to be more welcoming of LGBT lawyers. These efforts included co-sponsoring programming on LGBT issues, requiring a full range of diversity on program panels, designating a liaison to the SOGI Commission, or revising diversity plans to encourage and develop LGBT membership and activity within the entity. We believe dedicated diversity initiatives that are themselves inclusive – meaning those that reflect “diversity’s diversity” – are critical to any successful diversity plan or strategy.

Perhaps most significant in any of these strategies is robust, diverse programming. Panels, roundtables, webinars, and other presentations are among the most effective way that entities can “walk their diversity talk.” They also serve as an important

⁶ Programming Faculty refers to all CLE programming presented by your entity during FY08-09, including but not limited to the National Institutes, ABA Annual and Midyear meetings, Fall and Spring meetings and stand alone committee meetings.

⁷ Publication Authors refer to authors whose work was published during FY08-09 and includes chapter authors where a book is written by multiple authors.

mechanism to attract and retain diverse members, particularly when they see opportunities to serve as panelists are available to them and that any diversity they may represent is welcome.

In this spirit, in the 2008 – 09 bar year the SOGI Commission presented its first major program, a hearing on the experiences of LGBT lawyers. “The Gay Bar: LGBT Attorneys in the Profession,” took place at the ABA’s 2009 Annual Meeting in Chicago. The presenters – or, in this case, witnesses – represented a range of professional pathways and included Brent Adams, Illinois Department of Financial and Professional Regulation; Michael Daugherty, Chubb Insurance; Kelly Dermody, Lieff, Cabraser, Heimann & Bernstein, LLP; M. Dru Lavasseur, Transgender Legal Defense and Education Fund; Andy McCallin, Colorado Campaign for Inclusive Excellence; Gail Morse, Jenner & Block; Kathleen Nalty, Colorado Campaign for Inclusive Excellence; Allen Orr, Baker & McKenzie LLP; and Paul Pompeo, Arnold & Porter LLP. The day-long event enjoyed support from a number of Association entities. The SOGI Commission has made available the testimony of the various panelists on its website, <http://new.abanet.org/sogi/Pages/default.aspx> and is exploring effective ways to further the outcomes of the hearings.

Conclusion

The SOGI Commission is the ABA’s voice for the LGBT legal community. While our numbers in the second year of our participation in the Goal III survey are low in comparison with those reported by our sibling diversity commissions, over time we anticipate improvements in reporting. We anticipate that more ABA entities will pursue a more robust, and full, reporting of their diversity data, as they pursue similarly vigorous diversity in their membership, leadership, programming and publications. The ABA’s creation and support of the SOGI Commission signals the Association’s awareness of and commitment to LGBT issues and individuals. It is also a signal to its constituent entities of the importance of LGBT representation within their ranks.

Commissioners

Courtney G. Joslin, Chair, Davis, CA
Elaine Arabatzis, New York, NY
Ann M. Courtney, Portland, ME
Pamela C. Enslin, Kalamazoo, MI
Jeffrey G. Gibson, San Francisco, CA
Jimmy Goodman, Oklahoma City, OK
James H.S. Holmes, Los Angeles, CA
Jennifer Levi, Easthampton, MA
Patrick McGlone, Washington DC
Theresa M. Stewart, San Francisco, CA
Glenn Stover, San Francisco, CA
Melvin White, Washington, DC
Randi Whitehead, Sarasota, FL

Commissioner Bios

Courtney Joslin is an Acting Professor of Law at the UC-Davis School of Law where she teaches Family Law, Employment Discrimination, and a seminar on Sexual Orientation, Gender Identity, and the Law. Prior to joining the faculty at UC Davis, Professor Joslin served as an attorney at the National Center for Lesbian Rights (NCLR), where she litigated cases on behalf of lesbian, gay, bisexual, and transgender people and their families. In addition to her position on the Commission, she is a co-chair of IRR's Committee on Sexual Orientation and Gender Identity and is a past chair of the Family Law Section's Alternative Families Committee. She received her law degree from Harvard Law School, where she was an executive editor of the Harvard Civil Rights-Civil Liberties Law Review.

Elaine Arabatzis joined Dickstein Shapiro in September 2001, as a senior associate. She has extensive experience in the area of professional liability, including legal and medical malpractice. She presently serves as Diversity/Pro Bono Counsel to the firm. She has represented numerous pro bono clients, including a number of victims and families of victims of the September 11 terrorist attacks. She is a member of the Firm's Diversity Committee and regularly participates in activities sponsored by the Minority

Corporate Counsel Association and other minority bar and related organizations. Ms. Arabatzis is a member of the bars of Connecticut, New York, the District of Columbia, and Florida. She is also active in the American Bar Association.

