

Miscellaneous *Memo*

October 2003

News

Diversity Pipeline to be Examined Under Archer, October Conference Will Begin Major Initiative

ABA President Dennis Archer has announced a major initiative during his bar year is to diversify the legal profession, and will hold an invitation-only conference titled **Diversity in the Legal Profession: Opening the Pipeline**.

The conference, scheduled for October 22-23, 2003, in Washington, D.C., will concentrate on people with the power to make the changes necessary to make the legal profession more diverse. Attendees and presenters include CEOs and general counsels of major corporations; law firm managing partners and chairpersons; deans of law schools; university and college presidents; and the leaders of national, state and local bar associations.

The conference will present strategies for creating a larger pipeline through which people of color may enter the profession; identify the obstacles from an educator's perspective and determine how the obstacles may be resolved; and share tips on how law departments and law firms may hire and retain more minority lawyers.

The primary sponsor of the conference is the ABA Council on Racial and Ethnic Justice. Charles Morgan, Senior Vice President and General Counsel of BellSouth Corporation and Chairperson of the ABA Council on Racial and Ethnic Justice, is leading this effort.

A partial list of co-sponsors include: ABA Presidential Advisory Council on Diversity, ABA Commission on Racial and Ethnic Diversity, ABA Section of Business Law, ABA Legal Education and Admissions to the Bar, ABA Section of Labor and Employment Law, and the ABA Section of Litigation. Corporate and law firm sponsors include Martindale-Hubbell, Coca-Cola, Kirkland & Ellis, Holland & Knight, and Hunton & Williams.

For more information about the conference, please contact Rachel Patrick at 312/988-5408 or patrickr@staff.abanet.org.

ABA to Examine Criminal Sentencing Trends, U.S. Penal System

Heading a call from U.S. Supreme Court Justice Anthony M. Kennedy, ABA President Dennis Archer has announced the formation of an ABA commission to examine the penal system in the United States.

The commission, which will include federal and state prosecutors and defense counsel, federal and state judges, and practitioners with expertise in relevant areas of law, will examine five main topics:

- Whether the use of mandatory minimum sentencing at the state and federal levels should be repealed, including evaluation of whether sentencing guidelines need to be revised and whether they have had an adverse impact on judicial discretion in sentencing;
- Why the 2.1 million prison population is more than 40 percent people of color;
- Prison conditions, and, if necessary, recommendations for improving them;
- The reasons for high rates of recidivism, with recommendations for reducing them; and
- How the pardon process works at the state and federal levels and, if necessary, recommendations regarding the process.

During the 2003 ABA Annual Meeting Opening Assembly, keynote speaker Justice Anthony Kennedy challenged the American Bar Association to evaluate the American penal system, adding that the ABA would be “startled” by “the hidden world of punishment.”

Upon adoption of any policy related to this issue, the ABA will undertake a comprehensive lobbying effort to effect legislative and administrative policy in Washington and to assist state and local bars in organizing lobbying efforts in the states.

For more information about the conference, please contact Tom Smith at 202/662-1510 or tcsmith@staff.abanet.org.

ABA Group Working To Protect Military Personnel’s Rights

The ongoing deployment of U.S. military forces around the world has highlighted the need for continuing legal protection for members of the armed forces. ABA President Dennis Archer, after meeting with the heads of the Judge Advocate General’s Corps for each branch of the U.S. military, has established the Working Group on Protecting the Rights of Service Members. This group will analyze and recommend protections that may help ease legal burdens faced by members of the armed services. The Working Group will endeavor to ensure that all service members and their families are protected from unequal treatment, discrimination and economic disadvantage. The Working Group will produce its final report on August 1, 2004:

- Examine existing ABA policy to identify those that seek to provide protections to service members.
- Study existing state and federal laws, regulations, court rules, practices, policies, and customs to determine the best approach for ensuring adequate legal protections for service members.
- Explore ways that the law can promote and encourage military service, and formulate policy recommendations.
- Ascertain the means and methods necessary to avoid or ameliorate unequal treatment, discrimination, and economic disadvantage for service members, and formulate policy recommendations.
- Develop legislation that will codify protections for service members in a comprehensive and systematic framework, consistent with existing state and federal law and sound public policy.

For more information, please contact Glenn Fischer at 312/988-5755 or fischer@staff.abanet.org.

