

ABA Section of Litigation Diversity Plan (Revised August 2008)

Goal III* (formerly Goal IX) of the American Bar Association directs the Association “*to promote the full and equal participation in the legal profession by women, minorities, persons with disabilities, and persons of differing sexual orientations and gender identities.*” The ABA Section of Litigation strongly supports Goal III. It is committed to ensuring equal opportunity in the profession, respecting the diversity and individualism of its members, recognizing the intrinsic value of diversity in the legal profession, and expanding the breadth of its membership.

The Section first adopted diversity as one of its strategic goals in its Strategic Plan of August 7, 1994. That Strategic Plan incorporated a core tenet of this Section and the lawyers it serves: “*The legal profession will be open and hospitable to all.*” The Strategic Plan contained an explicit goal to “*Diversify Section membership and leadership and promote diversity in the legal profession.*”

In 2001, the Section adopted its first Diversity Implementation Plan. Working under that Plan, the Section implemented and maintained effective tactics for enhancing diversity and for meeting the needs and interests of diverse attorneys in the Section, with a strategic focus on lawyers of color, even though Goal III at the time also extended to women and disabled lawyers. The Section’s decision in 2001 to focus the Diversity Implementation Plan on lawyers of color recognized that women lawyers had attained more equal participation in the legal profession and in Section Leadership than lawyers of color. The 2001 Plan succeeded in increasing participation of lawyers of color in the Section in general and in the Section’s Leadership in particular. But the work was far from done.

In 2005 and 2006, the Section Council’s Diversity Committee and Staff reviewed the 2001 Plan, assessed what was working, what was not, what had been achieved, and what required redoubled efforts. The Committee and Staff also analyzed the plans and initiatives of other ABA entities to develop additional ideas and share best practices.

The Committee identified a crucial policy choice: whether to maintain the Section’s focus on lawyers of color or to broaden its diversity efforts. Based on input from the Section’s Leadership, consensus emerged: (1) there was much yet

*Changed to Goal III following adoption of new ABA Mission and Goals by House of Delegates in August 2008.

to be done on behalf of lawyers of color, and any expansion of the Section's diversity effort should not erode that commitment; and (2) the Section needed to take a leadership role on other diversity issues limiting full participation in the profession, including disability, sex, sexual orientation, and gender identity.

The Section's Council voted in January 2007 to support a proposal from the Section of Individual Rights and Responsibilities to add sexual orientation and gender identity to Goal III. The amendment passed the ABA House of Delegates in February 2007.

In August 2007, the Council adopted the Diversity Plan in its current structure, both reaffirming its unwavering strategic focus on lawyers of color by improving and enhancing the tactics aimed at lawyers of color in its 2001 Diversity Implementation Plan and adding strategies targeted to all of the characteristics identified in Goal III. The Plan emphasizes the importance of a well-developed strategy, specific time lines and calendars, and individual accountability within the Section. All Section Leaders have diversity responsibilities and requirements for reporting that they have been fulfilled. Accountability runs throughout the Leadership and to the Chair and Executive Director.

The Diversity Plan categorizes action items into six areas: Leadership Commitment; Accountability; Communications and Training; Membership; Programs and Publications; and Outreach. Many of the particular items overlap but have been placed into a single category for ease of reference

The Plan is structured in five accountability grids. When a particular strategy is appropriate for all aspects of diversity, it is set forth in the Diversity Implementation Plan Regarding All Goal III Characteristics, the first accountability grid. A cookie-cutter approach is not appropriate, however, for all characteristics identified in Goal III. The strategies proven successful for lawyers of color may not be well suited for addressing diversity with respect to sexual orientation or disability. The Diversity Plan therefore sets out a separate accountability grid for each of the four Goal III characteristics, each with action items tailored to diversity efforts appropriate to that characteristic and to the experience of the Section in addressing it.

In September 2007, the Section adopted an update to its strategic plan titled "The Section at 40." This forward-looking document commands the Section to broadly diversify its membership and leadership, and makes measurement and evaluation of success in implementing this Diversity Plan an essential strategy in the pursuit of the preeminence as the membership organization in the profession for litigators.

