

Goal IX Report

2004-2005

ABA Commission on Racial and Ethnic Diversity in the Profession

*The Status of Racial and Ethnic Diversity in the
American Bar Association*



The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.

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Introduction

Diversity among its leadership makes this a banner year in the American Bar Association's efforts to achieve its Goal IX: "To promote the full and equal participation in the legal profession by minorities¹, women and persons with disabilities."

Robert J. Grey, Jr., an African American, is the President of the American Bar Association ("ABA"). The Chair of the House of Delegates, the second highest position in the ABA, is Stephen N. Zack, a Cuban American, and the Secretary-Elect is Armando Lasa-Ferrer, a Puerto Rican. Mr. Zack and Mr. Lasa-Ferrer are the first Hispanics to serve as officers of the ABA. And, of course, Dennis W. Archer, who, last year, became the first African American to serve as President of the ABA, is the Immediate Past President.

It's an impressive lineup, and one that generates special excitement about the mission for which the ABA created the Commission on Racial and Ethnic Diversity in the Profession. That mission, to which we perennially re-dedicate ourselves, includes that the Commission be "the catalyst to change the legal profession to reflect the society it serves."

One way in which we pursue that mission is the annual publication of the *Goal IX Report*. Each year, the Commission surveys the ABA to determine what progress the ABA as a whole, as well as its various entities, has made toward achieving Goal IX's mandate of promoting full and equal participation in the legal profession by minorities. The Commission tracks and analyzes the level of participation by minorities throughout the ABA, particularly in ABA governance and leadership positions within Sections, Divisions and Forums, as we believe that leadership in those substantive law areas provides one of the best snapshots of progress in advancing racial and ethnic diversity within the profession. To aid in the evaluation of that profile of ABA leadership, the Commission also assesses minority representation in the ABA's membership, and reviews other ABA diversity-related initiatives.

More specifically, the annual Goal IX survey is conducted with a view toward:

- ◆ Determining the representation of minorities in the ABA and its leadership positions;
- ◆ Presenting information on diversity-related initiatives throughout the ABA, including administrative and operational departments;
- ◆ Identifying and developing ongoing strategies and practices to assist Sections, Divisions, Forums and other ABA entities in increasing minority participation, particularly in those areas where minorities are under-represented; and
- ◆ Recognizing progress in achieving greater minority representation and the objectives of Goal IX.

¹In the 21st Century, the term "minority" is considered, in many quarters, to be imprecise and inaccurate in describing those of African, Hispanic, Asian, Pacific Islander, or Native American ancestry. Current projections predict that by 2050, traditionally recognized minorities (African Americans, Hispanics, Asian Pacific Americans, and Native Americans) will represent a combined majority of the U.S. population. Others have raised an objection to perceived negative connotations associated with "minority" in relation to "majority." Indeed, in 2000, the Commission updated its name to the Commission on Racial and Ethnic Diversity in the Profession, in part due to the recognition that "minority" may soon be a misnomer. Nevertheless, as we struggle to find a more precise but equally concise means of specifying the racially and ethnically diverse lawyers whom we are discussing, we ask your indulgence if we continue to use this term and your forgiveness if doing so gives unintended offense.

We conduct this evaluation and analysis in recognition of the fact that the ABA is the largest and most prominent organization in the legal profession and under the assumption that, by virtue of its size and stature, the ABA is the face of the broader legal profession for most of the public. As the ABA recognized when it adopted Goal IX in 1986 and created this Commission, we are a nation governed by law. If we hope to maintain the integrity of the justice system that is the bedrock of our nation, then it is crucial that the legal profession -- our profession -- reflects and incorporates the diversity that characterizes our nation. Hence, the ABA's Goal IX, the importance placed upon monitoring the ABA's own diversity efforts, and this annual report upon that progress.

We are delighted that we could begin this year's report by heralding the progress signaled by the elections of President Grey, House of Delegates Chair Zack, and Secretary-Elect Lasa-Ferrer. Much progress has been made. At the same time, however, more remains to be done. Since our formation in 1986, the Commission has spearheaded numerous efforts on behalf of the ABA in pursuit of Goal IX that have taken myriad forms: meetings, conferences, CLE programs, publications, videos, awards, etc. Messrs. Grey, Zack and Lasa-Ferrer's historic achievements are tangible evidence that these efforts are indeed working, even as they do not signal that Goal IX has been accomplished.

While we celebrate the progress that has been made, our mission is not complete, and we are gratified that the ABA and its leadership have not been willed into a false sense of completion. We believe that there is recognition that, at this moment perhaps more so than any other time, the ABA must guard against becoming complacent in its efforts to achieve full and equal participation in the profession by minority lawyers. Now is the time to focus on the development, implementation, monitoring, testing and readjusting of strategies and initiatives to ensure that the pipelines for future leadership successes are filled. The Commission, together with every lawyer, judge, law student and other participant in the legal profession who is concerned about racial and ethnic diversity in the profession, must work to ensure that the achievements of President Grey, Chair Zack, Secretary-Elect Lasa-Ferrer, and former President Archer become less historic each year. In these milestone years, all ABA members should join with the Commission in remaining committed to opening even wider the pipelines for others -- whom we will be able to say "happen to be minorities" -- to participate in leading the profession.

* * * * *

The ABA Commission on Racial and Ethnic Diversity in the Profession, the ABA Commission on Women in the Profession, the ABA Commission on Mental and Physical Disability Law, and

the Standing Committee on Continuing Legal Education combined their efforts to collect data for Goal IX and Resolution 10C² reporting, sending a joint-reporting questionnaire to each entity Chair, Chair-Elect, and staff liaison of the Sections, Divisions and Forums.

² In 1992, the ABA House of Delegates adopted Resolution 10C which resolves that each ABA entity that provides continuing legal education courses shall provide an annual report to the Standing Committee on Continuing Legal Education corroborating its efforts to bring together a diverse faculty roster. That resolution also requires that the Standing Committee shall report the results of those efforts to the House of Delegates, which it does annually.

Report No. 10C

The resolution was amended to read as follows:

BE IT RESOLVED, That entities which offer continuing legal education under the auspices of the American Bar Association conduct appropriate and ongoing outreach to identify and include qualified presenters for continuing legal education programs who reflect the wide and rich diversity of the legal profession.

BE IT FURTHER RESOLVED, That the above policy be communicated in writing to each entity which provides continuing legal education courses under the auspices of the ABA, and request that such entity provide a written description(s) as to [a] how the presenters of its continuing legal education events are currently selected,[and b)] how this selection process will be modified, if necessary, to implement the above policy].

BE IT FURTHER RESOLVED, That each entity which provides continuing legal education courses under the auspices of the ABA shall provide an annual report to the Standing Committee on Continuing Legal Education demonstrating its [setting forth the results of the] outreach efforts.

The New Diversity Home: One Roof, Three Rooms (and a Carport)

By Lawrence R. Baca, Chair, ABA Commission on Racial and Ethnic Diversity in the Profession

For those who are confused about the Diversity Center and the three entities that comprise it, we offer this brief summary.

The ABA is remodeling its diversity house to enhance functionality and coordination. For many years, there has been the Commission on Racial and Ethnic Diversity in the Profession, which was established by the Association in 1986 to further Goal IX. Later, the Commission worked to create the Council on Racial and Ethnic Justice. In 2001, ABA President Bill Paul established the Presidential Advisory Council on Diversity to work on the pipeline to the legal profession.

Each of these three entities operates under a separate mandate. Two focus on diversity in the profession and the third focuses on racial justice. Now, all three entities are housed in the Diversity Center as part of the Office of the President. Their identities will remain the same, but they will be able to better coordinate with each other.

The Commission on Racial and Ethnic Diversity in the Profession:

The Commission is the entity that deals most directly with minority lawyers and law students and the issues they face in their careers. The oldest ABA diversity entity, the Commission has substantial resources on diversity in law firms and the legal profession, including up-to-date research, links to internal and external entities, and a national calendar of events. The Commission works closely with minority bar associations. It serves as an in-house resource and support program for Sections and other ABA entities interested in a broad spectrum of diversity issues, from recruiting, retaining and engaging minority members, to diversity programming. It also provides guidance and support services for state, local and specialty bar associations, as well as for law firms, corporate law departments, law schools and government agencies. The Commission's programs and publications are described in the following pages and are also listed on our website at <http://www.abanet.org/minorities>.

The Council on Racial and Ethnic Justice:

The Council on Racial and Ethnic Justice addresses bias in the justice system through seeking systemic change. It seeks to develop partnerships between community groups, civil rights organizations, businesses, religious organizations and bar associations for the purpose of eliminating racial and ethnic bias in the justice system.

The Council (1) assists with the development of educational programs; (2) provides public forums for dialogue between legal institutions and non legal groups; and (3) provides technical assistance and advice on how to implement specific programs, strategies and partnerships that eliminate racial and ethnic bias in the justice system.

Presidential Advisory Council on Diversity:

The Presidential Advisory Council on Diversity (also known as the Office of Diversity Initiatives) focuses principally on pre-law initiatives. Its charge is to increase the number of people of color on the track to becoming lawyers. As the newest ABA diversity entity, this Council partners with other legal and educational organizations to address "pipeline" issues -- that is, how to increase the number of students in the pipeline to law school and the legal profession. This includes working on programs and projects in elementary and secondary schools, colleges, community colleges and law schools.

The Advisory Council also works closely with the ABA Legal Opportunity Scholarship Fund. Therefore, a special sub-group of the Advisory Council has been established to focus its efforts solely on fundraising for this scholarship program.

ABA Commission on Racial and Ethnic Diversity in the Profession

Mission

The ABA Commission on Racial and Ethnic Diversity in the Profession is the catalyst to change the legal profession to reflect the society it serves. The Commission helps racially and ethnically diverse lawyers advance their careers and standing in the profession; uses leadership, programs and information to help the profession understand and eliminate racism, bigotry and discrimination; and works to increase racial and ethnic diversity in the legal profession and enrich the profession through diversity.

Goals and Objectives

The Commission's goals and objectives are to:

- ◆ To assist minorities in attaining a legal education and admission to the bar;
- ◆ To develop career and employment opportunities for minorities;
- ◆ To promote the appointment of minorities to the judiciary and judicial clerkships;
- ◆ To encourage the hiring of minority lawyers by law firms, corporations, government agencies and departments, and other businesses;
- ◆ To increase minority involvement in bar associations at the national, state, and local levels and with minority and specialty bar associations;
- ◆ To facilitate interaction between minority lawyers across the nation through networking and increased communication;
- ◆ To foster collaborative efforts between the ABA and minority bar organizations and other groups around the country;
- ◆ To develop long-term plans and strategies to assist minority lawyers in attaining full and equal participation within the legal profession;
- ◆ To monitor the progress of minority lawyers as a whole toward full and equal participation in the legal profession;
- ◆ To advocate for the use of the services of minority lawyers by prospective and current clients, particularly in fields and areas of the law where few minorities practice;
- ◆ To educate the legal profession about the importance of racial diversity within the law; and
- ◆ To recognize and celebrate the advances made by minority lawyers.

Major Events, Projects & Programs

Spirit of Excellence Awards

The Spirit of Excellence Awards celebrate the efforts and accomplishments of lawyers who work to promote a more racially and ethnically diverse legal profession. Awards are presented to lawyers who excel in their professional settings; who personify excellence on the national, state, or local level; and who have demonstrated a commitment to racial and ethnic diversity in the legal profession. These awards serve as a beacon that lawyers throughout the profession are making significant contributions to promote diversity within the legal profession and society as a whole.

Judicial Clerkship Program

To address the lack of minorities within the judicial system, at the federal, state and local level, the ABA Commission on Racial and Ethnic Diversity in the Profession and the ABA Judicial Division collaborated to develop the Judicial Clerkship Program. This program is designed to encourage minority law students to consider applying for judicial clerkship positions. Law students from across the country have the exciting opportunity to work side-by-side with some of the nation's leading federal, state, and local judges. By simulating a clerkship experience, this program is designed to foster relationships between judges and minority law students, and it highlights the benefit of a judicial clerkship. Students are able to demonstrate their knowledge and research skills in a small group setting while interacting with the judges in a team-building project. As a result of participating in the program, minority law students receive encouragement to consider law clerk positions after they graduate, and judges are encouraged to consider minority students as future law clerks.

Minority Counsel Program

The Minority Counsel Program is designed to encourage corporations to retain lawyers of color as outside counsel. The program meets twice a year, bringing together in-house lawyers and potential outside counsel for CLE programs, workshops, roundtable discussions, and its signature Mystery Networking Event. The mission of the program is to:

- ◆ Facilitate contacts between corporate in-house counsel and racially and ethnically diverse lawyers for the specific purpose of developing mutually beneficial business relationships;
- ◆ Provide opportunities for racially and ethnically diverse lawyers to establish and increase their representation of corporate and governmental entities;
- ◆ Encourage majority firms to hire racially and ethnically diverse lawyers and assign significant projects to those lawyers;
- ◆ Promote and enhance co-counsel arrangements and joint ventures between majority and minority firms;
- ◆ Increase visibility of minority counsel in public and private litigation; and
- ◆ Foster business opportunities for future generations of minority attorneys.

In 2003, the MCP Steering Committee was established. The Steering Committee consists of 12 chief legal officers of major companies who are committed to diversity and supportive of the work

of the Commission and MCP. These members are charged with providing feedback, advice, and counsel to the leadership of MCP on MCP policy, programs, projects, and initiatives.

Conference of Minority Partners

The Conference of Minority Partners is comprised of African American, Asian Pacific American, Hispanic American, and Native American partners in majority corporate law firms that have 25 or more lawyers. The primary goal of the Conference is to address the unique circumstances and needs of minority partners. Among other objectives, the Conference aims to:

- ◆ Provide a mutual professional support network among member partners;
- ◆ Enhance the development of minority partners as business and profit centers within their respective law firms; and
- ◆ Promote the participation of minority partners in the mainstream legal profession.

The Conference's most current edition of the *Directory of Minority Partners in Majority Corporate Law Firms* can be found online (<http://www.abanet.org/minorities/partners>).

