

GOAL IX

TO PROMOTE FULL AND EQUAL PARTICIPATION IN THE LEGAL PROFESSION BY MINORITIES

Volume 9, Number 4, Fall 2003



Message from the President

D e n n i s W . A r c h e r

As lawyers, we are uniquely positioned to ensure the fair administration of justice and to work to better the system whenever possible. It is a charge that we take very seriously.

I became a lawyer in 1970, and because of my love for the law and my desire to always improve myself, I got involved in bar associations. I was privileged to be president of the Wolverine Bar, the State Bar of Michigan, and the National Bar Association.

I was at my first National Bar Association annual meeting in 1971 when a lawyer from Florida by the name of Chesterfield Smith—who later became ABA President—came to our association and said, “We want you involved in the work of the American Bar Association, and the House of Delegates has granted a seat for a representative of the National Bar.” The NBA president at that time was Edward F. Bell from Detroit, Michigan. I was so impressed that, in 1972, I went to San Francisco to attend my first ABA Annual Meeting and promptly got involved.

I joined the Young Lawyers Section (as it was called then) and served in various capacities leading up to my election as clerk and speaker. I went on to become chair of the General Practice Section, Standing Committee

We need more lawyers of color. We need to encourage students to consider the legal profession.

on Legal Aid and Indigent Defense, the Section Officers Conference, and the Commission on Opportunities for Minorities in the Profession. The rest, as they say, is history.

Throughout my legal training in law school and as I traveled around the country involved in bar association work, it was abundantly clear to me that there were so many outstanding lawyers of color who had not been able at one time to become members of the ABA. Things changed, and I was determined to be part of that change.

We need more lawyers of color. We need to encourage students in junior high and high school to consider the legal profession. In each of our states we have had lawyers of color who have made a difference in improving

the quality of life within their community, their state, and our nation. Young people need to know that there is a positive opportunity awaiting them in our profession. They must learn that one person can make a difference. The student you encourage could have an impact on our society—like Mr. Justice Thurgood Marshall, an ABA Medal of Honor awardee.

The work by many of our ABA sections, divisions, commissions, and committees reflects our association’s commitment to serve the public good, to help improve the administration of justice, and to provide access and opportunities to those members of our society who are or have been denied an equal opportunity to compete.

My presidency is testament to this commitment, as is that of Robert Grey, Jr., who will follow me.

I encourage you to embrace diversity and join me in being a part of change. Make your mark and reach back to help the next generation of lawyers of color fulfill Goal IX of the ABA.

Dennis W. Archer, former Detroit mayor and Michigan Supreme Court Justice, is currently president of the American Bar Association and chairman of the Detroit-based law firm Dickinson-Wright PLLC.

Many Ways to Serve the Bar, and Many Bars in Which to Serve

L a w r e n c e R . B a c a
C o m m i s s i o n C h a i r



I think we do bar work to fulfill a duty. We have a duty to our profession to make it better. We also have a duty to reach out and reach back and bring others along. But I think those of us who are racial and ethnic minorities have a greater duty. The tennis legend Arthur Ashe said that being a prominent black man in America meant you had two jobs, and one was the duty to use that position of prominence to speak out. I think that duty crosses racial and gender boundaries. Those of us who are in a position to do so—even though we aren't as prominent as Arthur Ashe—have a duty to speak out and to help along anyone who has been held back by race, color, gender, religion, condition or handicap, or sexual orientation. Within the legal profession, bar associations allow us to do that with a greater voice than just our own. We can, through our bar work, open doors for others.

Like President Archer, I too had my first ABA experience at an Annual Meeting in San Francisco. Mine was a decade after his, in 1982. I was then the president of the American Indian Bar Association (AIBA), now the National Native American Bar Association. It was the first year that AIBA was invited to send a representative to the opening ceremonies. I have several vivid memories of that event.

First, I didn't know when I booked my ticket whether there was enough money in the AIBA bank account to reimburse me. I didn't care. I told my wife that this invitation was too important to decline. She agreed. This invitation meant that Indian lawyers, and specifically the Indian bar, were on the national legal radar screen.