The Section of Litigation is proud of its position as a leader in the ABA and in the profession. It counts among its members some of the most renowned and dedicated lawyers in the nation. The goal of enhanced diversity can be achieved only with the unequivocal support and participation of these leaders, the Section’s Leadership and its Committees and Task Forces, and the individual commitment of all Section members. The Section pledges to use its resources and the dedication it has brought to other important issues to ensure the full, equal participation of diverse lawyers in the ABA and the profession. The Diversity Plan ensures that the Section of Litigation will continue to lead the ABA and put in place best practices for all Goal III characteristics with a systematic periodic review and, if necessary, further revisions.

Pursuant to this systematic review, the plan has undergone further refinements, especially in the accountability grid regarding lesbian, gay, bisexual, and transgendered (“LGBT”) attorneys. The Plan in 2007 created an LGBT Working Group to investigate and make recommendations regarding the integration of lesbian, gay, bisexual and transgendered (“LGBT”) lawyers into the Section and to explore and create programming regarding LGBT legal issues. The LGBT Working Group recommended creation of the LGBT Litigator Committee within the Section, and the Council adopted that recommendation in June 2008.

The Section of Litigation enthusiastically adopts this 2008 Diversity Plan.

**Section of Litigation
Diversity Implementation Plan
Regarding All Goal III Characteristics**

The Section of Litigation undertakes the following action items with respect to all aspects of diversity encompassed within ABA Goal III.

| LEADERSHIP COMMITMENT | WHO | WHEN |
|--|--|--|
| Evaluate and update the Section Diversity Plan <ul style="list-style-type: none"> • Biannually (even number years[*]) assess which initiatives are working and which are not; determine why they are not working; incorporate new ideas; and respond to then-existing circumstances • In alternate years (odd number years), review the diversity plans of other ABA entities to obtain ideas • Report recommended changes to the Plan | Diversity Committee, for approval by Council | Annually, for Report at ABA Annual Meeting |

^{*} All references to years are to the ending year of a Chair’s term. Thus, Chair Robert Rothman’s year, 2008-09 is an odd number year.

| LEADERSHIP COMMITMENT | WHO | WHEN |
|---|---|--|
| and seek approval from the Council at ABA Annual meetings | | |
| Appoint Council members as a standing Committee of the Council to work with the Section Chair in assessing the Section’s progress and overseeing implementation of the Diversity Plan, with Committee oversight responsibilities divided among Committee members | Chair-Elect | During Annual Appointment Process |
| Strive to reflect the diversity of the Section when selecting members of the Advisory Committee on Nominations | Executive Committee and Council | Fall Election of Advisory Committee on Nominations |
| Select diverse members for Council and Officer positions | Chair Elect, Advisory Committee on Nominations, Council | Fall Nominations Process |
| Compile ABA Goal III Report, including narrative statements with respect to diversity efforts | Staff, reviewed by Diversity Committee | Annually, at Goal III report deadline |
| Evaluate the appointments process annually, including comparison analysis by year and in three-year rolling cycles, to ensure that diversity goals are met in Leadership appointments | Diversity Committee, Staff for report to Council | Annually, as part of and following Goal III review |
| Regularly monitor ongoing diversity initiatives throughout the ABA; report to Diversity Committee | Staff | Ongoing, with formal reporting in odd number years |
| Provide a copy of the Diversity Plan to each existing and incoming Committee and Task Force Chair, together with a communication from the Section Chair stressing the importance of the Plan and the requirement for active participation of each Leader in implementing the Plan | Chair, Committee and Task Force Chairs, Staff | Annually, Fall Orientation |

| ACCOUNTABILITY | WHO | WHEN |
|--|---|-------------|
| Require all Committee and Task Force Chairs to consider diversity in developing their Annual Plans. Membership Committee Annual Plans must include diversity efforts; other Committee and Task Force Annual Plans must articulate whether they include diversity efforts, and, if not, why their functions do not permit advancement of Section diversity goals. | Committee and Task Force Chairs, reviewed by Staff, Division Directors, and Diversity Committee | Annually |