Ann M. Courtney is an Assistant Vice President and Senior Counsel in Unum's Portland, Maine office, where she manages both ERISA and non-ERISA claim litigation in life, disability and long-term care cases in state and federal courts. She is a former President of the Maine State Bar Association and currently serves on the ABA Commission on Sexual Orientation and Gender Identity and as Chair of the Editorial Board of *Perspectives*, the newsletter of the ABA Commission on Women in the Profession. She is a former member of both the ABA Commission on Women in the Profession and the ABA Commission on Racial and Ethnic Diversity in the Profession. Ann is also an active member of the DRI Life, Health and Disability Committee. She has spoken often on the issue of punitive damages for ALI-ABA, DRI and the ABA as well as on how insurance companies partner with outside counsel. Ann and her partner, Marilyn, are adoptive parents of five children, four of whom are still at home.

Pamela C. Enslin, principal, returned to Miller Canfield in May 2003 after serving two years as a Federal Public Defender for the United States Court in the Western District of Michigan (January 2001-April 2003). She currently serves as a member of the Panel of Arbitrators of the American Arbitration Association and as a distinguished neutral for New York's Center of Public Resources. She is currently a member of the ABA's House of Delegates, ABA's Standing Committee on Judicial Independence, Governing Board of the ABA Dispute Resolution Section, Commission on Sexual Orientation and Gender Identity, and a member of the Board of Governors of the Federal Bar Association, West Michigan Chapter. In 2003, she was elected Fellow of the American Bar Foundation, and in 1999 was named one of ten "Michigan Lawyers of the Year" by *Michigan Lawyers Weekly*.

Jeffrey G. Gibson, is an attorney in San Francisco, California and is a partner with the 12 attorney law firm of Goldstein, Gellman, Melbostad, Gibson and Harris. He has served on the national board of directors of the Gay and Lesbian Victory Fund, the board of directors of the Bay Area AIDS Legal Referral Panel and was an organizer of gay/lesbian programs for the Second World Congress on Children. He has been a leader on LGBT issues at the American Bar Association, chairing the SOGI Commission for two year and serving as the chair of the ABA's Individual Rights and Responsibilities committee on the rights of lesbians and gay men. He also served on the ABA Steering Committee on the Unmet Legal Needs of Children for two years. Currently, he serves on the Board of Directors of the National Lesbian and Gay Law Association, now the National LGBT Bar Association, where he was elected by it to serve as its delegate to the ABA House of Delegates.

Jimmy Goodman, a past President of Crowe & Dunlevy, tries lawsuits with a specialty in complex business and commercial litigation. He has been selected by his peers as one of The Best Lawyers in America. Jimmy has saved his client millions of dollars by preventing the Department of Justice's novel attempt at using "statistical sampling" in a Medicare fraud case to prove damages for

unsampled claims and persuaded the Oklahoma Supreme Court to grant the rare reversal of an arbitration award, among his achievements. He helped draft the Oklahoma Civil Uniform Jury Instructions. He is Oklahoma's Delegate to the ABA, has held numerous positions of leadership in the ABA Litigation Section, and has served on both the ABA's Council on Racial and Ethnic Justice and the Commission on Racial and Ethnic Diversity.

James J.S. Holmes is a partner in resident at the Los Angeles office of Sedgwick, Detert, Moran & Arnold and chairs that firm's Media, Entertainment and Sports Law Practice Group and LGBT Affinity Group. Jim is an active member of the American Bar Association. He is the immediate past chair of the Tort Trial and Insurance Practice Section (TIPS) Media Privacy and Defamation Law General Committee and is a member of the section's Committee on Diversity in the Profession. Mr. Holmes is a Fellow of the American Bar Foundation and a member of the California Bar Association, the Los Angeles County Bar Association, National LGBT Bar Association and the Lesbian and Gay Lawyers Association of Los Angeles. An active member of the LGBT community, he has received a commendation from the California Bar Association for his pro bono work for Los Angeles HIV and AIDS Legal Services Alliance.

Jennifer Levi is one of our nation's leading experts on transgender legal issues. She serves as the director, of the Transgender Rights Project at Gay & Lesbian Advocates & Defenders (GLAD). During her tenure with GLAD, she was lead counsel in a number of precedent setting cases establishing basic rights for transgender people. These cases include *Doe v. Yunits*, in which Jennifer represented a transgender student denied the right to attend school because of the clothing she wore; *Rosa v. Park West Bank*, which established key protections for transgender people under federal law; and *Beger v. DMA*, which resulted in a reversal of Division of Medical Assistance's refusal to cover breast surgery for a transgender woman. Jennifer was also co-counsel in the case of *Goodridge v. Dep't Public Health* which established the right of same-sex couples to marry in Massachusetts. Jennifer is a Professor of Law at Western New England College. She serves on the Legal Committee of the World Professional Association for Transgender Health, and is a founding member of both the Transgender Law & Policy Institute and the Massachusetts Transgender Political Coalition.

Patrick McGlone is Vice President and Deputy General Counsel at ULLICO Inc., an insurance and financial services company, where he manages litigation matters and advises management on various legal issues. Patrick has previously been an attorney at the Federal Deposit Insurance Corporation and an associate at a large national law firm. Patrick serves on the ABA's Commission on Sexual Orientation and Gender Identity and the Council of the ABA's Section of Individual Rights and Responsibilities. From 2000 to 2005, he was co-chair of IR&R's Committee on Sexual Orientation and Gender Identity. In the 1990s, Pat was co-chair of GAYLAW, the Washington, D.C., area's voluntary LGBT bar association. He is a former member of the Board of the National Lesbian and Gay Law Association and has been appointed to several committees of the D.C. Bar. Pat is a graduate of The George Washington University Law School and Fordham College.