Second, the opening ceremonies were at the Cow Palace. There was a huge riser of seats for the dignitaries behind the president of the ABA. Everybody was seated by rank. The front row, from the right, held the most senior member of the U.S. Supreme Court, followed to his left by any others who were there, in order of their seniority. Next were judges from the court of Great Britain, other national court systems, and a long series of state and national bar leaders. Before we walked out to be formally seated, we sat behind a huge curtain

in chairs with our names on them so we would enter in the appropriate order for the introductions. I recognized Mr. Justice Byron White in the front row. I was amused that a justice of the Supreme Court had a nameplate sitting on his chair (just like me) so that, as if we were both third graders, we wouldn't get lost. There was an equalization in that arrangement.

Third, we all marched in and sat down, and the introductions began. They started with the front row and read the name of each member of the Supreme Court of the United States, then introduced someone with four multisyllabic names followed by his title, "Lord Chief Justice of England and Wales." Ten minutes later I heard, "Lawrence R. Baca, President, American Indian Bar Association." I was overwhelmed by the moment. On the same day, I got to meet and shake hands with "Whizzer" White and had my name and my bar mentioned within the same ten minutes as the Lord Chief Justice of England and Wales.

This was also about the time that now President Archer and others were starting what I have described as a racial revolution within the ABA. I was invited to join that revolution and did, ultimately having the honor of serving as a member of what was then called the Commission on Opportunities for Minorities in the Profession and now returning as its chair.

But I know that there are many ways to serve the bar . . . and as others have noted, there are many bars in which to serve. I have been an officer in the Federal Bar Association for fourteen years, where my work has focused almost solely on the development of federal Indian law, the image of American Indian peoples, and the development of tribal justice systems. I have been an officer in the National Native American Bar Association for fourteen of the last sixteen years—and its president three times. These positions give me opportunities to provide service to my profession, to my race, and to others.

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ABA Presidential Appointments: Open Doors to Involvement

T r a c y A . G i l e s

In his inaugural remarks as president of the American Bar Association, Dennis Archer said that he could assure bar organizations throughout the country that there was not one subject of importance to the legal profession or the country that a group within the ABA was not addressing. It is vitally important that we, as the largest organization of lawyers in the country, come together to address all of these issues. From access to justice and judicial independence to domestic violence and discrimination, these issues affect us all in many ways. For this work to continue, the ABA must call upon a committed group of volunteers and a dedicated staff. Fortunately, it has both. The ABA must seek out talent, both old and new, and put it to good use. This is the job of the Presidential Appointments Committee.

The appointments process has evolved as the ABA has evolved. In times past, the ABA president might have sat down with a staff member and made all the appointments in one day or even an afternoon. As the work of the ABA grew, along with its membership, this process became unwieldy. Today, the president appoints hundreds of members to standing committees, special committees, and other entities and initiatives. Several years ago, at the direction of then President-Elect Robert Hirschon, an online application process was instituted in order to increase opportunity for and efficiency of the appointments process. This process too has been evolving.

For the bar year 2003-2004, the official process will begin with an online guide and application that will be made accessible on the ABA website starting in November 2003. The guide lists and describes the

I am amazed at people's willingness to take time away from other priorities to participate in ABA work.

available appointments, explains how each appointment fits into the overall organization, and suggests the levels and types of experience that would be helpful to applicants. Any member is eligible to apply for appointment.

The deadline for submitting an online application is early March 2004. In addition to the wonderful staff in the president's office, we this year enlisted the help of some very talented technical folks to help ensure the interface between applicants, the application, and the appointments committee is as smooth as possible.

Each application will receive a very thorough review by at least two members of the appointments committee before being reviewed by the full committee and the president-elect. Barring special circumstances, final decisions will be made and applicants notified by June.

Opening the Door

Because applications, especially those promoting one's self, are sometimes daunting, a few pointers that can help smooth the process follow:

- **Focus on what you care about.** We more likely can manage a better "fit" between the ABA's

needs and your talents if we know where your focus lies. The form therefore asks you to apply for specific positions.