| ACCOUNTABILITY | WHO | WHEN |
|---|--|---|
| Require all Committee and Task Force Chairs to report periodically on their progress in meeting diversity goals including, if a membership Committee, on the pipeline of diverse leadership in the Committee. | Committee and Task Force Chairs, compiled by Staff, reviewed by Division Directors and Diversity Committee | As part of Progress Reports in advance of Leadership Meetings |
| Follow up with those Committee and Task Force Chairs who are not participating in the Section's diversity efforts and, where necessary and with the input of the Diversity Committee, establish written expectations of corrective action for those who are not fulfilling the Section's Diversity Plan | Diversity Committee, Division Directors, Staff | After each periodic report |
| Prepare Calendar reflecting dates and tasks due under the Diversity Plan | Staff | Before Fall Leadership Meeting |
| At commencement of each bar year, provide each Leader with written description/reminder of their responsibilities and due dates | Staff | Before Fall Leadership Meeting |

| COMMUNICATIONS AND TRAINING | WHO | WHEN |
|---|-------------------------------------|----------------|
| Publish the Diversity Plan in the Section's online Leadership Reference Library, Diversity web pages, Leadership Directory, By-Laws and Strategic Plan | Staff | Ongoing/Annual |
| Regularly update a diversity page of the Section website to include <ul style="list-style-type: none"> • Issues of interest relating to diversity in the Section • Links to other websites of interest • Report on efforts and achievements of Section in diversity efforts • Provide relevant data, such as Goal ___ report, publications, and membership information • Profiles and success stories of diverse Leadership • Follow-up individually with those who "Click here to get more information on Section Diversity" | Staff, Section Technology Committee | Update monthly |

| COMMUNICATIONS AND TRAINING | WHO | WHEN |
|---|--|-----------------------------------|
| Address needs and interests of diverse lawyers through editorial board membership and content | Publications Editors, Editorial Board Chairs | Review annually |
| Develop Fall Leadership Meeting Agenda to fully train new members of Leadership on their responsibilities and steps on how to succeed, with presentation by Diversity Committee on Diversity in the Section | Staff, Managing Directors, Diversity Committee | Annually, Fall Leadership Meeting |
| Provide diversity programming to Section Leadership at least once each year | Managing Directors or Leadership Program Chair | Annually |

| MEMBERSHIP | WHO | WHEN |
|--|--|--------------------|
| Develop a plan for presentation to the ABA to offer joint memberships with diverse bar associations | Staff, Diversity Committee | 2009 |
| Develop recruitment/retention materials with a focus on diverse lawyers and new lawyers | Membership Committee, Staff, Diversity Committee | Ongoing |
| Prepare and update a Diversity Recruiting Plan for the Section articulating and coordinating efforts to diversify membership | Membership Committee, Staff, Diversity Committee | Odd numbered years |

| PROGRAMS AND PUBLICATIONS | WHO | WHEN |
|--|---|---|
| Co-sponsor programs or activities with diverse law school associations in meeting host cities | Committee Chairs, Meeting Chairs, Staff | ABA Annual Meeting, Section Annual Conference, CLE Seminars |
| Develop and present programs addressing diversity issues at Section Meetings and Distance CLE | Meeting Chairs, Program Chairs, Distance CLE Chairs, Division Directors | Ongoing |
| Include in general Section publications (not merely specialized newsletters) content addressing the needs and interests of diverse lawyers | Publications Editors | Ongoing |

| OUTREACH | WHO | WHEN |
|---|---|--|
| <p>Have Section Chair personally invite members and leaders of diverse bar associations in the host cities to programs and social events, consider waiving any registration fees for the leaders of such associations; leaders to follow up written invitations with calls, and identify Section Leadership to serve as hosts to such attendees</p> | <p>Chair, Meeting Chairs, Leadership Hosts, Staff</p> | <p>Section Annual Conference, ABA Annual Meeting, Leadership meetings as appropriate</p> |
| <p>Create and strengthen ties with diverse bar associations in host cities of Section activities</p> <ul style="list-style-type: none"> • Encourage joint programming • Solicit speakers from diverse bar associations in the host city for Section programs, and notify the program chairs early in the process of the mechanism for them to recruit local speakers • Advertise Section programs in periodicals/newsletters directed to diverse lawyers | <p>Staff, Meeting Chairs, Membership Committee</p> | <p>Ongoing, report to Diversity Committee timely and 45 days prior to immediate next Council Meeting after each activity</p> |