Minority Caucus

The Minority Caucus, a subgroup of the ABA House of Delegates, consists of members who have identified themselves as racial or ethnic minorities and those who are interested in issues of particular relevance to minorities. The Minority Caucus identifies and proposes key issues to the House of Delegates and assists in developing a leadership pool of minorities in the ABA. Among its purposes and functions are to:

- ◆ Provide a forum for the ABA House of Delegates' minority members--defined as African Americans, Asian Americans, Hispanic Americans/Latinos, and Native Americans;
- ◆ Provide a venue for Minority Caucus members to interact with officers and candidates for ABA officer and Board positions;
- ◆ Allow minority members of the Board of Governors to collaborate with Minority Caucus members;
- ◆ Share information about ABA presidential appointment opportunities and the process for these appointments;
- ◆ Assist in developing a leadership pool of minorities in the ABA;
- ◆ Work together to initiate, support or oppose House of Delegates resolutions in conjunction with others in the House of Delegates; and
- ◆ Participate in the House of Delegates orientation program for new members.

Minority In-House Counsel Group

The Minority In-House Counsel Group is a national network of minority lawyers who work in-house for corporations and governmental agencies. The Group develops programs and projects aimed at addressing the issues and concerns of lawyers of color in corporate law departments and governmental agencies. The Group also maintains an active e-mail list to advertise in-house job opportunities and to share information about career development concerns.

Multicultural Women Attorneys Network

Jointly sponsored with the ABA Commission on Women in the Profession, the Multicultural Women Attorneys Network focuses on issues of particular concern to minority women lawyers.

The Network has three primary goals, which are to:

- ◆ Identify the issues that multicultural women lawyers view as important;
- ◆ Explore possible solutions to these issues; and
- ◆ Educate the ABA as to its role and responsibility to address these issues.

The Multicultural Women Attorneys Network hosts roundtable discussions and regional conferences addressing the status of minority women in the legal profession and provides opportunities for them to network. Its major publications include the report “The Burdens of Both, the Privileges of Neither”; a supplemental report, “The Experiences of Native American Women Lawyers”; and the book, *Dear Sisters, Dear Daughters: Words of Wisdom from Multicultural Women Attorneys Who’ve Been There and Done That*.

National Conference for the Minority Lawyer

The National Conference for the Minority Lawyer is a unique program for litigators, business lawyers, in-house counsel, and government lawyers. The Commission and the ABA Section of Business Law join with other ABA Sections, Divisions and Forums to bring this popular event to locations across the country. It offers a distinctive combination of innovative diversity programming, practical training sessions, and cutting-edge, substantive CLE programming designed specifically for minority lawyers to help them better position themselves for success.

Major Publications and Products

Goal IX Report

As part of its efforts to advance the ABA's commitment to Goal IX, the Commission publishes the *Goal IX Report* each year. It provides a regular assessment of minority participation in the leadership of the Association and throughout ABA membership. The *Report* also covers the general status of minorities in the profession.

Miles to Go: Progress of Minorities in the Legal Profession

This is the third edition of a comprehensive collection of data tracking the progress of minority lawyers on a nationwide, systematic basis. Such research is critical for assessing the profession's progress toward its goal of "full and equal" participation, and for assessing the impact of recent changes in the profession resulting from attacks on affirmative action. Information reported includes minority representation in law school enrollment, law firms, corporate law departments, and law school faculty; minority distribution by employment type; and recommendations on what bar associations, law schools, legal employers, and individual lawyers can do to improve the status of minorities in the profession.

Goal IX Newsletter

The Commission's quarterly electronic newsletter, *Goal IX*, stimulates readers' interest in diversity issues with thought-provoking articles on issues of importance to minority lawyers. The newsletter provides a forum for new ideas, projects, and programs. It draws into the communication network other legal organizations and entities with similar missions and goals. *Goal IX* also informs readers about ABA initiatives, policies, and programming related to diversity and lawyers of color.

Dear Sisters, Dear Daughters: Words of Wisdom from Multicultural Women Attorneys Who Have Been There and Done That

More than 80 multicultural women attorneys serve as mentors in this collection of letters to their "sisters" and "daughters." These multicultural women attorneys, who all had graduated from law school at least 10 years before writing their letters, offer practical advice and inspiration. Their letters contain reflections that can guide and motivate attorneys, as well as other professionals, at any stage in their career. Compiled by the ABA Multicultural Women Attorneys Network, the book *Dear Sisters, Dear Daughters* represents decades of experience from the best in the profession.

Supporting Your Goal IX Diversity Efforts

This pamphlet summarizes the many services and programs that the Commission offers to support Sections, Divisions and Forums as they pursue the ABA's Goal IX: the full and equal participation in the profession by minorities, women, and persons with disabilities.

Ten Tips for Finding Diverse Authors and Speakers

The Commission is frequently approached for assistance in identifying minority lawyers who might serve as potential authors for Section, Division and Forum publications and speakers for CLE programs. This booklet offers tips that have proven successful in finding diverse authors and speakers.

Marketing to Minority Lawyers: Recruitment, Retention, and Meeting Attendance Strategies -- Do's and Don'ts for ABA Sections, Divisions, and Forums

This publication culls the Commission's experiences and observations about how ABA Sections, Divisions and Forums can most effectively market themselves to minority members. By discussing simple do's and don'ts, the Commission shares a wealth of knowledge about how to make successful outreach to minority lawyers, retain them as members, and engage them as active participants in Sections, Divisions, and Forums.

Raising the Bar

Developed after the Commission's National Summit on the Retention of Minority Lawyers in the Private Sector, this comprehensive multimedia package -- consisting of videotapes, audiotapes, written articles and reports, and a workbook -- is designed as an in-house assessment and training tool for law firms and corporate law departments that are concerned about retaining their minority lawyers.

The Simplest Reason

Minority lawyers, who can join not only their state and local bars, but national, local and specialty minority bars as well, frequently ask why they should join the ABA. *The Simplest Reason* is a collection of testimonials from some of the most highly regarded minority lawyers in the country about why they value their ABA membership and the particular benefits that it offers them in their careers.

Bar Leadership Institute Diversity Efforts Checklist

The Commission is frequently asked for guidance on diversity efforts and initiatives from other bar associations, particularly state and local bar groups. The *Checklist* was developed to assist these groups in recognizing policies and actions that will either promote or undermine their efforts.

Speakers on Diversity in the Profession

The Commission often receives requests for referrals of speakers, panelists and CLE presenters to address diversity issues. In response, the Commission surveyed state, local and minority bars across the country to obtain their recommendations for speakers. The resulting brochure lists a variety of individuals from across the country and includes brief biographies and contact information.

Why Diversity?

This practical brochure presents bottom-line information on why diversity is important to the legal profession. It features short statements from bar leaders, corporate counsel, law firm managing partners, and others who have been actively involved with diversity issues. The brochure may be of particular interest to individuals who would not typically be involved with or interested in diversity, and individuals who have thought positively about diversity but have not acted upon their ideas.

Diversity Efforts Checklist for ABA Sections, Divisions and Forums

The Commission receives frequent requests for advice and guidance from ABA Sections, Divisions and Forums about how best to recruit and retain minority members. With that in mind, we have developed a checklist to allow Section, Division and Forum leaders to self-evaluate their entity's efforts and to suggest some strategies that individual leaders may want to consider trying.

Diversity Self-Assessment Questionnaire

The Commission published this questionnaire, which is designed to help bar leaders assess and evaluate their own contributions to their group's diversity efforts. The questions are designed to provoke discussion and analysis.

Other Commission Publications:

The Burdens of Both, The Privileges of Neither (published by MWAN)

The Directory of Minority Partners (online)

The Commission Reporter (online)

Commission Website and E-mail lists (<http://www.abanet.org/minorities>)

The Commission's Website has the most up-to-date information about ABA diversity initiatives including the Commission's programs and publications. The site is frequently updated with information on news and events related to diversity in the profession as well as projects and programs of the Commission and other ABA entities and minority bar associations, making it an excellent research resource. The Commission's e-mail lists, polls, and contact information allow users to communicate with us and each other. Some notable features of the Website include:

ABA Information

- ◆ Information about the ABA Diversity Center as well as diversity initiatives and programs throughout the ABA can be found on the Commission Website.
- ◆ Also available is information about the latest Commission projects and programs, as well as access to e-mail lists, such as: KeepUp, MICJob and DiversityNews.

News

- ◆ Our DiversityNews e-mail list sends out links to news stories and current events on the Web.
- ◆ The Commission Reporter highlights promotions, career changes, and other news about minorities in the legal profession.

Events

- ◆ Our Diversity Events calendar includes diversity related events sponsored by the Commission, national and local minority bar associations, ABA entities, and other sources.
- ◆ The Website provides program descriptions, schedules, and online registration for Commission events.

Publications

- ◆ Free issues of the Goal IX Newsletter, program brochures, and other publications can be downloaded.
- ◆ Excerpts from Commission publications and online ordering can be found.
- ◆ Executive summaries of Commission reports and research can be downloaded.

Research

- ◆ The Website provides links to minority legal organizations, scholarship information, anti-hate crime resources, and other sites pertaining to diversity initiatives within the legal profession.

Jobs

- ◆ Job opportunities are e-mailed, archived, and searchable on the Website.
- ◆ Links to other employment resources are provided.

Communication

- ◆ The DiverseBars e-mail list makes it easy for leaders in minority bar associations to discuss substantive issues they face.
- ◆ E-mail lists for each of the Commission's constituent groups help to facilitate communication among the Commission and each other.

ABA Membership

According to the 2000 Census, the population of the United States was 24.9% non-white. (This includes those individuals who reported white as well as one or more other races.) 12.9% reported Black or African American; of those, 0.6% reported Black or African American as well as one or more other races. 4.2% reported Asian, including 0.6% who reported Asian as well as one or more other races. 1.5% reported American Indian and/or Alaska Native, including 0.6% who reported American Indian and Alaska Native as well as one or more other races. Native Hawaiian or Pacific Islander was reported by 0.3%, including 0.2% who reported Native Hawaiian or Pacific Islander as well as one or more other races. Of the group reporting as belonging to more than one race, 16% were White and American Indian or Alaska Native, 13% were White and Asian, and 11% were White and Black or African American. Hispanics, who may be of any race, totaled about 12.5% of the total U.S. population.

Within the legal profession, the numbers continue to be dramatically different. Minority representation accounts for 9.7% of all lawyers. While this is an increase of 2.1% since 1990, when minorities represented 7.6% of the profession, it is still far from reflecting minority representation in the general population. Among all lawyers, African Americans comprise 3.9%, Asian Americans comprise 2.3%, Hispanics comprise 3.3%, and Native Americans comprise 0.2%. Among judges, 15.9% are reported as racial or ethnic minorities: African Americans comprise 8.8%, Asian Americans comprise 1.7%, Hispanics comprise 4.5%, and Native Americans comprise 0.8%.

If we combine lawyers and judges, minorities comprise 10.08% of the legal profession: African Americans comprise 4.20%, Asian Americans comprise 2.29%, Hispanics comprise 3.37%, and Native Americans comprise 0.24%.

Within the ABA, as of August 31, 2004, there were 405,0348 members, representing an increase of 263 members from the prior year. Lawyers and judges account for 345,213 of ABA members or 85.16%. Of those 345,213 lawyers and judges, 130,632 or 37.84% have identified themselves by race or ethnicity. It is impossible to determine whether these members who have identified themselves by race or ethnicity are representative of the remaining 62.16%. This self-identification is based upon information voluntarily provided by members as part of the ABA Census. Among these self-identified lawyer and judge members, 8.22% of the ABA's membership identify themselves as racial or ethnic minorities.

ABA Membership

	2002 Members	2003 Members	2004 Members	# Difference in Membership (2003-2004)	% Difference in Membership (2003-2004)	%Total Membership in 2002*	% of Total Membership in 2003*	% of Total Membership in 2004*
African American	3,821	3,598	3,773	175	4.86%	2.78%	2.75%	2.89%
Asian Pacific American	3,562	3,271	3,319	48	1.46%	2.59%	2.50%	2.54%
Hispanic	3,115	2,913	3,012	99	3.40%	2.27%	2.23%	2.31%
Native American	774	685	621	-64	-9.34%	0.56%	0.52%	0.48%
Caucasian	124,782	119,106	118,416	-690	-0.5.79%	90.76%	90.99%	90.65%
Other	1,426	1,331	1,491	160	12.02%	1.04%	1.02%	1.14%
Unknown	213,895	214,235	214,581	346				
TOTAL	351,375	345,139	345,213	74	0.02%	100.00%	100.00%	100%

*Members of Unknown race or ethnicity are not included in calculation.

ABA Leadership

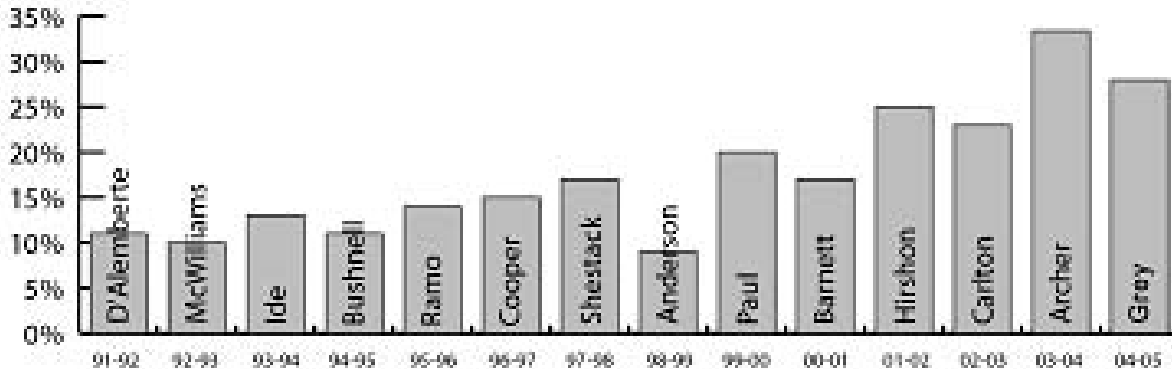
Presidential Appointments

Presidential appointments are among the most visible and highly sought after positions within the leadership of the ABA. This year, President Robert J. Grey, Jr. made 639 appointments, of which 180 (or 28.1%) were minority lawyers. 74 of the 184 minority appointments (or 40.2%) made by President Grey were minority women.

Presidential Appointments

	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005
	657 total	736 total	697 total	689 total	639 total
African American	71 (11%)	108 (15%)	101 (14%)	146 (21%)	105 (16%)
Asian American	16 (2%)	26 (4%)	38 (5%)	35 (5%)	38 (6%)
Hispanic	23 (4%)	38 (5%)	17 (2%)	36 (5%)	27 (4%)
Native American	5 (1%)	6 (1%)	8 (1%)	9 (1%)	10 (2%)
Non-Minority	542 (82%)	548 (74%)	531 (76%)	435 (63%)	455 (71%)
Other	n/a	10 (1%)	2 (0%)	4 (0%)	4 (0%)

Minority Presidential Appointments Over Time



Among the total 639 appointments, 13 of 58 Committee Chair appointments (22.4%) went to racial or ethnic minorities. Five of these 13 Committee Chair appointments were minority women.