- **List alternate choices, ranked in order of preference.** There are a limited number of openings for any given committee each year, and some are extremely popular—the Standing Committee on Membership and Standing Committee on Solo and Small Firm Practitioners, for example. Appointments to the Commission on Women in the Profession and the Commission on Racial and Ethnic Diversity in the Profession also are highly sought. If one of these appointments is what you really want, then by all means apply. Be sure to give us additional choices as well, however; this makes it more likely you will be offered something you want.
- **Distinguish yourself.** The appointments process is the classic opportunity for encouraging participation in the leadership by the many diverse groups within the association. If appointing you will make us more diverse or pluralistic, or will bring to the table unusual but useful experience or perspective, be sure to list that fact as an asset when applying for an appointment.

I encourage you to speak with me, with President-Elect Robert Grey, or with any member of the appointments committee regarding your interests. I also encourage you to speak with the current chair

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and members of the entity to which you seek appointment.

Remember that presidential appointments are only one pathway to involvement in the work of the ABA. If you are not involved in a section or division but would like to be, the online form also enables you to designate sections or divisions to which you also might want to apply.

I have participated in a number of ABA appointments processes, in the Law Student Division, the Young Lawyers Division, and President Dennis Archer's Appointments Committee. Each time I have been amazed at people's willingness to take time away from their education, their law practices, their families, and other priorities in order to join in the work of the ABA. These commitments are not taken lightly, and an extraordinary group of people makes

them. Last year, while serving on President Archer's committee, I was humbled by the accomplishments of those who applied for positions. The level of talent was truly amazing. Applicants included those whose names are well known throughout the ABA and others completely unknown to me—but whose résumés made me wonder if they ever slept.

In his inaugural remarks to the ABA House of Delegates, President-Elect Robert Grey spoke of Oliver Hill, Margaret Brent, and others who struggled to open the door of opportunity for all those who have followed. He reminded the House that the door is still not open far enough. Many of us have had doors to participation held open—for me it was an African American man who gave me my first appointment in the Law Student Division, a white female

who gave me my first appointment in the Virginia State Bar, an Hispanic female who gave me my first appointment in the Young Lawyers Division. Now it is President-Elect Grey, who asked me to chair his appointments committee. Each of these people saw beyond a young lawyer in a small firm in a small town, a lawyer who looked different from them and spoke with a different accent. They opened doors and gave me opportunities to serve. Now, in a small way, along with the appointments committee, I have the opportunity to stand by the door and help hold it open. It is an obligation I look forward to fulfilling.

Tracy A. Giles is chair of the 2004-2005 Presidential Appointments Committee and practices law in Roanoke, Virginia, with his wife. He can be reached at tgiles@gileslambert.com or by phone at 540.981.9000.

Two years ago the Commission held its annual National Conference for the Minority Lawyer in Houston, Texas. A young woman approached me at that program and said this: "Mr. Baca, you don't know me. We've never met. But I want to thank you because you saved my life. Last year I was a second-year law student at the University of Michigan; the lawsuit was going on, and the pressure and stress on minority law students was unbelievable. I was convinced that every white student on campus hated me because they thought I got in under some lesser standard than theirs. I thought that all of my professors looked at me as if I didn't belong. I was ready to give up. I had made the decision to drop out of law school. Then I saw a poster noting that this minority lawyer from the Justice Department was going to speak on campus, and I decided to go and hear your presentation.

"You told us about civil rights work. You talked about bar association activities and about legal service to our communities. And you spoke about overcoming the obstacles that life and society can put in front of racial and ethnic minorities. You let us know what you can