Therese Stewart, since 2002, has served as Chief Deputy City Attorney under San Francisco City Attorney, Dennis J. Herrera, overseeing the litigation practice of the City Attorney's Office and representing San Francisco and its officials in key cases. Ms. Stewart headed a team of deputy city attorneys representing Plaintiff City and County of San Francisco in the Marriage Cases pending in the California Supreme Court. She defended Mayor Newsom when his issuance of marriage licenses to same-sex couples was challenged in 2004. She currently heads a team of deputy city attorneys and county counsel representing a group of cities and counties challenging California's anti-marriage equality Proposition 8 in the California Supreme Court. In the 1990's, Ms. Stewart served as the first Co-Chair of the Bar Association of San Francisco's Committee on Sexual Orientation, which developed guidelines for legal employers on eliminating sexual orientation discrimination. In 1999, Ms. Stewart served as the first openly gay President of the Bar Association of San Francisco.

Glenn Stover is the founder and principal partner of StoverLaw, a boutique telecom law firm in San Francisco. Before brief stints at San Francisco law firm, Hanson Bridgett, and as Vice President of Government Affairs at the telecom carrier, OnFiber Communications, he served, for 17 years, as a Senior Attorney for AT&T. At AT&T, he represented the company before a number of state public utility commissions, and advised the company on a variety of litigation, antitrust and contractual issues. Before his years at AT&T, Mr. Stover served as a Senior Attorney in the Antitrust Division of the US Department of Justice. He is a member of the Section Council of the ABA's Section on Individual Rights & Responsibilities and has chaired committees in that Section and in the Administrative Law Section. He also serves as the IR&R Council's liaison to the Administrative Law Section. Mr. Stover lives in San Francisco with his husband, Gerard Schulz, a psychiatric nursing assistant at the San Francisco VA Medical Center. The couple are members of the Metropolitan Community Church of San Francisco, on whose Board of Directors Mr. Stover serves.

Melvin White is a commercial litigator and the principal of the Law Office of Melvin White in Washington, D.C. He has over twenty years of experience in complex litigation and arbitration matters in the areas of intellectual property, antitrust, managed care, civil RICO, securities fraud, telecommunications, class actions, product liability, and complex contractual issues, among other things. He is a member of the District of Columbia Bar (and served as President of the Bar during 2007-08), the American Bar Association, the ABA Commission on Sexual Orientation and Gender Identity, the Fellows of the American Bar Foundation, the Bar Association of the District of Columbia, GAYLAW, the National Bar Association, the Washington Bar Association, the Women's Bar Association of the District of Columbia and the Edward Bennett Williams Inn of Court. He is Board Chair and Director of the Dance Institute of Washington, and he served as the Eastern Region Fundraising Chair for the Dr. Martin Luther King National Memorial Foundation.

Randi Whitehead is a lawyer in Sarasota, Florida and has been an active member of the ABA for more than fifteen years. She has served on the ABA Working Group on Health Care Reform as well as on the Publications Board of the Law Practice Management

Section, in addition to serving as Chair of the Health Care Law Committee of the Young Lawyers Division. She is active in the General Practice, Solo & Small Firm Division and the Tort, Trial and Insurance Practice Section. Ms. Whitehead is also a Fellow of the American Bar Foundation and is a member of the Florida Bar. In addition to her extensive bar work, she is a committee co-chair of the Florida Disability Independence Group and a member of the Publicity Committee of Rock the Earth, a national public interest environmental advocacy organization. She received her B.S. in Public Relations from the University of Florida and her J.D. from the University of Florida Levin College of Law.

About the Commission on Sexual Orientation and Gender Identity

The Commission was created in August 2007 by approval of the Board of Governors of the ABA. Its mission is to promote full and equal participation in the legal profession by persons of differing sexual orientations and gender identities. Through education efforts, policy development, building relationships with leaders in the profession, and other activities, the Commission seeks to secure equal treatment in the ABA, the legal profession and the justice system without regard to sexual orientation or gender identity, remove barriers to professional advancement, and promote diversity.

Since its creation, SOGI has conducted three focus groups to record the experiences of lesbian, gay male, and transgender attorneys. SOGI has collaborated and co-sponsored events with a number of other organizations including the Center on Racial & Ethnic Diversity in the Profession, the Commission on Women in the Profession, the Section on Individual Rights & Responsibilities, and the National LGBT Bar Association.

About the ABA

The American Bar Association was founded in 1878 by 100 lawyers from 21 states. The ABA has over 400,000 members, making it the largest professional voluntary organization in the world. The ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges, and initiatives to improve the legal system for the public. The ABA's Goals are to Serve Our Members, Improve Our Profession, Eliminate Bias and Enhance Diversity, and Advance the Rule of Law.