Committee Chairs

2000-2001	2001-2002	2002-2003	2003-2004	2004-2005
12/55 (21.8%)	14/85 (16.5%)	14/57 (24.6%)	17/74 (23.0%)	13/58 (22.4%)

The House of Delegates Nominating Committee

The House of Delegates Nominating Committee plays a crucial role in the election of the ABA leadership. Its 67 members are comprised of State Delegates, Section and Division Delegates, and the Minority and Women Members-at-Large. This year, 11 of the 67 members of the Nominating Committee are racial or ethnic minorities, an increase by five from last year.

The State Delegates to the House of Delegates Nominating Committee are elected by the ABA members in each state. This year, seven of the 52 State Delegates are minorities, an increase from three last year.

The selection of the Section and Division Delegates to the House of Delegates Nominating Committee (of which there are nine this year) is coordinated by the Section Officers Conference. For the second year since we began tracking the composition of the House of Delegates Nominating Committee in 2004, none of the Section or Division Delegates is a racial or ethnic minority.

There are three Minority Members-at-Large on the House of Delegates Nominating Committee, each of whom serves a three-year term. The terms among the three are staggered so that, each year, the ABA President selects a Minority Member-at-Large Delegate from among three nominees submitted by the Commission on Racial and Ethnic Diversity in the Profession. Likewise, the Commission on Women in the Profession submits three nominees for the Women Members-At-Large for the President's consideration. The three Minority Members-at-Large and one Woman Member-at-Large account for four of the six of the Member-at-Large positions that are held by racial or ethnic minorities and women.

The Commission is pleased to see that the number of racial and ethnic minorities who serve on this important committee has nearly doubled, from six last year to 11 this year, and we hope that signals additional room for improvement in future years. The Commission encourages more minority lawyers to seek seats in the House of Delegates and to run for State Delegate positions. We continue to hope that as minorities more frequently assume positions of leadership in Sections and Divisions, such participation will translate into greater racial and ethnic diversity among the Section and Division Delegates, and we hope that the Section Officers Conference will explore ways to facilitate these opportunities for minority members.

Elected Leadership

In ABA elected leadership positions, minority numbers have remained constant at eight for the second consecutive year. On the ABA Board of Governors, eight of the 39 members (20.5%) are minorities (four African American males, two African American females, and two Hispanic males) compared to 21.6% last year. Two of the eight current minority members are the Minority Members-at-Large, while a third minority member holds a Woman Member-at-Large position, continuing to demonstrate the importance of these seats in order to maintain diversity at the Board level. Three of the eight minority members of the Board are officers: President Robert J. Grey, Jr.; Stephen N. Zack, Chair of the House of Delegates; and Secretary-Elect Armando Lasaferrer. For the second year, there continues to be no Asian Americans or Native Americans serving on the Board of Governors.

Board of Governors

	2002-2001	2001-2002	2002-2003	2003-2004	2004-2005
African American	2	2	3	6	6
Asian American	1	1	1	0	0
Hispanic	0	2	2	2	2
Native American	0	0	0	0	0
Non-Minority	34	34	31	29	31
Total	37	37	37	37	39*

* There are 39 members of the Board of Governors during FY04-05 to reflect the inclusion of the Secretary-Elect and the Treasurer-Elect.

February, 2005

Dear ABA Member:

Subject: Highlighting The ABA Judicial Clerkship Program

I wrote about four students from the University of New Mexico in my Fall, 2004 Goal IX Newsletter column. These four students had participated in the Midyear Commission and Judicial Division sponsored Judicial Clerkship Program. Rather than just take the information and experience home, they did so much more to share what they had learned. More about that in a minute.

I asked a couple of them if they could reflect for me on the experience they got from the program. It would do one student a disservice if I tried to paraphrase her words. This is the response I got from Lynn Carrillo Cruz:

“I am very happy to participate in your follow-up to the ABA Clerkship program. I thought it was an outstanding program, and as you mentioned in your Goal IX column, it inspired me to share the information and take other actions. In terms of what the program did for me personally, it encouraged me to try a judicial externship to get a taste of the work of judicial clerk. I spent 10 weeks in the summer clerking for Judge Michael D. Bustamante of the New Mexico Court of Appeals, and found it to be one of the highlights of my law school experiences. Although some people might find clerking a kind of lonely experience, for me, after ten years at home with four kids, the chance to sit for hours at a time researching and writing was a dream come true! I had a very productive summer, producing a variety of memos, bench briefs and draft opinions. I was most proud of the work I did on an odd case that had been sitting in Judge Bustamante's files for a long time. He felt quite strongly that the case presented an important issue of first impression in New Mexico, but he had a divided panel and didn't have the time to pursue it. Although his actual opinion bore little resemblance to my draft (as the Judge said, “We all have to start somewhere!”), the hours of research and convincing arguments were definitely there, and the panel wholeheartedly came around to his position. It was a wonderful experience, and one I can guarantee that I never would have even thought of attempting without the ABA Judicial Clerkship program.

“After my summer clerkship I was convinced that I wanted to apply for a clerkship for next year. Unfortunately for me, I have to stay in Albuquerque because of my family obligations, and that severely limits my options. The four Court of Appeals judges who are headquartered in Albuquerque either have a permanent clerk or a two-year cycle of clerks that they hired last year, leaving my class out of the cycle. I did apply with three federal district court judges here in Albuquerque, and was granted an interview with one. I had what I thought was a really great interview with both the judge and his permanent clerk. . . .Alas, the federal judge did not choose

me! So, [for now] . . . I have come to a dead end on the clerkship trail. . . . [But,] I never regret a learning experience, and that is what this clerkship process has been.

“I think that the Clerkship program did a good job of equipping students to successfully obtain clerkships, and perhaps even more important, it did a great job of planting the idea of a clerkship with students who don't consider that path. For me, it both introduced me to the path and made the path clear - maintain a top class standing, try a judicial externship, develop a great resume and writing sample, and prepare for the interview. Although I suppose my experience could be considered a "failure", all of the work I did to prepare for the clerkship process will certainly help me both find a job and practice effectively.”

Two of the four UNM students did externships with judges last summer. Two of the four will be clerking full time for the Supreme Court of New Mexico after graduation. In all, three of the four have successfully pursued some form of clerkship experience. WOW! Wouldn't it be great to hear that our other trainees had a success rate comparable to that.

What Goes Around Comes Around

The students from UNM, of course, may be being blessed because they believe in paying it forward. When they returned to campus, they met with small groups of students and shared what they had learned at our training program. They talked about their training and they shared their knowledge of the application process.

The placement director at UNM was also caught up in the process. He liked their work so much that he has set formal school-sponsored clerkship seminars -- three last semester and two this one. Local state and federal judges and former clerks have come to the school to participate. The Justices on the State Supreme Court stated that they were pleased to be a part of the process. They noted that they get 300 applications a year from students out of State, but very few from UNM. (As I mentioned above, they hired two from UNM just this year!)

Our UNM students told me that most of their classmates had never met a judge before these seminars. One said she had a stereotype about judges from Texas as those guys who give out the death penalty. But at the ABA Judicial Clerkship Program, she met judges from Texas who were thoughtful and deliberative, not at all as she had expected.

Ryan Villa, who will Clerk for the Supreme Court of New Mexico after graduation, said that before the ABA Clerkship training program he “didn't have a vague idea about what clerkships were like.” In fact, he thought they might be dreadfully boring. The opportunity to speak with current and former clerks at our program changed his mind ... and obviously the path of his legal career.

Finally, Amanda Sanchez says, “I thoroughly enjoyed the Clerkship training program. I really learned a lot, including how to find information about clerkship opportunities. Judicial clerkships were something that I had previously considered, but I really did not know whether that was for me and whether I was willing to put in all the time and effort of actually applying. After hearing the stories of many of the speakers, I realized that it was a worthwhile thing to do

and that even though there is a lot of competition for judicial clerkship positions, it was something that I really wanted to do. After the Clerkship training program, I spoke with a lot of people in New Mexico who had clerked and asked them about their experiences. During the summer, I applied for various clerkships, but the one that I really wanted was at the New Mexico Supreme Court with Justice Pamela Minzner. I wanted that clerkship because I truly admire Justice Minzner. Fortunately, Justice Minzner chose me to be her clerk for the September 2005-September 2006 term. I look forward to working with her and I know that I will learn a lot.”

Can't Buy Publicity Like This

To those on the Commission's staff, to those on the Commission and to those in the Judicial Division who worked so hard to make our Judicial Clerkship Program happen, all of these students say thank you from the bottoms of their hearts.

They truly speak for all who have been through the Judicial Clerkship Program.

“Thanks for the opportunity.”

“Keep doing this program.”

“I wouldn't have done it without your help.”

My thanks to you too!

A handwritten signature in black ink that reads "Lawrence R. Baca". The signature is written in a cursive, flowing style.

Lawrence R. Baca

Chair, ABA Commission on Racial and Ethnic Diversity in the Profession

The ABA Judicial Clerkship Program is co-sponsored by the ABA Commission on Racial and Ethnic Diversity in the Profession and the ABA Judicial Division

ABA Section, Division and Forum Leadership

The ABA's Sections, Divisions and Forums are where, in many respects, the most fundamental work of the ABA takes place. It is in its Sections, Divisions and Forums that the ABA deals with the substantive, day-to-day, practice of law. Sections, Divisions and Forums also offer the primary means by which members participate in the work of the ABA. In fact, the initiatives, events, other activities and resulting participatory profiles of these ABA entities provide a meaningful reflection of the legal profession. Consequently, each year, these ABA entities are surveyed to ascertain how they -- and by extension the overall profession -- are progressing with regard to participation in the legal profession by minorities.

Our overall assessment of results achieved this year at the several leadership levels of these entities is that there are numerous positive developments, some of which are outstanding, which provide encouragement for the future. But, those results are not uniform or sufficiently positive to warrant contentment with where the ABA as a whole stands currently on that important measure. Some Sections, Divisions and Forums continue to perform admirably; some additional ones stepped up remarkably; some others, however, stood still on ground zero or regressed from previous performance. The results are somewhat of a mixed bag, therefore, and leaves considerable work to be done.

With that said, and before turning to more specific analyses of the leadership results, it is important to note one phenomenon that can mask otherwise positive developments if viewed in isolation. It is that some portion of a decline in the numbers of minorities at a lower level of leadership within a Section, Division or Forum may reflect the advancement of minorities who previously served at that level to a higher leadership position within the particular entity or other areas of ABA governance. Obviously, such advancements are positive and are commended, and they might explain a one-time, year-to-year decline as new minorities are cultivated for those leadership positions. At the same time, however, the Commission encourages all Sections, Divisions and Forums to anticipate and plan for making and keeping the entire pipeline representative, at all times, so that the flow of racial and ethnic minorities into higher levels of leadership is less likely to be disrupted in future years.

Primary Leadership

Primary leadership refers to Section, Division and Forum officers. These are individuals who lead their respective entities and also the practice areas for which those entities are responsible. The influence of these individuals can be felt for years prior to and after their service as an officer. Indeed, service in primary leadership often proves to be a stepping-stone to leadership in the broader profession. Therefore, diversity among the primary leadership of the ABA's Sections, Divisions and Forums is a key component in any measure and evaluation of progress by the profession towards full and equal participation by racial and ethnic minorities.

Minority Representation in Primary Leadership

Sections & Divisions	00/01	01/02	02/03	03/04	04/05	African American	Asian Pacific American	Hispanic	Native American	Caucasian	TOTAL
Administrative Law	0.0%	14.3%	10.0%	0.0%	0.0%	0	0	0	0	6	6
Antitrust Law	0.0%	9.1%	7.7%	0.0%	0.0%	0	0	0	0	10	10
Business Law	20.0%	20.0%	30.0%	30.0%	33.3%	1	1	0	0	4	6
Criminal Justice	11.1%	11.1%	0.0%	0.0%	14.3%	1	0	0	0	6	7
Dispute Resolution	16.7%	12.5%	33.3%	12.5%	14.3%	1	0	0	0	6	7
Environment, Energy & Resources	9.1%	9.1%	0.0%	9.1%	22.2%	2	0	0	0	7	9
Family Law	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	6	6
General Practice	0.0%	0.0%	0.0%	20.0%	0.0%	0	0	0	0	7	7
Government & Public Sector	14.3%	28.6%	28.6%	28.6%	33.3%	1	0	1	0	4	6
Health Law	12.5%	12.5%	12.5%	12.5%	0.0%	0	0	0	0	5	5
Individual Rights	33.3%	20.0%	12.5%	14.3%	20.0%	0	1	0	0	4	5
Intellectual Property Law	0.0%	0.0%	33.3%	0.0%	0.0%	0	0	0	0	10	10
International Law	12.5%	12.5%	8.3%	6.0%	6.7%	1	0	0	0	14	15
Judicial Division	15.6%	23.1%	33.3%	0.0%	15.6%	4	1	0	0	27	32
Labor & Employment Law	0.0%	20.0%	25.0%	0.0%	0.0%	0	0	0	0	10	10
Law Practice Management	0.0%	0.0%	0.0%	0.0%	25.0%	1	0	0	0	3	4
Law Student Division	26.9%	25.0%	14.3%	14.3%	25.0%	0	1	0	0	3	4
Legal Education	20.0%	40.0%	20.0%	40.0%	40.0%	2	0	0	0	3	5
Litigation	0.0%	0.0%	20.0%	30.0%	22.2%	1	1	0	0	7	9
Public Contract Law	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	5	5
Public Utility	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	5	5
Real Property, Probate & Trust	9.1%	9.1%	2.9%	0.0%	0.0%	0	0	0	0	8	8
Science & Technology Law	12.5%	28.6%	16.7%	14.3%	16.7%	0	1	0	0	5	6
Senior Lawyers Division	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	6	6
State & Local Government Law	8.3%	18.2%	20.0%	12.0%	9.1%	1	0	0	0	10	11
Taxation	0.0%	0.0%	8.3%	10.0%	0.0%	0	0	0	0	10	10
Tort Trial & Insurance Practice	16.7%	14.3%	16.7%	0.0%	0.0%	0	0	0	0	7	7
Young Lawyers Division	41.7%	20.0%	33.3%	33.3%	33.3%	2	1	0	0	6	9
TOTAL	11.6%	13.6%	11.9%	10.0%	11.3%	18	7	1	0	204	230

This year, the number of Sections and Divisions reporting that they had minority officers remained the same as last year, with 15 of 28 having minorities among their primary leadership. We are encouraged by the fact that, although only 15 entities have any racial or ethnic diversity in their primary leadership, several of those entities have multiple numbers of minority lawyers represented among their primary leadership. As a result, the overall percentage of minorities in primary leadership increased from 10% in FY03-04, to 11.3% for this year. A slight increase perhaps, but one that is significant nonetheless, and thus encouraging for the future.