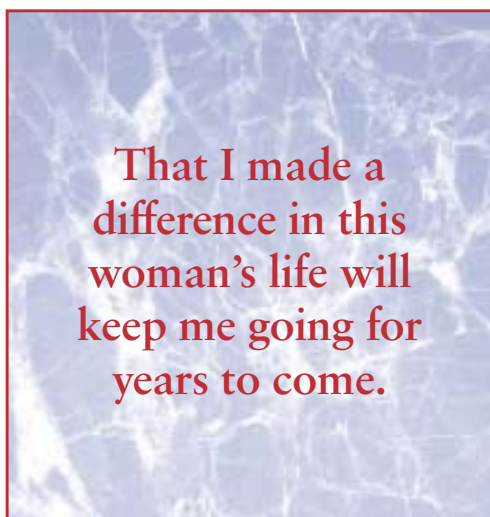
accomplish if you have the drive to stay the course of your ideals. Sitting there in that audience, that moment, changed my life. I made the decision right there, right then, that I

wasn't going to let them win . . . I wasn't going to drop out of law school. I am an attorney today, Mr. Baca, because of you. I am so glad we have this chance to meet so I can say thank you."

My invitation to speak at Michigan had come about largely because of various bar activities. As I stood there in Houston listening to this young woman, I was wishing that every bar leader could have such a moment. The thought that I made a difference in her life with a single speech will keep me going for years to come. Coming full circle, I saw that young woman again just last month at the Annual Meeting in San Francisco. Today, she is an active member of the ABA. And I know that one day, as sure as a stone dropping

will make ripples in the pond, she'll be the speaker who changes someone else's life.

Most times there are small things that set your path—you may not know that when they happen. Tucked away among my treasures, I still have the nameplate from my chair that day in 1982 at the ABA Annual Meeting at the Cow Palace. I don't think Justice White took his with him—it wasn't as big a deal for him as it was for me.





Being Active, Being Heard

P a u l i n e A . S c h n e i d e r

Each year I spend hundreds of hours on American Bar Association activities. The vast majority of those activities flow from my service as a member of the House of Delegates. Given all of the other competing interests that could occupy my time, the questions are why I do it and what I get out of it. Or, more importantly, why would I encourage other attorneys of color to become active in the ABA and become members of the House?

Initially, my ABA activities beginning back in 1988 were exclusively related to the Section of Legal Education and Admission to the Bar, primarily service on the Accreditation Committee, more recently on the Section Council, and now as Section chair. This is important and rewarding work that is focused primarily on the accreditation of law schools and admission of individuals to the bars of various states. It is work that has been both enjoyable and demanding, but it also has a limited focus and does not deal with broader issues facing the profession and the public at large.

Service in the House is different. The House is the legislative and policy-making body of the ABA. Its 539 members represent state bars, sections, divisions, and forums and also include the officers of the association. Members of the House are elected and represent the broad spectrum of lawyers who make up the more than 400,000 members of our association. It is the body that determines through debate and vote how we will govern ourselves, what the ABA's policy will be on various issues of importance to lawyers, and what positions our spokespersons and elected officers articulate on matters of importance to lawyers in the United States and, by example, around the world. By adopting model rules and recommending to state and local bar associations that they also consider adopting such rules, the House shapes how law is practiced throughout the country and helps ensure consistency in the application of legal principles and regulations to courts and litigants. By articulating policy on issues such as the right to counsel, legal services, the death penalty, judicial independence, and diversity in the profession, we help shape the debate on legislation considered by federal, state, and local lawmakers on these and other issues of importance to all citizens.

Much of the work of the ABA is carried out through standing and special committees of the House and task forces and/or commissions established by the House.

Such committees, task forces, and commissions typically are made up largely, if not exclusively, of members of the House. For instance, the Standing Committee on the

Federal Judiciary, which reviews the qualifications of all nominees to the federal bench, consists only of members of the House. Lawyers who are not members of the House simply do not have the opportunity to serve on many of these very important, influential, and prestigious committees.

Attorneys of color have not always viewed the ABA as an organization that was hospitable to us or compatible with our needs and concerns. Indeed, there are many who can recite, with lingering and deep-seated pain, insults and slights they experienced as participants or attempted participants in ABA activities not so many years ago. We have seen significant changes in the association in recent years as the leadership shifted, first gradually and

then dramatically, to more accurately reflect the membership composition in terms of both gender and ethnicity. I, for one, could hardly control my emotions in August of this year when on a successive Monday and Tuesday, first Dennis Archer and then Robert Grey became the president and president-elect of the ABA. It took 127 years, but I suspect there is no turning back. Just as Martha Barnett followed closely in the footsteps of Roberta Cooper Ramo, I believe, there will be many more opportunities and much less resistance to other women and attorneys of color who want to lead this association and, in turn, the lawyers of America.