Section of Litigation Diversity Implementation Plan Regarding Lawyers of Color

The Section of Litigation undertakes the following additional action items with respect to lawyers of color.

| LEADERSHIP COMMITMENT | WHO | WHEN |
|--|-------------|-----------------------------------|
| Appoint lawyers of color to positions of leadership in the Section that permit them to understand the overall operation of the Section, and the opportunity to work with leaders of the Section | Chair-Elect | During Annual Appointment Process |
| Maintain a coordinated relationship with the Commission on Racial and Ethnic Diversity, the Presidential Advisory Council on Diversity in the Profession, and the Center for Racial and Ethnic Diversity | Staff | Ongoing |

| ACCOUNTABILITY | WHO | WHEN |
|---|--|--------------------------------------|
| Monitor and enforce requirement to include lawyers of color as presenters in all Section programming, and report efforts to Diversity Committee and Managing Directors timely to correct deficiencies | Meeting and Program Chairs, Division Directors | 60 days before each program to occur |

| MEMBERSHIP | WHO | WHEN |
|---|----------------------------------|-------------|
| Support Minority Trial Lawyer Committee as a resource for lawyers of color in the Section | Council, Staff, Committee Chairs | Ongoing |

| PROGRAMS AND PUBLICATIONS | WHO | WHEN |
|---|---|-------------|
| Require lawyers of color on all CLE and Committee programming and in all Section publications <ul style="list-style-type: none"> • Division III Directors will be responsible for following up with Meeting or Committee Chairs whose programming does not include lawyers of color as presenters • Division II Directors will be responsible for following up with those editorial committees or newsletter editors whose publications do not adequately address the needs and interests of lawyers of color | Managing Directors, Division Directors, Committee Chairs, Meeting Chairs, Staff | Ongoing |
| Actively solicit speakers who are lawyers of color from diverse bar associations located in host cities for Section meetings | Meeting Chairs, Program Chairs, Managing Directors | Ongoing |
| Submit program proposals for National Conference For Minority Lawyer | Committee Chairs, Staff | Annually |
| Encourage and solicit articles written by lawyers of color | Publications Editors | Ongoing |
| Enforce policy that the Section will co-sponsor programs with other Sections or Divisions only if there are lawyers of color among the presenters | Council, Staff | Ongoing |

| OUTREACH | WHO | WHEN |
|---|---|----------------------------|
| Provide support, including financial support where appropriate, to initiatives that seek to increase opportunities for lawyers of color to gain experience, e.g., through judicial internships (JIOP) | Council, JIOP Committee, Staff | Annually in Budget Process |
| Support law school scholarships for persons of color and support ongoing ABA or other initiatives that provide funding to build the pipeline and assist persons of color to attend law school | Council, Staff | Annually in Budget Process |
| Use JIOP to strengthen ties to law schools as a means of encouraging new membership and diversity | Chair, Academics in Leadership, Meeting Chairs, JIOP Committee, Staff | Ongoing |

| OUTREACH | WHO | WHEN |
|--|---|---|
| Young Lawyers Leadership Program <ul style="list-style-type: none"> • Require lawyers of color in classes of YLLP members • Provide that one of the duties of YLLP members is recruitment of other young lawyers and diverse young lawyers | Division VII Directors, YLLP Members, YLLP Mentors | Ongoing, report on recruiting efforts at bar year-end |
| Actively seek to involve in Section activities lawyers of color who are leaders in national ethnic and minority bar associations | Diversity Committee, Chair | Ongoing |
| Follow-up with JIOP alumni to encourage membership and participation in Section | JIOP Committee, Staff | Annually |