As a part of that overall encouraging result, we are happy to see Law Practice Management join the ranks of entities that have or have had minorities among their primary leadership. Moreover, for the second year, four Sections and Divisions (three of which are repeating this accomplishment) reported that 30% or more of their primary leadership are racially or ethnically diverse, and they are to be commended: Business Law; Government and Public Sector Lawyers; Legal Education; and the Young Lawyers Division. An additional five entities reported that 20% or more of their primary leadership are racial or ethnic minorities, and they, too, are to be

applauded for their efforts: Environment, Energy, and Resources; Individual Rights and Responsibilities; Law Practice Management; the Law Student Division; and Litigation. We hope that these entities will inspire others to increase their efforts to cultivate minority lawyers among their future leaders.

It is, however, disappointing that four Sections continue to have never had a minority lawyer serve in their primary leadership. On balance, even that disappointment does not dampen our overall encouragement about the performance by the Sections and Divisions.

Minority Representation in Primary Leadership (Forums)*

Forums	00/01	01/02	02/03	03/04	04/05	African American	Asian Pacific American	Hispanic	Native American	Caucasian	TOTAL
Affordable Housing	18.2%	28.6%	9.1%	25.0%	16.7%	3	0	0	0	15	18
Air & Space Law	9.1%	20.0%	0.0%	6.7%	0.0%	0	0	0	0	5	5
Communications Law	0.0%	20.0%	16.7%	23.1%	0.0%	0	0	0	0	5	5
Construction Industry	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	8	8
Entertainment & Sports	0.0%	0.0%	7.7%	50.0%	25.0%	1	0	0	0	3	4
Franchising	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	9	9
TOTAL	5.8%	7.7%	5.1%	15.5%	8.2%	4	0	0	0	45	49

*In past years, Primary Leadership consisted of Chair, Chair-Elect, Immediate Past Chair and the Governing Committee. The Forums do not have Councils. This year the Forums were invited to help redesign their survey to allow it to better fit their structure. As a result, this chart differs from previous years. For instance, Primary Leadership now consists of Chair, Chair-Elect, Immediate Past Chair and appointed leadership positions. The Governing Committee is broken out into its own section.

Among Forums, however, the situation is not as positive. The number of Forums with minorities among their primary leadership decreased from four of six to only two of six. We are gravely disappointed with that decline, regardless of the reasons that might be offered. So, while we commend the Forums with minorities in their primary leadership -- Affordable Housing and Entertainment and Sports Law -- we must challenge the others to do better.

We also note that the four minority lawyers who serve among the primary leadership of these two Forums are all African American. This leads us, while encouraging the Forums to continue their outreach efforts to African Americans, to suggest that all Forums extend similar efforts to promote participation by lawyers from other racial and ethnic minority groups.

Council Members/Governing Committee Members

Primary leadership for Sections and Divisions is often drawn from among Council members, which makes Council membership a particularly important level at which to assess diversity efforts. Section and Division Councils (excluding primary leadership) range in size from two to 54, with most falling between 12 and 25. This year, the number of Section and Division Councils reporting that they have minority members resumed a disappointing downward trend, after having maintaining a consistent level for the past two years. Because of the importance of Council membership to the leadership pipeline -- and, to mix metaphors, as a bridge to other ABA leadership positions -- we want to parse more closely below the mixed results we see in this measure.

Minority Representation in Council Members

Sections & Divisions	00/01	01/02	02/03	03/04	04/05	African American	Asian Pacific American	Hispanic	Native American	Caucasian	TOTAL
Administrative Law	6.9%	13.8%	11.1%	8.3%	16.7%	2	0	0	0	10	12
Antitrust Law	4.8%	5.3%	4.8%	0.0%	0.0%	0	0	0	0	15	15
Business Law	16.7%	10.0%	10.0%	15.0%	20.0%	3	1	0	0	16	20
Criminal Justice	27.8%	12.5%	28.6%	16.7%	8.3%	1	0	1	0	22	24
Dispute Resolution	23.8%	20.0%	13.6%	28.6%	25.0%	2	1	1	0	12	16
Environment, Energy & Resources	14.3%	21.4%	35.7%	21.4%	14.3%	1	0	1	0	12	14
Family Law	0.0%	4.0%	5.9%	13.3%	15.8%	0	0	3	0	16	19
General Practice	8.0%	13.0%	8.7%	20.0%	17.4%	1	1	1	1	19	23
Government & Public Sector	25.0%	21.1%	36.8%	30.0%	25.0%	3	2	0	0	15	20
Health Law	0.0%	11.1%	16.7%	16.7%	16.7%	1	0	0	0	5	6
Individual Rights	20.0%	25.0%	40.0%	41.7%	50.0%	3	1	2	0	6	12
Intellectual Property Law	6.3%	12.5%	6.7%	6.3%	0.0%	0	0	0	0	16	16
International Law	9.3%	11.4%	6.5%	6.7%	7.1%	0	0	1	0	13	14
Judicial Division	9.3%	17.5%	0.0%	66.7%	0.0%	0	0	0	0	2	2
Labor & Employment Law	3.7%	3.7%	3.7%	3.7%	3.7%	1	0	0	0	26	27
Law Practice Management	11.1%	11.1%	13.3%	0.0%	10.5%	1	1	0	0	17	19
Law Student Division	30.0%	29.0%	26.7%	26.7%	23.3%	2	0	0.5	1	11.5	15
Legal Education	18.8%	13.3%	13.3%	6.3%	23.5%	3	0	1	0	13	17
Litigation	7.4%	16.0%	16.7%	16.0%	17.4%	3	0	1	0	19	23
Public Contract Law	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	14	14
Public Utility	8.3%	8.3%	0.0%	0.0%	0.0%	0	0	0	0	12	12
Real Property, Probate & Trust	3.8%	7.3%	0.0%	0.0%	0.0%	0	0	0	0	24	24
Science & Technology Law	8.3%	21.4%	15.4%	13.3%	20.0%	1	2	0	0	12	15
Senior Lawyers Division	10.5%	5.3%	8.3%	0.0%	0.0%	0	0	0	0	15	15
State & Local Government Law	35.7%	25.0%	27.3%	25.0%	16.7%	1	0	1	0	10	12
Taxation	0.0%	8.3%	6.7%	8.3%	7.7%	1	0	0	0	12	13
Tort Trial & Insurance Practice	5.3%	4.2%	0.0%	4.2%	0.0%	0	0	0	0	15	15
Young Lawyers Division	20.0%	27.9%	0.0%	16.3%	25.9%	4	4	6	0	40	54
TOTAL	12.0%	14.4%	12.7%	13.3%	14.0%	34	13	19.5	2	419.5	488

Of the 28 Sections and Divisions, 20 had minorities among their Council members, compared with 22 for the past two years (FY03-04 and FY 02-03), 27 for the year before (FY01-02) and 24 for the year before that (FY00-01). Among the 20 Sections and Divisions reporting diversity among their Council Members for this year, only 10 increased their percentages of minority Council Members from last year, two remained the same, while eight regressed from last year's percentages. In fact, several Sections continued to show a decrease for the third or second consecutive year and another Section, Public Contract Law, has never had a racial or ethnic minority serve on its Council since the Commission began this annual reporting six years ago. The Commission would like to reiterate its standing offer to work with these entities (whose diversity performance is declining or non-existent) to assist them in their diversity efforts and to encourage them to take advantage of the various programs, workshops, publications and other resources that the Commission offers in support.

On the clearly positive side, 15 Sections and Divisions have maintained diversity among their Council Members for five consecutive years. One of those entities, Individual Rights and Responsibilities, deserves kudos for maintaining an upward trend in the diversity of its Council for the fifth consecutive year, reaching 50% this year.

But, as part of the undeniable mixed bag, we note that, last year, six Sections and Divisions reported that 25% or more of their Council Members were racially or ethnically diverse, while only four can make that claim this year. On the other hand, we are pleased to see that another four Sections and Divisions did reach the 20% mark, two for the first time. As noted above, Individual Rights and Responsibilities reported an impressive and inspiring 50% diversity among its Council Members. And, General Practice, Solo and Small Firms achieved representation at the Council Member level from among all four of the racial or ethnic minority groups tracked by the Commission for this report.

Minority Representation in Governing Committees

Forums	04/05	African American	Asian Pacific American	Hispanic	Native American	Caucasian	TOTAL
Affordable Housing	33.3%	3	0	0	0	6	9
Air & Space Law	8.3%	1	0	0	0	11	12
Communications Law	18.2%	1	0	1	0	9	11
Construction Industry	0.0%	0	0	0	0	10	10
Entertainment & Sports	66.7%	3	0	1	0	2	6
Franchising	0.0%	0	0	0	0	9	9
TOTAL	17.5%	8	0	2	0	47	57

Governing Committees for Forums are akin to Section and Division Councils. Among Forums, four of the six reported having minorities among their Governing Committee members. Three of those four have multiple numbers of minorities serving on their Governing Committees, for which they are commended, and Entertainment and Sports had minorities in four of its six Governing Committee positions. More generally, we are encouraged by the performance of the Forums at this level, even as we express disappointment above with respect to their overall performance at the level of primary leadership.

Committee Chairs/Division Chairs

The substantive work of most Sections, Divisions and Forums is accomplished at the Committee or, in the case of Forums, Division level. This makes such Committee and Division leadership an important part of the overall leadership pipeline.

This year, 13 of the 28 Sections and Divisions increased the racial and ethnic diversity of their Committee Chairs, compared with increases in 16 last year (FY03-04) and increases in 14 the year before that (FY02-03). Twelve Sections and Divisions reported a decrease. Three have no minority lawyers serving among their Committee Chairs, compared with only one last year.

Minority Representation in Committee Chairs

Sections & Divisions	00/01	01/02	02/03	03/04	04/05	African American	Asian Pacific American	Hispanic	Native American	Caucasian	TOTAL
Administrative Law	2.5%	4.6%	6.8%	3.0%	6.0%	3	0	0	0	47	50
Antitrust Law	3.1%	5.1%	4.7%	5.6%	2.9%	1	0	0	0	34	35
Business Law	2.0%	9.3%	9.4%	9.6%	8.8%	5	1	2	0	83	91
Criminal Justice	12.5%	13.0%	12.5%	6.3%	4.3%	1	0	0	0	22	23
Dispute Resolution	10.0%	5.1%	7.5%	8.8%	6.5%	4	0	0	0	58	62
Environment, Energy & Resources	8.2%	14.3%	6.7%	10.0%	8.9%	1	2	0	1	41	45
Family Law	0.0%	2.2%	2.0%	6.1%	6.5%	0	0	2	0	29	31
General Practice	10.2%	5.4%	6.7%	12.7%	7.8%	2	1	2	1	71	77
Government & Public Sector	13.3%	15.4%	13.3%	15.4%	20.0%	1	1	0	0	8	10
Health Law	10.5%	14.3%	19.0%	12.0%	18.2%	1	1	0	0	9	11
Individual Rights	20.5%	15.6%	15.8%	16.1%	20.0%	1	2	1	3	28	35
Intellectual Property Law	3.1%	2.2%	6.7%	8.0%	10.1%	3	8	2	0	116	129
International Law	6.3%	7.3%	9.3%	11.2%	18.4%	7	7	4	0	80	98
Judicial Division	11.8%	5.9%	5.6%	11.8%	15.0%	3	0	0	0	17	20
Labor & Employment Law	2.9%	6.5%	8.3%	6.7%	5.3%	4	1	1	0	108	114
Law Practice Management	0.0%	4.3%	0.0%	0.0%	0.0%	0	0	0	0	19	19
Law Student Division	N/A	N/A	N/A	N/A*	N/A*	N/A	N/A	N/A	N/A	N/A	N/A
Legal Education	6.8%	8.3%	13.5%	13.8%	7.1%	0	2	0	0	26	28
Litigation	9.7%	10.1%	12.4%	20.1%	16.3%	14	4	7	0	128	153
Public Contract Law	0.9%	4.4%	4.3%	2.6%	3.8%	4	1	1	0	153	159
Public Utility	0.0%	0.0%	3.4%	3.3%	0.0%	0	0	0	0	30	30
Real Property, Probate & Trust	7.6%	3.9%	3.2%	3.7%	4.3%	1	1	3	0	112	117
Science & Technology Law	10.7%	14.6%	14.0%	11.6%	6.7%	1	0	1	0	28	30
Senior Lawyers Division	0.0%	2.7%	0.0%	4.8%	0.0%	0	0	0	0	30	30
State & Local Government Law	0.0%	14.3%	14.3%	14.3%	14.3%	1	0	0	0	6	7
Taxation	6.1%	5.6%	3.1%	6.2%	6.7%	2	1	1	0	56	60
Tort Trial & Insurance Practice	5.3%	6.2%	8.2%	6.3%	6.8%	1	4	1	0	82	88
Young Lawyers Division	17.7%	3.2%	8.8%	8.3%	21.9%	5	0	2	0	25	32
TOTAL	6.5%	6.7%	7.7%	8.6%	8.7%	66	37	30	5	1446	1584

*The Law Student Division only has nine board committees, and they are not open membership entities. Each member of the Division's Board of Governors is assigned by the Law Student Division Chair to serve on one or two committees. Accordingly, the make-up of Committee Chairs mirrors the "Council Members" section.

Four of the entities reporting an increase were doing so for the second consecutive year: Family Law; Government and Public Sector Lawyers; Real Property, Probate and Trust Law; and Taxation. Two more -- Individual Rights and Responsibilities and Intellectual Property Law -- are reporting an increase for the third consecutive year; and International Law is reporting an increase for the fifth consecutive year! The percentages of minority representation among Committee Chairs for three entities -- Government and Public Sector Lawyers; Health Law; and Individual Rights and Responsibilities -- remain in double digits for the fifth consecutive year. In addition, General Practice, Solo and Small Firms and Individual Rights and Responsibilities deserve special mention for the diversity they achieved with representation from all four racial or ethnic groups among their Committee Chairs.