The logical starting place, then, is the House. It is from this body that the association's leadership emerges. It is the from the officers of state and local bars, section officers, and forum and division chairs that the House is assembled; and it is from the individuals who do the work of the committees, commissions, and task forces of the House that the association elects its officers.

Unique Point of View

I recognize that all of us cannot become officers of the association. Thus it is important to emphasize the role that attorneys of color can and must play in shaping the debate of the House as it develops policy and articulates issues of importance to all lawyers. Ours is a perspective that needs to be heard and needs to be considered carefully when positions are developed. Just as a person whose life has been spent in a rural town of 250 in the

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New & Noteworthy from the Commission

Commission Annual Meeting 2003

The ABA's 2003 Annual Meeting in San Francisco August 7-12 held many milestones. Not only did it mark the 125th anniversary of the ABA, it also marked the swearing in of the first minority to serve as president of the ABA. During these five days, the Commission sponsored a number of programs to celebrate these milestones and mark the important strides that have been made toward full diversity. Highlights included the following events: a multicultural bar leaders breakfast; programs for minority lawyers celebrating the theme "Dennis Archer: Making History, Shaping the Future" and covering topics such as minority lawyers in a post-*Grutter* America, how minorities become judges, and why minority lawyers should be active bar leaders; the "Ain't No Mountain High Enough" Taste of ABA Luncheon; and a reception honoring incoming ABA President Dennis W. Archer.

Minority Counsel Program

The ABA Minority Counsel Program (MCP) brings together corporate counsel and the minority lawyers who hope to work with them to build mutually beneficial business relationships. This is accomplished through CLE programs, workshops, and the famous Mystery Networking Events. The Fall MCP Meeting was held October 2-3, 2003, at the Sutton Place



Hotel in Chicago. The Spring MCP Meeting will be held on March 25-26, 2004, in Philadelphia. If your law firm or corporation is not a member of the Minority Counsel Program but would like to be, contact Regina Smith at smithr@staff.abanet.org or 312.988.5508.

Goal IX Report

The ABA's Goal IX seeks "to promote the full and equal participation in the legal profession of minorities." Each year the Commission surveys ABA sections, divisions, forums, and other entities and departments to report upon the ABA's progress toward this goal. The Commission

examines the racial and ethnic diversity of the ABA's leadership, both throughout the association and among the substantive practice areas of the various entities. It also assesses ABA programs and activities that are most successful in advancing minorities into visible leadership positions and reviews the general status of minorities in the profession. The report will be released during the ABA Midyear Meeting, February 4-10, 2004, and thereafter will be available online at www.abanet.org/minorities.

Judicial Clerkship Program

Thanks to the continuing support of Lexis-Nexis, the Commission and the ABA Judicial Division will present the Judicial Clerkship Program during the ABA Midyear Meeting. The program is a three-day simulation of a clerkship experience, during which minority law students work with judges in small teams on a legal research project, preparing and then discussing a bench memorandum prepared by each student. The program is interspersed with sessions discussing the role of judicial law clerks, post-clerkship career opportunities, and how to put together a winning clerkship application packet. Lexis-Nexis provides computers and printers for the students. For more information about the Judicial Clerkship Program, please contact Blanche Stephney at stephneyb@staff.abanet.org or 312.988.5643.

Being Active, Being Heard

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middle of Montana cannot fully appreciate or articulate the concerns a New York City resident might have with respect to crime, so a person who grew up in a racially and economically homogeneous residential, educational, social, and work environment cannot fully understand or articulate the life experiences of someone who grew up as a minority in the segregated South—whose residential, educational, social, and work environment is also racially homogeneous in a vastly different way.