Section of Litigation Diversity Implementation Plan Regarding Women Lawyers

The Section of Litigation undertakes the following additional action items with respect to women lawyers, including women of color.

| LEADERSHIP COMMITMENT | WHO | WHEN |
|---|-------------|-----------------------------------|
| Appoint women lawyers, including women of color, to positions of leadership in the Section that permit them to understand the overall operation of the Section, and the opportunity to work with leaders of the Section | Chair-Elect | During Annual Appointment Process |
| Maintain a coordinated relationship with the Commission on Women in the Profession | Staff | Ongoing |

| ACCOUNTABILITY | WHO | WHEN |
|--|--|--------------------------------------|
| Monitor and enforce requirement to include women lawyers, including women of color, as presenters in all Section programming, and report efforts to Diversity Committee timely to correct deficiencies | Meeting and Program Chairs, Division Directors | 60 days before each program to occur |

| MEMBERSHIP | WHO | WHEN |
|---|----------------------------------|-------------|
| Support the Woman Advocate Committee as a resource for women attorneys in the Section | Council, Staff, Committee Chairs | Ongoing |

| PROGRAMS AND PUBLICATIONS | WHO | WHEN |
|--|---|-------------|
| Require women lawyers on all CLE and Committee programming and in all Section publications <ul style="list-style-type: none"> • Division III Directors will be responsible for following up with Meeting or Committee Chairs whose programming does not include women lawyers, including women of color, as presenters • Division II Directors will be responsible for following up with those editorial committees or newsletter editors whose publications | Managing Directors, Division Directors, Committee Chairs, Meeting Chairs, Publications Committee, Staff | Ongoing |

| PROGRAMS AND PUBLICATIONS | WHO | WHEN |
|--|--|-------------|
| do not adequately address the needs and interests of women lawyers, including women of color | | |
| Actively solicit speakers who are women lawyers, including women of color, from women's bar associations located in host cities for Section meetings | Meeting Chairs, Program Chairs, Managing Directors | Ongoing |
| Develop and present programs addressing women's issues and targeted to women lawyers, including women of color, at Section Meetings and Distance CLE | Meeting Chairs, Program Chairs, Distance CLE Chairs, Division Directors | Ongoing |
| Enforce policy that the Section will co-sponsor programs with other Sections or Divisions only if there are women lawyers among the presenters | Council, Staff | Ongoing |
| Encourage and solicit articles written by women lawyers, including women of color | Publications Editors | Ongoing |

| OUTREACH | WHO | WHEN |
|--|---|---|
| Young Lawyers Leadership Program <ul style="list-style-type: none"> • Require women lawyers, including women of color, in classes of YLLP members • Provide that one of the duties of YLLP members is recruitment of other young lawyers and diverse young lawyers | Division VII Directors, YLLP Members, YLLP Mentors | Ongoing, report on recruiting efforts at bar year-end |

| OUTREACH | WHO | WHEN |
|--|----------------------------|-------------|
| Actively seek to involve in Section activities women lawyers, including women of color, who are leaders in local and national bar associations | Diversity Committee, Chair | Ongoing |

Section of Litigation Diversity Implementation Plan Regarding Lawyers with Disabilities

The Section of Litigation undertakes the following additional action items with respect to disabled lawyers.

| LEADERSHIP COMMITMENT | WHO | WHEN |
|--|-------------|-----------------------------------|
| Make specific efforts to appoint lawyers with disabilities to positions of leadership in the Section that permit them to understand the overall operation of the Section and to provide them with opportunities to work with leaders of the Section. | Chair-Elect | During Annual Appointment Process |
| Maintain a coordinated relationship with the Commission on Mental and Physical Disability Law | Staff | Ongoing |

| COMMUNICATIONS AND TRAINING | WHO | WHEN |
|--|--|-----------------------------------|
| Ensure Fall Leadership Orientation Meeting diversity training encompasses sensitivity training on problems encountered by lawyers with disabilities to eliminate or lessen stereotypes and misconceptions, and raise awareness of issues inherent in dealing with disabilities in meeting settings | Staff, Managing Directors, Diversity Committee | Annually, Fall Leadership Meeting |
| Establish an on-line (accessible and user-friendly) “community meeting place” for lawyers with disabilities to air specific issues and concerns. | Staff, Diversity Committee, Section Technology Committee | 2009 |