Among the six Forums, however, like last year, only the same two of the five that have Division Chairs have any diversity among them.

Minority Representation in Division Chairs (Forums)

Forums	00/01	01/02	02/03	03/04	04/05	African American	Asian Pacific American	Hispanic	Native American	Caucasian	TOTAL
Affordable Housing	11.5%	4.5%	0.0%	15.4%	6.7%	1	0	0	0	14	15
Air & Space Law	0.0%	0.0%	22.2%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Communications Law	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	12	12
Construction Industry	0.0%	0.0%	0.0%	8.3%	16.7%	1	1	0	0	10	12
Entertainment & Sports	0.0%	16.7%	22.2%	0.0%	0.0%	0	0	0	0	8	8
Franchising	0.0%	N/A	0.0%	0.0%	0.0%	0	0	0	0	3	3
TOTAL	5.1%	4.9%	6.9%	6.4%	6.0%	2	1	0	0	47	50

Additional Committee Leadership Positions

Eight of the 28 Sections and Divisions reported an increase in their percentage of minorities serving in Additional Committee Leadership Positions (such as Vice-Chairs and Subcommittee Chairs) compared to 15 last year. Thirteen entities reported a decrease, compared to six last year, although we note that three of those 13 were still reporting a number over 20%. Four entities have no diversity among their Additional Committee Leadership positions; in the case of three of these four, the absence of diversity at this level of leadership has been for two or more years.

Five Sections and Divisions -- Government and Public Sector Lawyers; Health Law; International Law; Science and Technology Law; and the Young Lawyers Division -- have achieved double digit percentages for the fourth consecutive year. The Senior Lawyers Division increased its diversity at this level of leadership from zero last year to 10.4% this year, and the Young Lawyers Division did so by 19.9%!

Five entities -- Business Law; Dispute Resolution; Environment, Energy and Resources; Taxation; and Tort Trial and Insurance Practice -- achieved notable diversity among all four of the minority groups represented at this level of their leadership.

Minority Representation in Additional Committee Leadership Positions

Sections & Divisions	00/01	01/02	02/03	03/04	04/05	African American	Asian Pacific American	Hispanic	Native American	Caucasian	TOTAL
Administrative Law	N/A	8.7%	6.6%	4.5%	4.0%	8	0	0	0	192	200
Antitrust Law	6.7%	5.1%	3.5%	6.5%	5.2%	2	2	1	0	91	96
Business Law	0.0%	4.8%	7.0%	6.8%	5.8%	15	11	2	2	483	513
Criminal Justice	4.6%	N/A	7.0%	0.0%	0.0%	0	0	0	0	3	3
Dispute Resolution	7.2%	9.7%	15.1%	24.6%	16.2%	6	2	2	1	57	68
Environment, Energy & Resources	6.3%	10.2%	6.8%	5.8%	7.3%	2	7	3	4	203	219
Family Law	0.0%	3.3%	11.5%	6.3%	10.5%	0	0	2	0	17	19
General Practice	0.0%	9.4%	9.1%	18.8%	2.9%	0	1	1	0	67	69
Government & Public Sector	8.7%	22.2%	25.0%	25.0%	16.7%	1	0	0	0	5	6
Health Law	7.7%	16.1%	20.0%	25.6%	26.2%	6	4	1	0	31	42
Individual Rights	27.6%	14.0%	6.4%	29.2%	23.9%	11	3	2	0	51	67
Intellectual Property Law	0.0%	0.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
International Law	6.1%	13.4%	13.7%	28.6%	22.5%	18	5	9	0	110	142
Judicial Division	19.0%	16.7%	N/A	N/A	0.0%	0	0	0	0	2	2
Labor & Employment Law	2.6%	4.8%	4.8%	12.9%	9.3%	4	4	5.5	0	131.5	145
Law Practice Management	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	8	8
Law Student Division	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Legal Education	0.0%	11.1%	0.0%	0.0%	0.0%	0	0	0	0	8	8
Litigation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Public Contract Law	3.7%	4.0%	2.7%	3.5%	4.8%	4	4	3	0	219	230
Public Utility	0.8%	1.0%	2.1%	3.8%	3.0%	5	0	0	1	193	199
Real Property, Probate & Trust	N/A	1.5%	2.7%	2.9%	2.7%	2	1	0	0	108	111
Science & Technology Law	5.6%	35.0%	10.5%	27.6%	20.0%	2	2	0	0	16	20
Senior Lawyers Division	4.6%	2.9%	5.1%	0.0%	10.4%	4	1	0	0	43	48
State & Local Government Law	0.0%	0.0%	7.9%	16.7%	6.8%	2	0	1	0	41	44
Taxation	0.0%	1.8%	1.8%	2.0%	2.7%	5	4	4	2	537	552
Tort Trial & Insurance Practice	8.9%	6.3%	5.9%	7.4%	10.5%	24	26	29	4	706	789
Young Lawyers Division	15.6%	17.5%	10.0%	12.1%	32.0%	3	4	1	0	17	25
TOTAL	5.4%	5.9%	5.6%	8.0%	7.9%	124	81	66.5	14	3339.5	3625

Other Leadership

Other leadership includes the various Section, Division and Forum leadership positions that may not be consistent from one entity to another. This includes special appointed positions, ad hoc committees and task forces, and editorial board positions.

Of the 26 Sections and Divisions that provided information regarding minorities serving in other leadership positions, only seven reported no minority participation among their other leadership, while 14 reported an increase and 10 reported a decrease. Given the variety of positions that fall into this category, it is difficult to make any meaningful comparisons among the various entities. Nevertheless, we report on this category if only to monitor diversity among these leadership positions that, despite their variety, still serve as another means of nurturing minority lawyers and adding a pipeline of leadership opportunities.

Minority Representation in Other Leadership Positions

Sections & Divisions	00/01	01/02	02/03	03/04	04/05	African American	Asian Pacific American	Hispanic	Native American	Caucasian	TOTAL
Administrative Law	0.0%	14.3%	20.0%	0.0%	20.0%	1	0	1	0	8	10
Antitrust Law	20.0%	40.0%	40.0%	2.6%	5.4%	5	5	0	0	174	184
Business Law	11.3%	11.3%	17.4%	14.2%	12.6%	9	4	1	1	104	119
Criminal Justice	11.1%	N/A	0.0%	8.3%	0.0%	0	0	0	0	2	2
Dispute Resolution	14.3%	0.0%	0.0%	12.5%	0.0%	0	0	0	0	20	20
Environment, Energy & Resources	0.0%	21.4%	6.1%	9.3%	13.2%	3	1	2	1	46	53
Family Law	0.0%	0.0%	3.3%	0.0%	9.1%	1	0	2	0	30	33
General Practice	16.3%	9.4%	0.0%	10.0%	0.0%	0	0	0	0	11	11
Government & Public Sector	66.7%	33.3%	N/A	14.3%	0.0%	0	0	0	0	2	2
Health Law	50.0%	30.8%	21.4%	0.0%	27.8%	10	5	0	0	39	54
Individual Rights	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	8	8
Intellectual Property Law	7.7%	0.0%	N/A	5.9%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
International Law	0.0%	0.0%	0.0%	20.0%	14.3%	1	0	0	0	6	7
Judicial Division	0.0%	21.4%	14.3%	0.0%	0.0%	0	0	0	0	8	8
Labor & Employment Law	0.0%	6.7%	6.4%	4.4%	6.3%	7	0	0	0	104	111
Law Practice Management	0.0%	0.0%	3.7%	9.3%	9.7%	9	1	2	0	112	124
Law Student Division	62.5%	N/A	33.3%	66.7%	71.4%	2	1	1	1	2	7
Legal Education	55.6%	36.4%	44.4%	50.0%	33.3%	1	1	2	0	8	12
Litigation	11.3%	7.7%	13.9%	11.9%	18.0%	22	4	4	2	146	178
Public Contract Law	20.0%	18.2%	11.1%	3.8%	4.2%	2	0	0	0	46	48
Public Utility	0.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Real Property, Probate & Trust	0.0%	3.4%	12.1%	0.0%	4.3%	3	0	1	0	88	92
Science & Technology Law	8.7%	11.1%	0.0%	16.1%	10.7%	1	2	0	0	25	28
Senior Lawyers Division	0.0%	0.0%	0.0%	6.7%	0.0%	0	0	0	0	12	12
State & Local Government Law	12.1%	2.8%	N/A	20.9%	20.0%	1	0	0	0	4	5
Taxation	0.0%	22.2%	N/A	0.0%	2.0%	0	1	0	0	50	51
Tort Trial & Insurance Practice	11.4%	7.2%	9.2%	8.2%	10.2%	21	18	22	1	548	610
Young Lawyers Division	50.0%	36.4%	12.5%	22.3%	25.6%	22	2	8	0	93	125
TOTAL	11.9%	9.8%	11.2%	10.1%	11.4%	121	45	46	6	1696	1914

Nominating Committee

Nominating Committees are important in identifying and recommending minority lawyers within a Section, Division or Forum. Since FY98-99, only two Sections have never had a minority lawyer serve on their Nominating Committees. But, this year, 10 of the 24 Sections and Divisions that have Nominating Committees have no minority lawyers serving on them.

Minority Representation in Nominating Committees

Sections & Divisions	00/01	01/02	02/03	03/04	04/05	African American	Asian Pacific American	Hispanic	Native American	Caucasian	TOTAL
Administrative Law	0.0%	33.3%	33.3%	33.3%	0.0%	0	0	0	0	3	3
Antitrust Law	N/A	25.0%	20.0%	20.0%	20.0%	1	0	0	0	4	5
Business Law	14.3%	28.6%	12.5%	12.5%	25.0%	2	0	0	0	6	8
Criminal Justice	33.3%	25.0%	11.1%	12.5%	12.5%	1	0	0	0	7	8
Dispute Resolution	N/A	25.0%	37.5%	22.2%	22.2%	1	0	1	0	7	9
Environment, Energy & Resources	0.0%	0.0%	20.0%	25.0%	N/A*	0	0	0	0	0	0
Family Law	0.0%	0.0%	0.0%	20.0%	0.0%	0	0	0	0	5	5
General Practice	60.0%	40.0%	20.0%	40.0%	40.0%	1	0	1	0	3	5
Government & Public Sector	N/A	N/A	N/A	33.3%	0.0%	0	0	0	0	3	3
Health Law	33.3%	33.3%	33.3%	16.7%	20.0%	1	0	0	0	4	5
Individual Rights	N/A	N/A	60.0%	40.0%	66.7%	3	0	1	0	2	6
Intellectual Property Law	0.0%	0.0%	0.0%	0.0%	20.0%	0	0	1	0	4	5
International Law	14.3%	14.3%	14.3%	16.7%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Judicial Division	31.0%	11.4%	0.0%	14.3%	57.1%	4	0	0	0	3	7
Labor & Employment Law	N/A	N/A	0.0%	33.3%	0.0%	0	0	0	0	13	13
Law Practice Management	16.7%	14.3%	0.0%	14.3%	28.6%	1	0	1	0	5	7
Law Student Division	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Legal Education	22.2%	11.1%	20.0%	20.0%	20.0%	2	0	0	0	8	10
Litigation	20.0%	0.0%	0.0%	20.0%	75.0%	1	1	1	0	1	4
Public Contract Law	N/A	0.0%	0.0%	33.3%	0.0%	0	0	0	0	3	3
Public Utility	0.0%	0.0%	0.0%	0.0%	0.0%	0	0	0	0	5	5
Real Property, Probate & Trust	0.0%	0.0%	20.0%	20.0%	0.0%	0	0	0	0	5	5
Science & Technology Law	0.0%	N/A	0.0%	0.0%	0.0%	0	0	0	0	5	5
Senior Lawyers Division	14.3%	0.0%	16.7%	N/A	0.0%	0	0	0	0	5	5
State & Local Government Law	20.0%	0.0%	N/A	20.0%	0.0%	0	0	0	0	5	5
Taxation	6.3%	2.9%	4.7%	5.0%	3.8%	0	0	1	0	25	26
Tort Trial & Insurance Practice	5.3%	8.0%	4.0%	4.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Young Lawyers Division	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	14.8%	10.5%	11.1%	13.8%	16.6%	18	1	7	0	131	157

*Energy, Environment and Natural Resources had not confirmed their nominating committee at the time of the survey.

Nominating Committees need not be diverse to promote diversity, of course, but diversity on such committees can certainly increase the likelihood that racially and ethnically diverse lawyers may be considered for leadership positions for which they might not otherwise be considered. In fact, the Commission has observed that, in general, those Sections and Divisions that have or have had minority participation on their Nominating Committees are seeing greater diversity at other levels of their leadership.

Programming Faculty

Continuing Legal Education programming is one of the most significant means of encouraging minority participation in Sections, Divisions, Forums and other ABA entities. It is a visible and meaningful way to promote greater diversity. During FY03-04, the ABA presented 681 CLE sessions, a significant decrease from 916 last year (FY02-03) and the 991 sessions the year before (FY01-02). Despite the decreased number of sessions, the total number of speakers increased from 8,088 during FY02-03 to 8,444 during FY03-04. Among those 8,444 speakers,

9.7% were minorities. This represents a continuing decline from 10.5% during FY 02-03 and 11.7% during FY 01-02.

Sections and Divisions accounted for 344 CLE sessions with 6,054 speakers during FY03-04. Among these 6,054 speakers, 502 or 8.3% were minorities. Compared to FY02-03, this appears to be a decline from 8.8%, but numerically this represents a decrease of 15 speakers. This year, as last year, 11 Sections and Divisions increased the percentage of their minority faculty, two remained the same, and 11 saw their percentages drop. Only two entities reported no faculty diversity this year.

The numbers of African American and Native American speakers increased, but the numbers of Asian Pacific Americans and Hispanics decreased. Among African Americans, the number of faculty increased from 258 last year to 297 this year, although it is still lower than the 324 in 2001-2002. Among Asian Pacific Americans, it decreased from 112 last year to 95 this year, although this is still an improvement over the 71 in 2001-2002. Among Hispanics, it decreased from 141 last year to 97 this year, although that also was still an improvement over the 68 in 2001-2002. And, among Native Americans, it rebounded to 13 this year, after only six last year in FY02-03, which had followed 11 in FY01-02.