In the years since I have been active in the association and a member of the House, I have seen it become more open, more inclusive, and much richer. The dialogue among members of the House has become more thoughtful and reflective. Increasing the number and active involvement of more attorneys of color in the House only

can enrich the debate and help ensure that the positions taken and policies articulated truly represent the many hues of the association.

Those of us who have chosen to become active in the ABA clearly are interested in service. Participation in the House provides many unique opportunities for service that we otherwise would not have. In addition, it gives us a chance to shape ABA policy to ensure that it is reflective of the concerns of the diverse group of lawyers who make up the association. Ultimately, service in the House may be the stepping-stone to becoming an officer in the ABA, a dream that happily is no longer impossible for attorneys of color.

Pauline A. Schneider currently is a member of the ABA Board of Governors and chair of the Section of Legal Education and Admissions to the Bar. She has served as a member of the House of Delegates since 1994.

October 22-23, 2003	ABA Presidential Diversity Conference	Willard-Intercontinental Hotel Washington, D.C. Contact Rachel Patrick, patrickr@staff.abanet.org
October 29- November 2, 2003	NBA Board of Governors & Wiley Branton Issues Symposium	Hyatt Regency Rochester, NY
October 31, 2003	Fifth Annual Indian Law Conference	Washington Marriott Washington, DC Contact Leslie Murray, lmurray@fedbar.org
November 7, 2003	Commission Fall Business Meeting	Conference Call
November 8, 2003	Council on Legal Education Opportunity, 35th Anniversary Celebration	San Francisco, CA
November 12-16, 2003	NAPABA Annual Convention	Honolulu, HI
January 16-20, 2004	NAPABA MLK Weekend Ski Vacation	Colorado
February 4-10, 2004	ABA Midyear Meeting	San Antonio, TX
March 25-26, 2004	Spring MCP Meeting	Philadelphia, PA
April 15-16, 2004	NNABA Annual Meeting	Albuquerque, NM
July 31-August 7, 2004	NBA Annual Meeting	Charlotte, NC
August 5-11, 2004	ABA Annual Meeting	Atlanta, GA
February 9-15, 2005	ABA Midyear Meeting	Salt Lake City, UT
August 4-10, 2005	ABA Annual Meeting	Chicago, IL
August 3-9, 2006	ABA Annual Meeting	Honolulu, HI



**ABA Commission
on Racial and
Ethnic Diversity in
the Profession**

**Master Calendar
of Meetings**

Abbreviations

ABA	American Bar Association
NNABA	National Native American Bar Association
NAPABA	National Asian Pacific Bar Association
NBA	National Bar Association
MCP	Minority Counsel Program
HNBA	Hispanic National Bar Association

ABA Spirit of Excellence Awards

SAVE THE DATE

Saturday, February 7, 2004

Midyear Meeting

San Antonio, Texas



ABA
Defending Liberty
Pursuing Justice

The recipients of the 2004 Spirit of Excellence Awards will soon be announced. The awards recognize outstanding lawyers who have made significant contributions to the advancement of racial and ethnic diversity within the legal profession.

The Spirit of Excellence Awards will be presented at an awards luncheon on Saturday, February 7, 2004, in San Antonio, Texas. A highlight of the ABA Midyear Meeting, the luncheon draws hundreds of lawyers from across the country. To order tickets, contact Regina Smith at smithr@staff.abanet.org or 312.988.5508.

Annual Meeting Activities

“Ain’t No Mountain High Enough”: A Taste of the ABA Luncheon



Mingling and tasting at the luncheon



Charles S. Johnson, III, Joan Haratani,
Hon. Wendell L. Griffen

Minority lawyers from around the country networked with one another and learned about the many opportunities for participation in the ABA. Luncheon attendees found out firsthand about the ways they could become more involved and become leaders in the profession.

Reception Honoring Incoming ABA President Dennis W. Archer

More than 850 people attended this elegant reception at the stately Old Federal Reserve Bank Building to personally meet and greet incoming ABA President Dennis W. Archer.



Diane Abraham, Ray Ocampo



Jacob Herring, J. Danielle Carr,
Sharon E. Jones



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