| MEMBERSHIP | WHO | WHEN |
|---|---|-------------|
| Actively recruit lawyers with visual, hearing/speaking and mobility impairments to participate in Section as Committee members, presenters, Leaders, and at social events | Chair, Managing Directors, Division Directors, Membership Committee, Committee Chairs | Ongoing |

| PROGRAMS AND PUBLICATIONS | WHO | WHEN |
|--|--|---|
| Hold all Section activities, including meetings, CLE programs, and social events, in facilities that are not only ADA compliant but assessed to be “user-friendly” in terms of | Managing Directors, Meeting Chairs, Staff, | Ongoing, to be fully implemented no later than Bar Year 2010. |

| PROGRAMS AND PUBLICATIONS | WHO | WHEN |
|--|-------------------------------------|---|
| meeting space, social event space, and bathroom facilities. | | |
| Explore ways to ensure that all Section web sites are accessible and user-friendly to disabled lawyers | Section Technology Committee, Staff | 2009 |
| Explore providing written materials for CLE programming as audio “books on CD” as well as in written form | Division III Directors; Staff | Report to Diversity Committee before end of Bar Year 2009 |
| Explore providing simultaneous “signing” by American Sign Language interpreters at Section CLE programming to promote not only full participation but questions and answers and to allow for speakers with hearing/speaking impairments. | Division III Directors, Staff | Report to Diversity Committee before end of Bar Year 2009 |

| OUTREACH | WHO | WHEN |
|--|----------------------------|-------------|
| Actively seek to involve in Section activities disabled lawyers who are leaders in national bar associations | Diversity Committee, Chair | Ongoing |

**Section of Litigation
Diversity Implementation Plan
Regarding Lesbian, Gay, Bisexual and Transgendered Lawyers**

The Section of Litigation undertakes the following additional action items with respect to lesbian, gay, bisexual and transgendered lawyers.

| LEADERSHIP COMMITMENT | WHO | WHEN |
|--|-------------|-----------------------------------|
| Appoint LGBT Lawyers to positions of leadership in the Section that permit them to understand the overall operation of the Section, and the opportunity to work with leaders of the Section. | Chair-Elect | During Annual Appointment Process |
| Maintain a coordinated relationship with the Commission on Sexual Orientation and Gender Identity | Staff | Ongoing |

| COMMUNICATIONS AND TRAINING | WHO | WHEN |
|--|--|-------------|
| Review and revise application, registration and other similar materials to recognize same-sex partners | Staff, with input from LGBT Committee Chairs | Fall 2008 |

| MEMBERSHIP | WHO | WHEN |
|--|---------------------------------------|-------------|
| Support the LGBT Litigator Committee as a resource for LGBT attorneys in the Section and for prospective members | Council, Staff, LGBT Committee Chairs | Ongoing |

| PROGRAMS AND PUBLICATIONS | WHO | WHEN |
|---|---|-------------|
| Actively solicit speakers who are LGBT lawyers from LGBT bar associations and LGBT committees of state and local bar associations located in host cities for Section meetings or who are otherwise recognized as outstanding in their field of practice | Chair, Meeting Chairs, Program Chairs | Ongoing |
| Develop and present programs addressing LGBT issues at Section meetings and distance CLE | Managing Directors, Meeting Chairs, Program Chairs, | Ongoing |

| PROGRAMS AND PUBLICATIONS | WHO | WHEN |
|--|--|-------------|
| | Distance CLE Chairs, LGBT Committee Chairs | |
| Encourage and solicit articles written by LGBT lawyers or addressing topics of importance to LGBT issues | Publications Editors | Ongoing |

| OUTREACH | WHO | WHEN |
|---|-------------------------------|-------------|
| Actively seek to involve in Section activities LGBT lawyers who are leaders in national bar associations or who are otherwise recognized as outstanding in their field of practice. | Diversity Committee, Chair | Ongoing |