Minority Representation in Programming Faculty

Sections & Divisions	00/01	01/02	02/03	03/04	Total # of Speakers	African American	Asian Pacific American	Hispanic	Native American	Caucasian
Administrative Law	8.5%	14.6%	6.7%	13.9%	72	6	2	2	0	62
Antitrust Law	5.7%	4.7%	5.6%	4.2%	384	9	5	2	0	368
Business Law	7.6%	6.7%	6.3%	10.8%	788	41	29	11	4	703
Criminal Justice	12.3%	N/A	15.1%	10.2%	98	4	1	5	0	88
Dispute Resolution	5.5%	9.5%	15.5%	6.3%	445	11	3	13	1	417
Environment, Energy & Resources	11.2%	6.3%	5.2%	5.2%	291	1	2	8	4	276
Family Law	5.2%	6.5%	2.5%	5.3%	95	1	0	4	0	90
General Practice	10.2%	0.0%	5.9%	13.2%	38	5	0	0	0	33
Government & Public Sector	16.7%	31.3%	3.4%	18.9%	37	1	0	6	0	30
Health Law	6.3%	10.8%	8.9%	8.8%	137	8	2	2	0	125
Individual Rights	31.1%	40.0%	18.2%	34.6%	26	3	5	1	0	17
Intellectual Property Law	5.6%	14.9%	5.4%	8.6%	210	8	8	2	0	192
International Law	6.6%	N/A	27.1%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Judicial Division	9.0%	10.5%	26.3%	10.4%	48	4	1	0	0	43
Labor & Employment Law	9.0%	11.1%	10.1%	13.9%	488	45	8	15	0	420
Law Practice Management	6.9%	6.1%	12.0%	13.9%	122	14	2	0	1	105
Law Student Division	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Legal Education	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Litigation	13.0%	10.3%	21.4%	20.3%	458	72	10	11	0	365
Public Contract Law	11.7%	5.3%	7.2%	4.9%	122	2	3	1	0	116
Public Utility	10.3%	11.1%	0.0%	0.0%	23	0	0	0	0	23
Real Property, Probate & Trust	3.8%	5.8%	5.3%	7.6%	119	3	6	0	0	110
Science & Technology Law	4.3%	1.9%	20.5%	7.4%	68	0	3	1	1	63
Senior Lawyers Division	20.0%	N/A	N/A	0.0%	6	0	0	0	0	6
State & Local Government Law	48.0%	0.0%	39.1%	28.9%	45	8	0	4	1	32
Taxation	6.3%	5.3%	1.8%	0.8%	1330	11	0	0	0	1319
Tort Trial & Insurance Practice	15.8%	9.6%	5.3%	4.9%	535	18	3	4	1	509
Young Lawyers Division	15.9%	28.8%	24.3%	42.0%	69	22	2	5	0	40
TOTAL	7.0%	8.1%	8.8%	8.3%	6054	297	95	97	13	5552

Among the Forums, minority faculty numbers declined slightly as a percentage (to 6.9% from 7.5%) from last year, but the longer-term trend remains fairly stable. All six of the Forums included minorities among their CLE faculty, compared with only five of the six Forums during 2001-2002. Three of the Forums showed an increase in minority faculty, one remained the same, and two decreased. The Forums' overall use of minority faculty, totaling 6.9%, trails that of the Sections and Divisions, which totaled 8.3%.

Minority Representation in Programming Faculty (Forums)

Forums	00/01	01/02	02/03	03/04	Total # of Speakers	African American	Asian Pacific American	Hispanic	Native American	Caucasian
Affordable Housing	6.3%	11.3%	10.2%	12.6%	143	14	3	1	0	125
Air & Space Law	0.0%	0.0%	3.0%	4.2%	96	1	2	1	0	92
Communications Law	0.0%	9.9%	13.1%	4.9%	81	2	2	0	0	77
Construction Industry	3.2%	10.9%	3.7%	8.0%	88	5	2	0	0	81
Entertainment & Sports	24.0%	14.3%	12.1%	4.9%	81	3	1	0	0	77
Franchising	2.8%	1.6%	1.5%	1.5%	65	1	0	0	0	64
TOTAL	5.0%	7.1%	7.5%	6.9%	554	26	10	2	0	516

Among other ABA entities, the total percentage of minority faculty is higher than the Sections, Divisions and Forums. This year, other ABA entities reported a total of 1,836 speaking opportunities, with minority lawyers serving as CLE faculty for 278, or 15.1%, of those opportunities. Only one of these 16 other ABA entities – the Central European and Eurasian Law Institute, which had 12 speaking opportunities -- had no minorities among its CLE faculty from any of the four groups covered by the Goal IX survey.

Minority Representation in Programming Faculty*

Other ABA Entities	02/03	03/04	Total # of Speakers	African American	Asian Pacific American	Hispanic	Native American	Caucasian
ABA Center for Continuing Legal Education	7.6%	10.2%	1172	55	20	24	20	1053
Career Resource Center	0.0%	30.8%	13	3	0	1	0	9
Center for Professional Responsibility	11.3%	7.7%	78	4	0	2	0	72
Central European and Eurasian Law Institute	N/A	0.0%	12	0	0	0	0	12
Commission on Domestic Violence	32.0%	21.4%	13	2	0	0	1	11
Commission on Homelessness and Poverty	N/A	33.3%	3	1	0	0	0	2
Commission on Immigration	N/A	12.5%	8	0	0	1	0	7
Commission on Lawyer Assistance Programs	15.7%	20.0%	50	5	0	3	2	40
Commission on Racial and Ethnic Diversity in the Profession	83.3%	76.4%	110	49	22	11	2	26
Commission on Women	20.0%	31.9%	71	17	3	3	0	49
Death Penalty Representation Project	N/A	8.3%	24	2	0	0	0	22
Joint Committee on Employee Benefits	N/A	2.3%	172	3	0	1	0	168
Standing Committee on Environmental Law	0.0%	31.3%	48	0	0	15	0	33
Standing Committee on Lawyers' Professional Liability	3.1%	9.8%	53	1	4	0	0	46
Standing Committee on Pro Bono and Public Service	46.7%	0%		0	0	0	0	0
Standing Committee on Specialization	9.1%	11.1%	9	1	0	0	0	8
TOTAL	N/A	15.1%	1836	143	49	61	25	1558

*A number of the other ABA entities that reported last year did not submit information this year. Several other ABA entities are reporting for the first time this year. For those that have reported in the past, their previous statistics are included. For those that did not, we have indicated "N/A." Also, the Standing Committee on Pro Bono and Public Service is reported to have presented CLE programming during the past year, but did not report any statistics.

Publication Authors

ABA membership surveys have indicated that members in general believe that one of the greatest benefits provided by a Section, Division or Forum is its publications. Last year, the Commission began collecting data on minority representation among the authors of ABA publications. Of the 24 Sections and Divisions reporting this year, eight reported an increase, seven reported a decrease, one remained the same, and eight are reporting for the first time. Of the 2,630 authors, 193 were racial or ethnic minorities.

Minority Representation in Publication Authors

Section & Divisions	02/03	03/04	Total # of Authors	African American	Asian Pacific American	Hispanic	Native American	Caucasian
Administrative Law	9.1%	25.5%	47	5	3	3	1	35
Antitrust Law	2.5%	0.6%	169	1	0	0	0	168
Business Law	N/A	6.5%	31	1	0	1	0	29
Criminal Justice	N/A	14.3%	56	8	0	0	0	48
Dispute Resolution	7.4%	9.8%	41	3	1	0	0	37
Environment, Energy & Resources	N/A	3.9%	129	1	2	1	1	124
Family Law	0.0%	6.2%	97	2	1	1	2	91
General Practice	N/A	7.3%	164	2	5	5	0	152
Government & Public Sector	18.2%	13.3%	15	2	0	0	0	13
Health Law	N/A	7.1%	28	2	0	0	0	26
Individual Rights	28.3%	15.6%	45	5	1	1	0	38
Intellectual Property Law	25.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
International Law	0.0%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Judicial Division	9.7%	12.7%	55	4	0	0	3	48
Labor & Employment Law	18.8%	3.2%	678	22	0	0	0	656
Law Practice Management	0.0%	2.4%	166	1	0	2	1	162
Law Student Division	11.4%	7.5%	40	0	2	1	0	37
Legal Education	0.0%	36.4%	11	4	0	0	0	7
Litigation	N/A	10.5%	95	1	3	6	0	85
Public Contract Law	4.8%	4.9%	61	1	2	0	0	58
Public Utility	0.0%	13.3%	15	2	0	0	0	13
Real Property, Probate & Trust	0.0%	0.0%	40	0	0	0	0	40
Science & Technology Law	N/A	43.3%	30	0	1	11	1	17
Senior Lawyers Division	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
State & Local Government Law	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Taxation	4.5%	3.6%	304	7	4	0	0	293
Tort Trial & Insurance Practice	N/A	14.3%	279	12	12	15	1	239
Young Lawyers Division	39.5%	38.2%	34	6	4	3	0	21
TOTAL	8.4%	7.3%	2630	92	41	50	10	2437

Among the Forums, only three of the six were able to include minority authors in their publications. Of those three Forums, seven of their 178 authors, or 3.9%, were minorities.

Minority Representation in Publication Authors (Forums)

Forums	02/03	03/04	Total # of Authors	African American	Asian Pacific American	Hispanic	Native American	Caucasian
Affordable Housing	8.0%	4.5%	22	1	0	0	0	21
Air & Space Law	11.1%	0.0%	20	0	0	0	0	20
Communications Law	15.8%	0.0%	41	0	0	0	0	41
Construction Industry	3.6%	0.0%	6	0	0	0	0	6
Entertainment & Sports	7.7%	8.3%	36	3	0	0	0	33
Franchising	0.0%	5.7%	53	1	0	2	0	50
TOTAL	5.8%	3.9%	178	5	0	2	0	171

Section Delegates

This year, the Commission began collecting data on diversity among Section Delegates. We found that only six of the 28 Sections and Divisions are represented in the ABA House of Delegates by minorities. Six of the 67 Section Delegates or 8.9% are racially or ethnically diverse. None of the Sections or Divisions are represented by an Asian Pacific American or a Native American.

Minority Representation in Section Representatives in the House of Delegates*

Sections & Divisions	4/05	African American	Asian Pacific American	Hispanic	Native American	Caucasian	TOTAL
Administrative Law	0.0%	0	0	0	0	2	2
Antitrust Law	0.0%	0	0	0	0	2	2
Business Law	25.0%	1	0	0	0	3	4
Criminal Justice	0.0%	0	0	0	0	2	2
Dispute Resolution	0.0%	0	0	0	0	2	2
Environment, Energy & Resources	0.0%	0	0	0	0	2	2
Family Law	0.0%	0	0	0	0	2	2
General Practice	0.0%	0	0	0	0	2	2
Government & Public Sector	100.0%	1	0	0	0	0	1
Health Law	0.0%	0	0	0	0	2	2
Individual Rights	100.0%	1	0	0	0	0	1
Intellectual Property Law	0.0%	0	0	0	0	2	2
International Law	0.0%	0	0	0	0	2	2
Judicial Division	0.0%	0	0	0	0	6	6
Labor & Employment Law	0.0%	0	0	0	0	2	2
Law Practice Management	0.0%	0	0	0	0	2	2
Law Student Division	0.0%	0	0	0	0	3	3
Legal Education	50.0%	0	0	1	0	1	2
Litigation	25.0%	1	0	0	0	3	4
Public Contract Law	0.0%	0	0	0	0	1	1
Public Utility	0.0%	0	0	0	0	2	2
Real Property, Probate & Trust	0.0%	0	0	0	0	3	3
Science & Technology Law	0.0%	0	0	0	0	2	2
Senior Lawyers Division	0.0%	0	0	0	0	2	2
State & Local Government Law	0.0%	0	0	0	0	2	2
Taxation	0.0%	0	0	0	0	2	2
Tort Trial & Insurance Practice	0.0%	0	0	0	0	3	3
Young Lawyers Division	25.0%	0	0	1	0	4	5
TOTAL	9.1%	4	0	2	0	60	67

*This was a new section on the survey, so there are no past years for comparison.

Budget

This year, the Commission began collecting data on the amount of money the Sections, Divisions and Forums are utilizing in diversity efforts. Sections, Divisions and Forums were asked to provide both the dollar amount spent in such efforts and the percentage of the entity's budget that the dollar amount represented. Specifically, entities were asked to report how much they spent during FY03-04 "on efforts to support, promote, or advance racial and ethnic diversity in the legal profession?" They were allowed to include:

- Funding for specific programs, projects, publications or other activities that targeted minority law students or minority lawyers or that had a primary focus on issues of race and ethnicity within the profession;
- Funding for minority interns, fellows or ambassadors, or for other minority lawyers who otherwise would not have participated in a particular meeting or program;
- Funding for the entity's liaison to the Commission on Racial and Ethnic Diversity;
- Funding for any liaisons or other representatives of the entity to attend or participate in programs or meetings sponsored by national or local minority bar associations;
- Contributions to any of the three entities within the ABA Diversity Center, including for support of the Spirit of Excellence Awards or the ABA Legal Education Scholarship Fund;
- Contributions to any national or local minority bar association; and
A pro rata amount for any ENTITY-FUNDED staff person (NOT General Revenue funded positions) – consisting of salary, payroll taxes and fringe benefits only – whose job description with the entity requires the staff person to devote at least 50% of his/her time to programming or other activities directly related to serving minority law students or minority lawyers.

By beginning to collect this data, the Commission has not concluded, and does not mean to suggest or otherwise imply, that money spent (even as a percentage of total expenditures) is an accurate measure of an entity's commitment to diversity or the principles that underlie Goal IX. The Commission also does not subscribe to the notion that impact or effectiveness can be measured by reference to dollars. Money is not a prerequisite to success with diversity efforts.

At the same time, however, it is undeniable that some initiatives require some amount of financial support in order to be strategic about achieving success with diversity. And, the unavailability of sufficient financial support might underlie an inability to achieve desired levels of success. Such factors will obviously vary among particular Sections, Divisions and Forums, and from one specific initiative to another. We believe it is important, however, to try to ascertain information about the financial resources available for and being deployed with respect to diversity efforts. That way, one can analyze more circumspectly whether the availability or allocation of dollars by an entity is actually a hurdle to success, and thus be better able to devise appropriate strategies to help overcome possible obstacles.