Women Lawyers' Challenges to be Discussed in Series of Hearings, Meetings

Fifteen years after the ABA undertook a massive study of women working in the legal profession, the association is checking on the status of women in overcoming the "glass ceiling" that impedes their progress in law firms. The ABA Commission on Women in the Profession will hold the final of several hearings on the challenges of being a woman lawyer on Thursday, November 6, from 8:00 a.m. – 1:00 p.m., at the Wyndham Chicago Hotel. For more information, please contact Jasamyn Roberts at 312/988-5692 or robertsj@staff.abanet.org. For participation in the Chicago hearing, please respond by October 31, 2003. Registration for the hearing is available online at www.abanet.org/women/hearing_reg.html

Women in the law will also be the focus of an invitation-only summit that will take place on May 24-25, 2004, in New York City. The conference seeks to effect lasting change in the legal profession by making the business case for gender diversity to those who control and shape the future of the bar: corporations and law firm managing partners.

Sponsored by the ABA Commission on Women in the Profession, the ABA Diversity Center and the ABA Sections of Business Law, Labor and Employment Law, Litigation, and the Young Lawyers Division, the summit will bring together 200 CEOs and general counsels of Fortune 500 companies and managing partners of large law firms to develop strategies on how to achieve categorical change in the advancement of women in the profession. The goal is to energize the business and legal communities to further improve the status of women in the profession and leverage the clout of women lawyers. Participants will have the opportunity to meet with CEOs of corporations who have initiated changes to achieve diversity at the highest levels, hear from general counsels who are determining what works and what does not, and collaborate with colleagues to craft practices from these principles.

For more information, please contact Jasamyn Roberts at 312/988-5692 or robertsj@staff.abanet.org.

***Brown* Decision to be Celebrated, Studied; Law Day Activities to Center Around Decision**

President Dennis Archer has established a special 17-member ABA Commission on the 50th Anniversary of *Brown v. Board of Education*. Over the coming year, the commission will develop a variety of programs and resources to commemorate this landmark U.S. Supreme Court decision, which was announced on May 17, 1954.

Chaired by Harvard Law Professor Charles Ogletree, the commission include as members leading judges, lawyers, civil rights leaders, and scholars from around the nation.

The commission is planning a number of program activities and resources to commemorate *Brown*. Available now is an eight-page booklet to facilitate the implementation of "Dialogues on *Brown v. Board of Education*" with high school students. In these programs, lawyers and judges engage in dialogue with students about the history of *Brown* and its legacy.

For more information, please visit: www.abanet.org/publiced/conversations/brownvboard.pdf

In addition, the 2004 Law Day theme will focus on the court case. The theme is "**To Win Equality by Law: *Brown v. Board at 50.***" The 2004 Planning Guide will be available by early winter.

Bar associations are invited to sign up for this year's free planning guide at www.abanet.org/publiced/lawday/distribution.html.

Guides can either be sent to the bar association for distribution and/or sent directly to a list of people who want the guide. For more information, please contact Wanda Crayton at 312/988-5721 or craytonw@staff.abanet.org.

This year, Law Day falls on Saturday, May 1, but bars are welcome to celebrate Law Day/Week whenever it works best for them. Many Law Day celebrations extend a week or more, as Law Day planners find creative ways to reach out to schools and the community.

ABA Draft Report Urges Diversity Training to be Part of MCLE

The ABA Standing Committee on Continuing Legal Education and the ABA Commission on Racial and Ethnic Justice in the Profession recently drafted a report with recommendations that urges states with MCLE to require that lawyers take classes related to racial and ethnic diversity and the elimination of bias in the profession. The report further recommends that lawyers who practice in states that do not require MCLE be encouraged to complete these programs as part of their continuing legal education.

The report will be submitted in November for consideration at the 2004 Midyear Meeting. For further information, please contact Annette Cook, Associate Director, ABA-CLE, at 540/972-1229 or acook@staff.abanet.org.

Awards

Nominations Sought for Wisdom Pro Bono Award

The Section of Litigation's Pro Bono and Public Interest Litigation Committee is seeking submission of nominations for the John Minor Wisdom Award. The John Minor Wisdom Public Service and Professionalism Award was established by the section in 1990. Judge Wisdom's decisions establishing the right to vote, implementing equal educational opportunities, and strengthening the right to effective counsel are marked by wisdom and compassion. Additional information and nomination process requirements can be found on the Pro Bono Committee's Web site at www.abanet.org/litigation/committee/probono/awards.html. For more information, please contact Burt Blanchard at 312/988-6066 or bblanchard@staff.abanet.org.

Literacy Award Seeking Nominations – Deadline Approaching

The Standing Committee on Substance Abuse, in partnership with the Scripps Howard Foundation, annually presents the American Bar Association-Scripps Howard Foundation Distinguished Service to Literacy Award. The award honors an outstanding program, bar association, or lawyer for exceptional efforts in addressing literacy, truancy, and substance abuse in a given community.