We hope that by collecting this information we can support even more informed decision-making by Section, Division and Forum leaders concerning diversity. Such information might

provide an additional spark to the ingenuity, creativity and collaboration they bring to their diversity efforts, attributes for which these ABA entities are known.

Monies Directed Toward Racial or Ethnic Diversity Efforts

Entity	Amount Spent	Percentage of Budget
Administrative Law	\$1,000	0.60%
Antitrust Law	\$21,054	2.34%
Business Law	\$103,076	2%
Criminal Justice	0	0
Dispute Resolution	\$25,500	3%
Environment, Energy & Resources	\$21,400	1.5%
Family Law	\$500	5%
General Practice	\$16,900	3%
Government & the Public Sector	\$2,500	2%
Health Law	\$12,200	1.8%
Individual Rights & Responsibilities	\$5,000	3%
Intellectual Property	\$30,000	1.5%
International Law	0	0
Judicial Division	\$13,000	8.3%
Labor & Employment Law	\$22,750	1%
Law Practice Management	0	0
Law Student Division	\$42,000	5%
Legal Education	\$3,500	1%
Litigation	\$935,000	5-10%
Public Contract Law	0	0
Public Utility	0	0
Real Property	\$21,000	1%
Science & Technology	\$800	0.2%
Senior Lawyers Division	0	0
State & Local Government	0	0
Taxation	\$11,125	3%
Tort & Insurance Practice	\$41,655	16%
Young Lawyers Division	\$78,078	4%

Monies Directed Toward Racial or Ethnic Diversity Efforts (Forums)

Entity	Amount Spent	Percentage of Budget
Affordable Housing	Approx. \$4,500	Approx. 1.8%
Air and Space	0	0
Communications	Approx. \$6,000	Approx. 2%
Construction	0	0
Entertainment and Sports	0	0
Franchising	\$1,000	1.8%

During 2003-2004, seven of the 28 Sections and Divisions, and three of the six Forums, reported that they allocated no financial resources to diversity efforts. Among those that did allocate funds for diversity efforts, those allocations ranged from \$500 to almost a million dollars, and totaled \$1,419,538. None of these monies came from grants related to a specific program or project but

rather came directly from the entities' own budgets. This means that, on average, Sections, Divisions and Forums each dedicated approximately \$41,751 to support diversity efforts.

Although Family Law spent less than \$1,000, it is an example of a small Section that nonetheless is having relative degrees of success in diversifying its leadership and programming faculty when compared to other small Sections. At the other end of the financial spectrum is Litigation, a very large Section that which allocated over \$900,000 to diversity efforts. Litigation is another entity whose numerical data suggests that it, too, is achieving success in its efforts to promote diversity within its leadership and programming faculty profile, albeit with bigger programmatic efforts. Clearly, success with diversity efforts need not depend upon available dollars.

Honor Roll

In other portions of this report, we call attention to several ABA entities that have achieved notable successes in keeping Goal IX “real” through performance that is measurable, in large part, by numbers. Without detracting from those earlier commendations, but in order to reflect other important factors and to celebrate singularly outstanding efforts and accomplishments, the Commission is pleased to continue its identification -- in this special location -- of those Sections, Divisions and Forums whom we believe earned a special measure of recognition for their performance this year.

Before turning to that listing, we want to convey our sincere thanks to all of the ABA entities that submitted narrative reports for the Commission to consider in response to the request in the Goal IX Survey for information detailing their diversity efforts. Numbers alone cannot tell the entire story, and so we asked all Sections, Divisions and Forums to describe, among other things, any new and innovative plans, initiatives, events or other activities, and any accomplishments or significant progress from prior years, that they believe have had (or will have) significant impact for Goal IX’s diversity objectives. The Commission relies heavily on those narrative submissions to develop a more fulsome assessment of the efforts of these ABA entities and their impact on the ABA’s progress with Goal IX.

We were disappointed to receive only 13 narrative submissions from a total of 34 Sections, Divisions and Forums that were invited to respond, and that some of the narratives were more perfunctory than we have received in past years. We do not know why the other 21 did not respond at all, or what that may signal for the future. But, we can, and we believe it is appropriate that we do, identify all of those who did provide some level of narrative response, without differentiation as to the quality of the submissions. They are, in alphabetical order, Antitrust; Business Law; Dispute Resolution; Environment, Energy and Resources; Family Law; Franchising; General Practice, Solo and Small Firms; Health Law; Labor and Employment Law; Law Students Division; Judicial Division; Real Property, Probate and Trust Law; and Young Lawyers Division. We appreciate the commitment evidenced by those entities that took the time (and exerted the effort) to respond thoughtfully to that part of the Goal IX Survey, and we want to encourage a higher level of quality narrative submissions in the future.

The ABA entities that earned a place on the Goal IX Honor Roll this year achieved exceptionally notable results. They are significantly enhancing or successfully sustaining their diversity-related policy initiatives, action plans, leadership development efforts, outreach or other programming targeted to lawyers of color. Those considerations have become part of the Commission’s core of fundamental criteria, and they were important in the assessment of performances this year, as they have been for the past six years that the Commission has selected an Honor Roll.

This year, the Commission focused special attention on leadership positions, programming faculty, and similar performance or initiatives that demonstrate an entity’s recognition of and commitment to the strategic importance of participation by minorities in leadership and high profile programming activities for expanding significantly the numbers of minorities who elect to join or participate actively in the ABA, the success horizons of minority lawyers in their practice

environments, and even the numbers of minorities who enter the legal profession. Also, because of the critical role of the narrative submissions from the Sections, Divisions and Forums in the Commission's ability to assess the level of commitment and performance by the several entities, we were unable to select for the Honor Roll any entity that did not respond to that part of the Goal IX Survey. As a result of the latter factor, we lose from this year's Honor Roll some entities whose performances on numerical measures were impressive, so much so that we commended them specifically in other portions of this report. We, again, applaud those outstanding performances and urge those entities to continue their efforts and to tell us more in the future about the substantive diversity activities and initiatives that are likely underlying those numerical performances and helping to drive the ABA closer to Goal IX.

This year, the Commission is pleased to recognize the following ABA entities (in alphabetical order) for the Honor Roll, and we encourage other entities to emulate the successful initiatives of those honorees.

Business Law

Business Law earned its way to Honor Roll recognition for the sixth consecutive year, in the face of increasingly searching scrutiny because the Commission is sensitive to possible suspicions of bias. Active members of that Section are or recently have been members of the Commission, and the Commissioner who edited this year's report is a member of the Section (although not particularly active in the Section). In last year's report, after describing the myriad impressive accomplishments and activities of Business Law, the Commission defined the future challenge facing Business Law as "shift[ing] from an emphasis upon recruitment of minority lawyers to retention and integration of minority lawyers into the Section as stalwart members and future leaders." Business Law met that challenge and more, and proved again that it belongs on this Honor Roll because it is walking the talk.

Business Law never misses an opportunity to support diversity in any way that it can. The Section is always a ready and willing participant in the Joint Exhibit Project, which is a collaborative effort organized by the Commission to promote Section, Division and Forum involvement at the four national minority bar association conventions. It has been a consistent supporter of events such as the Spirit of Excellence Awards and the Margaret Brent Luncheon, and it provides scholarships to five ABA CLEO participants each year. The Section remains actively involved in the National Conference for the Minority Lawyer, supporting the Conference not only through programs and staff but also financially. Indeed, this year, the Section offered to fund the annual Coalition of Bar Associations dinner before the Coalition's planning for this year had even started.

Yet, the Section's place on this Honor Roll is not earned simply or primarily because of its monetary expenditures. Business Law screens each of its programs for diversity in all its many facets: race, ethnicity, gender, disabilities, newer lawyers, and the like. Indeed, the number of program panels that featured only non-minority men has decreased from seven in 2003 to two during 2004. Efforts such as this help create a Section culture where diversity is welcomed, embraced and celebrated. The much-lauded Ambassadors Program had its highest number of applicants since its inception. Since not every applicant could be selected as an Ambassador,

Business Law is making a conscientious effort to reach out to all the applicants in order to facilitate their involvement in the Section in other ways. Moreover, the Section is also following up with former Ambassadors to monitor their current level of Section involvement and to assess the program's effectiveness in creating a pipeline into Section participation.

Business Law's size and stature often results in the Section taking a leading role among Sections. We hope that other ABA entities will follow the Section's lead in its commitment to diversity, too.

Environment, Energy and Resources

The Commission is excited about including Environment, Energy and Resources on the Honor Roll for the first time. We are particularly impressed with its primary and other leadership profile for this year, and its performance in involving minority lawyers in programming faculty and other high profile activities within the Section, despite the relatively small number of minorities in the Section overall. Even on the latter measure, however, the Section is making significant strides, which is proving the thesis that positive performance with leadership and related participation can help drive initiatives to improve diversity in other areas.

For the past three years, the Section has offered its impressive Minority Fellowship Program. Working in partnership with state bar associations to provide matching funds, the Section funds law student interns to work at government agencies or public interest organizations where they are involved in legal matters involving the environment. To date, over 35 minority law students have successfully participated as fellows. The Section has also been developing a relationship with the National Black Law Students Association ("NBLSA") by hosting luncheons at their conventions where the Section has an opportunity to discuss careers in environmental, resources and energy law.

Additionally, Environment, Energy and Resources has created a Special Committee on Environmental Justice to work to achieve environmental justice through advocacy and education. This emerging practice area includes aspects of civil rights, environment, natural resources, and land use law. From its inception, the Committee has made a special outreach effort to provide minority lawyers with an opportunity to participate in its development and activities.

Environment, Energy and Resources is taking a proactive approach to grow its potential minority membership base in consistent and concrete ways that are well suited to its particular substantive practice area. For that, as well, the Section is to be commended.

Young Lawyers Division

The recent performance by the Young Lawyers Division is nothing short of phenomenal, and we believe it signals special potential for future additional success with diversity by the ABA in other areas, as these younger lawyers become more mature, expand their range of involvements, and extend their influence into other Divisions, the Sections and an array of ABA entities.

The Division consistently looks at diversity during the leadership appointment process and in programming, and the results show success from those efforts. The Young Lawyers offer 10

scholarships to assist minority lawyers to become involved in the Division. At the Division's Spring National Public Service Conference, April 30th was deemed: "A Day Dedicated to Diversity: Ensuring the Legacy of the Civil Rights Movement." The day included a tour of the National Civil Rights Museum and a moving presentation by the Reverend Samuel "Billy" Kyles. The reports the Commission received about this program included this simple but poignant statement: "There was first silence, and then a standing ovation." Given that many young lawyers today were not yet born during the height of the Civil Rights Movement, programs such as these are crucial in educating future generations of lawyers about why diversity has been, and remains, so important.

The Young Lawyers Division is the future of the legal profession. With efforts such as these, the future is in good hands.

* * * * *

Honorable Mentions

As in the past several years, the Commission continues to recognize a group of Honorable Mentions as part of the Honor Roll process. These are ABA entities whose diversity efforts show notable promise for the future, or who have maintained a past level of performance that still warrants commendations or have illustrated in some other manner a significant commitment to diversity.

Family Law

Family Law continues to make steady progress with several important diversity initiatives, and successful results are beginning to show that warrant honorable mention here. While the Section still has no minority lawyers among its primary leadership, it has been moving strategically to cross that essential threshold by maintaining a notable core of minority participation at other leadership levels and in programming faculty. It must continue aggressive efforts to do more, and we believe it is both positioned and working diligently to do so.

The Section's strategic plan is, in a word, impressive. Clearly, a great deal of thought and effort has gone into mapping out its goals, objectives and action steps. We understand that the Section published an issue of its magazine that focused upon issues of multiculturalism that impact upon family law practitioners, and we encourage Family Law to continue to focus upon the unique diversity needs and interests of its members.

Forum on Franchising

The Franchising Forum earned an honorable mention based primarily on its commendable initiatives that are targeted to improve its historical lackluster performance with minority lawyers in leadership positions. The Forum readily admits that shortcoming, and its activities over the past year demonstrate that it is working hard to do better.

The Commission was pleased to see the thoroughness of the Forum's plan to increase its diversity. Its self-appraisal is remarkably candid and the goals it sets for itself seem reasonable and practical. Indeed, if we were to offer any additional suggestion, it might be for the Forum to institute some degree of accountability into its plans. But for now, we must say that the Forum on Franchising seems to have staked the path, rough spots and all. We look forward to seeing how far they have progressed next year.

General Practice, Solo and Small Firms

The Section on General Practice, Solo and Small Firms continues to impress and inspire the Commission on numerous fronts, in particular with its Diversity Fellows Program, Difference Makers Awards and Starting Your Own Law Firm Programs, conducting the latter in conjunction with the exemplary programming of the National Conference for the Minority Lawyer. Last year, this Section made the Honor Roll, deservedly so, and while it experienced regrettable slippage this year with minority participation in its primary leadership, the Section continued strong participation by minority lawyers in programming faculty, and two of the five members of its Nominating Committee are minorities. We encourage the Section to build upon this impressive foundation and to expand its leadership among Sections, Divisions and Forums through its successful diversity initiatives.

Judicial Division

The Judicial Division experienced an unfortunate decline in minority participation at certain levels of its leadership, but part of that is explained by the leadership progression phenomenon we alluded to earlier in the general Introduction of this report. Moreover, the Division rebounded from last year (when it had no minorities in its primary leadership) to have five out of 32 or 15.6% minorities in that critically important top leadership level. In addition, four of the seven members of its Nominating Committee are minorities. Beyond the numbers, however, the Judicial Division merits honorable mention because it continues to lead and drive involvement by its members in several programs and initiatives that are bearing fruit for success with diversity across the broad landscape of the legal profession.

The Division plays an active and crucial role in the Judicial Clerkship Program. It created a Long Range Diversity Plan to put its commitment to diversity into practice. Its various Conferences have made significant progress, ranging from policy in the form of the adoption of diversity plans and protocols, to practice in the form of encouraging and facilitating ways for judges to be more sensitive to issues of diversity. Indeed, much of what the Judicial Division does has ramifications throughout the rest of the profession, and the manifestation of its commitment to diversity is having (and will continue to have) a long lasting impact. Whether it is the development of a simple, but very useful tool like the Directory of Minority Judges, or broader policy efforts such as the monitoring of judicial vacancies, the Judicial Division is to be applauded for promoting diversity at all levels of its activities.

Labor and Employment Law

Over the past few years, the Labor and Employment Section has taken some innovative steps -- including at the policy level -- to motivate the Section's leaders to increase the numbers of minorities as speakers and attendees for Section programs and otherwise to engage minority

lawyers as active and visible participants in Section activities. Those steps are working and warrant honorable mention here, even as we encourage the Section to do more to improve significantly the participation by minority lawyers in the Section's leadership.

During the past year, we have seen Labor and Employment Law put into place a number of efforts to enhance the Section's diversity efforts, including a liaison program with the national minority bars and outreach to local minority bars. The policies and procedures are clearly in place. We look forward to seeing the results of those efforts.

Law Students Division

The Law Students Division continues to impress the Commission and to encourage us about the future success of the ABA, over the long-term, with Goal IX. The Division has maintained strong minority representation in its leadership positions, and that alone is a catalyst for current and long-term diversity successes throughout the legal profession. Beyond that, the Law Students Division's programs and other initiatives -- in particular the Dean Henry Ramsey Diversity Awards, Diversity Day and Division Grant Program -- both promote and advance diversity now and educate law students directly (and the rest of us indirectly) that "diversity matters" for the foreseeable future.

The Commission is especially impressed by the way the Law Students Division is making efforts to involve minority law students early in their careers through the Division's outreach efforts to minority law student organizations and financial support through the Division Grant Program. We observed firsthand during the 2004 ABA Annual Meeting in Atlanta the way that the Division's leadership and staff make efforts to welcome minority law students who were attending an ABA meeting for the first time. The personal touch is just as important as financial support, if not more so, in making diversity a reality. Clearly, this is something the students may be able to teach the lawyers.

* * * * *

We hope our chagrin is manifest about being unable to include some other entities here that nonetheless have impressed the Commission and warranted our explicit commendations elsewhere. Indeed, we have noted that regret at least twice earlier, and explained in the introduction of the Honor Roll section our protocol and rationale for that inability. Even so, but with no precedent for future years, we want and are pleased to acknowledge in this place that impressive performances were demonstrated by the following entities on the critically important measures of minority participation in leadership positions and/or programming faculty:

- Government and Public Sector Lawyers
- Individual Rights and Responsibilities
- Law Practice Management
- Litigation

ABA Minority Counsel Program: Serendipity by Design

Carlos F. Concepción has a successful practice that many lawyers would envy. The head of the six-lawyer, South Florida law firm that bears his name, Carlos focuses his practice on commercial litigation with an emphasis upon business transactions involving corporate, banking and securities disputes. He has credentials – beginning with his graduation with honors and Order of the Coif from the University of Florida Law School and including holding the highest rating assigned by Martindale-Hubbell, and being named as a “Distinguished Fellow” by the Royal Society of Fellows in London for his achievements in the International Financial Community – that any lawyer would envy.

An active trial lawyer, Carlos is a member of the “Million Dollar Advocates Forum”, which is an organization of “trial lawyers who have demonstrated exceptional skill, experience and excellence.” In addition to his trial experience, Carlos also has substantial experience as an arbitrator.

Carlos also makes time to be involved in civic and community issues, such as co-chairing the Greater Miami Chamber of Commerce’s Americas Linkage Program in 2003. The Americas Linkage Program was created by the Greater Miami Chamber of Commerce, in partnership with American Airlines, to market Florida as a business center, stimulate trade and establish strategic alliances between Florida, Latin America and the Caribbean. As Co-Chair of the Program, Carlos has been responsible for leading many Florida executives to cities throughout Latin America and the Caribbean to meet with high-level representatives of Chambers of Commerce, business organizations, and trade associations, as well as executives of private sector companies, and hosted an "In-bound" meeting of such foreign executives in South Florida in November 2003. With credentials and connections such as these, the success of Carlos and his firm, Concepción and Associates, P.A., would seem virtually assured.

Carlos, however, does not take success for granted. He is a longtime participant in the ABA’s Minority Counsel Program (“MCP”), dating back to the days when it was the Minority Counsel Demonstration Program. And, if he’s enthusiastic about the program, it’s because he’s a living example of how the program works. According to Carlos, he’s been attending MCP meetings for a long time, but in recent years he’s made an effort to be a more regular attendee. MCP has “a lot more energy, and more commitment to it,” says Carlos. “You sense it when you’ve been attending for a long time like I have. There is a level of energy and commitment from the clients and corporations that participate that is much higher, as evidenced by the quality of the speakers, the substance of the program, and the number of corporations that attend. It’s an excellent program, a quality program.”

Carlos says that MCP “provides an opportunity to meet potential clients and corporations that I otherwise wouldn’t.” That sort of opportunity is especially important given that when he is not busy working, he’s busy running his law firm. “For a small firm like ours,” he says, “we have little time to develop brochures or attend the cocktail party circuit. Much of our work comes from word of mouth and MCP provides that. It has given us a chance to expand our scope of work beyond Florida.”

In Carlos' opinion, MCP is proving good for both corporations and lawyers. "No lawyer wants to come across too aggressively or too heavy handed," explains Carlos. "MCP is proving to be an important avenue for meeting colleagues, both from corporations as well as from other firms that can lead to developing co-counsel relationships. The relationships come about in the most unplanned and unexpected ways."

Indeed, one of those unexpected opportunities happened to Carlos himself. It happened at a reception at one of the MCP meetings. Carlos recalled that it had been a full day and he was mulling over the things he'd learned while standing in line to get some food. The woman in front of him asked, "Aren't you going to introduce yourself to me?" Recalling where he was and why, Carlos did just that. He introduced himself to Donna Crosswhite of Sprint and shortly thereafter Sprint became a new client of Concepción and Associates. Unexpected but certainly not unwelcome.

Departmental Initiatives

To achieve the ABA's goal of full and equal participation in the legal profession by minority lawyers, the Commission believes that the ABA must address diversity issues both systemically and institutionally. Diversity among membership and leadership is a crucial component of any measurement or evaluation of progress in this area; it is, however, only the most visible facet of the ABA's diversity efforts. Many of the ABA's departments and entities, whose important work for the Association is not measurable by member participation profiles, can have significant impact upon the ABA's ability to diversify its membership and leadership, and ultimately the profession as a whole. Thus, the Commission also surveys these other ABA departments and entities in order to report upon and recognize appropriately the endeavors and other contributions by these departments and entities that also provide important support achieving greater racial and ethnic diversity in the legal profession and, in particular, the ABA. Featured below, in alphabetical order, are the recent diversity activities of some of these ABA departments and entities:

Council on Racial and Ethnic Justice

The Council on Racial and Ethnic Justice plays a vital role in the Association's overall mission and efforts to maintain and enhance the integrity of the justice system. As discussed earlier in this Report, the Council is one of the three entities that comprise the Diversity Center in the Office of the President, and its initiatives focus primarily on eliminating racial and ethnic bias through seeking systemic change in the justice system. Each year, the Council convenes or facilitates a broad range of programming that brings together leaders and other key participants from many diverse groups and organizations – both from outside as well as within the ABA and the legal profession – to address systemic issues and how to achieve constructive results. Three of the Council's many initiatives warrant special mention this year.

In 2003, the Council convened the ABA President's Diversity Conference: Opening the Pipeline, which served to build upon a major theme of the Association to advance diversity now by also building and populating the pathways to future success. During the 2004 ABA Midyear Meeting, the Council sponsored an Indigent Defense Roundtable, which focused on strategies that ABA entities and others in the profession can utilize to improve access to the justice system for indigent defendants. The Council co-sponsored The National Conference on Indigent Defense: A Roundtable Discussion on Successful Models for Achieving State Reform at the 2004 ABA Annual Meeting.

The Council also launched in 2004, a voting rights/election protection project in conjunction with the Lawyers' Committee for Civil Rights Under Law and several ABA entities that sought to remove barriers to the electoral process for minority voters. Additionally, the Council has begun a series of initiatives to tackle problems confronting minorities in the juvenile justice system. The Council is focusing on strategies that prevent young minorities from being trapped in the justice system, while also focusing upon strategies that can help them and avoid negative initial entrances into the juvenile justice system.

The Council continues to maintain its innovative Friends of the Council Program, which has been successful in developing a core support group of individuals who are mentors and sponsors for minority college and university students who are interested in pursuing careers in the justice system.

Division for Media Relations and Communication Services

Diversity as a factor affecting communications on behalf of the ABA was a primary concern of the Division for Media Relations and Communication Services during 2003-04, and is a continuing priority for 2004-05. To assess and refine its own recognition of the diversity implications of the language, style and media outreach techniques used in its media communications on behalf of the ABA, the Division consulted a diversity expert from the news media itself to facilitate a staff retreat in fall 2003. To maintain momentum from the retreat, the Division created its own Diversity Task Force. Which the Division charged with monitoring its performance and developing and overseeing the implementation of new strategies both to communicate more effectively with diverse audiences and to use diverse spokespersons for the Association.

As a consequence of the proactive efforts, the Division is now issuing news releases, opinion editorials, fact sheets and other informational pieces for print and broadcast media in multiple languages. For example, the Division selects breaking news materials and a wide range of consumer information topics for translation. In starting its our multi-lingual media outreach, the Division is translating these communication pieces into Spanish and distributing them to Spanish-language media, using Spanish-speaking ABA leaders whenever possible, and posting English and Spanish versions of printed and broadcast materials on its Website. In 2004, the Division produced five radio news releases that were translated into Spanish and distributed to Spanish language stations and networks around the U.S. and Puerto Rico. Nearly 14 million listeners heard these Spanish-language messages during an estimated 8,000 broadcasts. The topics ranged from the need for reform of mandatory prison sentencing to the results of a public opinion poll launching the ABA's jury initiative, the legal needs of military personnel, and the invitation to the ABA to observe proceedings against detainees at Guantanamo Bay, Cuba.

More broadly, the Division is continuing its efforts to identify appropriate opportunities to cooperate with diverse bar associations on communications initiatives.

Office of the President

The ABA Office of the President works to insure that all aspects of racial and ethnic diversity in the legal profession remain a high priority for the Association. Through targeted presidential initiatives, as well as general programming and planning, the Office of the President makes certain that relevant diversity issues continue to be addressed within the ABA and the profession.

During his term, President Dennis W. Archer's three main initiatives promoted diversity in the profession. In October 2003, working with the ABA Council on Racial and Ethnic Justice, President Archer convened the "Diversity in the Legal Profession: Opening the Pipeline Conference." In conjunction with the ABA Commission on Women in the Profession, President

Archer convened the “The Managing Partner and General Counsel Leadership Summit: Progress, Success And Achievement For Women In Law” in May 2004. Both events brought together CEOs and general counsel of major corporations; law firm managing partners and chairpersons; law schools deans; university and college presidents; and leaders of national, state, local and specialty bar associations to insure continued promotion and retention of women and racial and ethnic minorities in top positions throughout the legal profession.

The third major presidential initiative revolved around the 50th Anniversary of Brown v. Board of Education. President Archer established a 17-member Commission to develop a wide variety of programs and resources to commemorate this cornerstone event in American history. The Office of the President, working with the ABA Division for Public Education, coordinated the Commission’s initiatives, including a special Website, publication of Brown at 50: The Unfinished Legacy: A Collection of Essays, and a resource guide that prompted hundreds of “Dialogues on Brown v. Board of Education” that reached tens of thousands of high school students around the country.

Throughout 2004, the officers of the Association have seized opportunities to speak to diverse audiences about the law and law as a career. During this historic year of having lawyers of color in the Association’s two highest positions, the President and President-Elect have given countless speeches and presentations related to diversity in the profession.

In March 2004, the Office of the President also hosted the annual Presidents-Elect meeting, which is convened by the ABA President-Elect to bring together the Presidents-Elect and Executive Directors of the four national minority bars. This meeting provides an amicable forum for the bar leaders to identify issues of mutual concern and potential areas for collaboration.

Additionally, through the Presidential Advisory Council on Diversity, the Office of the President continues its work to improve diversity in the pipeline into the legal profession—that is, increasing the number of students of color who are interested in and equipped to pursue a legal career. Programming in 2004, included student outreach pilot projects in Atlanta and Miami and, in conjunction with ABA Bar Services, conducting a plenary session and a separate workshop on pipeline diversity at the National Conference of Bar Presidents’ Annual Meeting. The Advisory Council on Diversity also managed administration of the ABA Legal Opportunity Scholarship, which celebrated its fifth year and showcased scholarship recipients at the ABA Annual Meeting in Atlanta.

Recommendations

As a result of this review of minority participation in ABA leadership and CLE faculty, the Commission recommends that the following steps be taken or continued, as the case may be:

1. That the ABA continue and expand its efforts to collect and maintain minority membership statistics for the Association as a whole and for each of its various Sections, Divisions, Forums and other entities;
2. That the ABA explore and experiment with ways beyond the annual census to collect data on its minority membership;
3. That each ABA entity continue to report annually on its efforts toward Goal IX advancement, and include both numerical and statistical references and thoughtful narrative discussions about its recent performance and immediate plans;
4. That the ABA monitor minority participation in Section, Division and Forum programs, including minority participants as program planners, writers, plenary speakers and workshop speakers;
5. That those Sections, Divisions and Forums who report little or no minority participation in their leadership and programming be encouraged to assess the underlying reasons for that result, and, thereafter, to develop and implement strategies to address and resolve those reasons;
6. That the leaders of those Sections, Divisions and Forums who report little or no minority participation in their leadership and programming consider using their appointive powers to cultivate future minority leadership;
7. That Sections, Divisions and Forums explore and promote opportunities to utilize and coordinate their staff resources to promote diversity;
8. That the leaders of Sections, Divisions, Forums and other ABA entities undertake personal, individual efforts to identify, recruit, mentor and retain minority members in the ABA;
9. The ABA continue successful initiatives that serve to promote and sustain increased minority representation in the highest levels of the ABA, such as the Governing Committee and Nominating Committee, as well as in ABA governance generally;
10. That the two Minority-at-Large seats on the ABA Board of Governors be made a permanent part of the Board;
11. That ABA Standing and Special Committees and other entities continue past successful efforts and actions (and explore the feasibility of others) to promote and support racial and ethnic diversity -- as well as a sensitivity to such diversity -- as they work to address the particular issues and purposes for which they were created; and
12. That future leaders of the ABA and its Sections, Divisions and Forums educate themselves about issues of racial and ethnic diversity in the profession, actively advocate for increased diversity within the Association and its entities, and make a personal commitment to the objectives of Goal IX.

The Commission further urges each Section, Division, Forum and governance entity of the Association to aggressively develop and implement a strategy for Goal IX advancement. The Commission is happy to assist or offer guidance in this endeavor.

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