Any bar association member is eligible to submit a nomination for the award, which includes a \$5,000 stipend for a literacy program chosen by the recipient. Members of the Standing Committee review all nominations and ultimately choose the award recipient. For more information, please contact Valerie Adelson at 202/662-1784 or adelsonv@staff.abanet.org. The deadline for nominations is October 31, 2003.

Diversity Fellows Announced

The ABA General Practice, Solo and Small Firm Section has announced the appointment of three lawyers to its 2003-04 Diversity Fellows Program.

Capt. William E. Brown, U.S. Army Judge Advocate General's Corp, Forest Park, GA.; Olu A. Stevens, solo practitioner, Louisville, KY.; and Ed Vasquez, solo practitioner, Washington, D.C., have been selected to participate in the funded fellowship program.

The program was created in 1999 to promote ethnic diversity within the section, recruit members of color, and provide leadership development opportunities within the section for members of color. Each appointee will participate in section committee appointments, national programs and other leadership initiatives for the bar year.

For more information, contact Dee Lee at 312/988-5648 or leed@staff.abanet.org.

People Section

Joe Conte, former communications director at the State Bar of Georgia, is the new executive director of the State Bar of New Mexico. His email address is jconte@nmbar.org.

Lyn Anzai is the new executive director of the Hawaii State Bar Association. Her email address is lanzai@hsba.org.

Bill Wheeler has been named the new executive director of the Dayton Bar Association. His email address is bwheeler@daybar.org.

Joe DuRocher has been named the interim executive director of the Orange County (FL) Bar Association. His email address is joed@ocbanet.org.

Resources

2004 Model Rules Now Available for Purchase

The 2004 Model Rules of Professional Conduct are now available for purchase. The new edition contains the amendments to Rule 1.6 (Confidentiality) and Rule 1.13 (Organization as Client) that were adopted in August 2003. These amendments arose out of the work of the ABA Task Force on Corporate Responsibility. To order, call the ABA Service Center at 1-800/285-2221. The product code is 5610172.

Free Rural Pro Bono Delivery Guide Now Available Via Download

The ABA Standing Committee on Pro Bono and Public Service and its project, the Center for Pro Bono, have published *Rural Pro Bono Delivery: A Guide to Pro Bono Legal Services in Rural Areas*, a resource for legal services providers, bar associations, and volunteer lawyer programs serving clients in rural areas.

The publication is a product of the pro bono committee and the ABA Center for Pro Bono's Rural Pro Bono Delivery Initiative, which was formed in 2000 in recognition of the extremely high level of unmet legal needs in rural areas. The Rural Pro Bono Delivery Initiative was funded through a grant from the Open Society Institute.

Rural Pro Bono Delivery is an important tool for rural legal services providers, articulating many of the goals of the initiative in one resource. The guide provides an analysis of the barriers to rural legal services delivery, examples of strategies that have been used effectively by many projects, and links to other rural resources.

To download the publication at no charge, or for more information about it and the ABA Standing Committee on Pro Bono and Public Service, visit the committee's Web site at www.abaprobono.org or contact Dina Merrell at merrelld@staff.abanet.org or 312/988-5773.

“Problem Solving Courts” *Roadmap* Available for Purchase

The 40-page “Problem Solving Courts” *Roadmap* gives an overview of specialized courts that seek innovative solutions to complex social problems that have not been successfully dealt with by using conventional court processes. These courts use the power of the justice system – coupled with innovative alliances and options, such as treatment of the underlying problem – to improve outcomes for participants. This plain-language guide provides models of problem solving courts, including community courts and others that address alcoholism, drug addiction, mental illness, domestic violence, homelessness, parolee reentry into their communities, and handgun violations. The guide includes an extensive list of resources from the ABA and other organizations. To order, call the ABA Service Center at 1-800/285-2221 and ask for product code 3460013. The price: \$5.00. Quantity discounts are available: 2-10 @ \$4; 11-19 @ \$3; 20+ @ \$2, plus shipping and handling.

Recent "State of the Judiciary" Speeches from 34 States Now Available Online

State Supreme Court Chief Justices’ views about their state judiciaries are now available online. Check out the collection of recent “state of the judiciary” speeches delivered by State Chief Justices at www.abanet.org/justice/statejudiciary.html. The collection includes speeches delivered by Chief Justices from 34 states during 2001-03, listed in chronological order and word-searchable. For information, contact Paula Nessel at paulanessel@staff.abanet.org or 312/988-5450.