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Opening Statement

Diversity in the Section

by Dennis J. Drasco

Chair, Section of Litigation

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Opening Statement

Diversity in the Section

by **Dennis J. Drasco**
Chair, Section of Litigation



The Section of Litigation adopted its Diversity Plan on May 9, 2001. In doing so, it adopted former ABA President William Paul's charge, "Lawyers must provide leadership on the critically important issue of diversity." The Section was not the first ABA entity to adopt a diversity plan, but its plan may be the best. A lot has happened since 2001 that is worth talking about here; and, more importantly, there is a lot to look forward to as our Section and the profession increasingly mirror the diversity of the public we are dedicated to serve.

Goal IX of the ABA is the starting point for any discussion about diversity in the profession. The Section, in its Diversity Plan, states that it strongly supports ABA Goal IX—"to promote full and equal participation in the legal profession by minorities, women, and persons with disabilities." Even before adoption of the plan, the Section consistently worked to achieve that goal. The full text of the Diversity Plan is available at www.abanet.org/litigation/diversity/home.html.

Recognizing the importance of developing a plan of action for achieving diversity, the Section initially adopted diversity as one of its strategic goals in its Strategic Plan of August 7, 1994. The Strategic Plan contains the specific goal of furthering diversity by "diversifying section membership and leadership" and "promoting diversity in the legal profession."

In working to achieve its diversity goals, the Section first appointed a Task Force on the Minority Trial Lawyer, which worked hard to promote greater participation by lawyers of color in the leadership, committees, and programs of the Section and to address issues of racial and ethnic bias in the courts and in the profession. I was privileged to serve as a Co-Chair of this task force, which in 1999 was elevated to the Standing Committee on the Minority Trial Lawyer. Through the task force and now the committee, the Section has successfully implemented innovative, first-ever programs and a national conference focus-

ing on lawyers of color. I was proud to participate in the first National Conference for the Minority Trial Lawyer in New York in 1999 and invite the summer associates of color from my law firm to attend.

In putting on these programs, the Section has been able to work with a broad array of other ABA entities, as well as to encourage many law firms and corporations from all over the country to participate and provide sponsorships. The Section has also regularly conducted diversity training for its leadership and members.

The Section also recognizes and embraces the ABA's efforts to address issues related to the full participation of lawyers of color in the profession by supporting ABA programs such as the Judicial Intern Opportunity Program, the Spirit of Excellence Awards, ongoing CLE programs designed to promote diversity, and the Legal Opportunity Scholarship Fund. (In 1999, the Section led the way in donating \$250,000 to the Legal Opportunity Scholarship Fund. Over the past five years, this program has awarded 100 scholarships.)

As the ABA renews its commitment to achieving diversity in its programs and in the profession, the Section of Litigation, through its Council, is committed to strengthening and increasing diversity in the Section and the profession through the following objectives, based on the Section's Strategic Plan:

- Foster an atmosphere of inclusion and acceptance for all lawyers;
- Further diversify the Section's leadership, committees, and membership;
- Foster, support, and participate in efforts to promote and encourage diversity in the legal profession;
- Actively recruit and retain lawyers of color;
- Provide training and increased leadership opportunities to lawyers of color;
- Foster the participation of lawyers of color on programs, panels, and task

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forces and in CLE opportunities within the Section, the ABA, and the profession.

At the Section of Litigation Council Meeting at the ABA Annual Meeting in Atlanta this past August, the Section's Diversity Plan Implementation Committee submitted the first comprehensive report to the Council on the status of implementation of the plan. I am proud to report the progress of the Section to meet its Diversity Plan goals on diversity and the Implementation Committee's Action Plan for the future.

Since its adoption in 2001, the Diversity Plan of the Section has been widely disseminated. It is part of the Section's Guide to Effective Leadership; it is included on the Section's website; and it is an agenda item each year at new-leader orientation. Implementation status is an agenda item frequently addressed at Council meetings. In 2001, the Section hired its first full-time Committees and Diversity Initiatives Manager (Burt Blanchard); and in 2002, a program director for the Judicial Intern Opportunity Program (Gail Howard), which provides summer internships with state and federal judges for disadvantaged law students and law students of color.

As of August 2004, our Minority Trial Lawyer Committee numbered more than 600 members. It has a wonderful substantive, informative newsletter for its members, as well as a website. It co-sponsored the Section's Insurance Coverage Committee annual CLE seminar in Arizona in 2004 and assists other Committee Chairs in their search for lawyers of color for various speaking and writing projects of the Section, including the Section annual conference and the ABA Annual Meeting. Our Minority Trial Lawyer Committee hosts the Section's Diversity Outreach receptions at the various cities we visit each year.

Each year the Section honors the

outstanding work of its Committees. In 2003 the Outstanding Committee Award was given to the Minority Trial Lawyer Committee Co-Chairs for their work toward achieving our diversity goals. Their efforts at diversity outreach and welcome receptions has been nothing short of spectacular. Our membership recruitment efforts have successfully followed these initiatives.

This past June, I attended the Coalition of Bars of Color annual dinner in Washington, D.C., with two leaders from our Section who happen to be lawyers of color. We were very well received. It is my goal this year to send representatives of our Section to the annual meetings of all national bar associations of color so that we can reach out and explain the benefits of membership in the ABA Section of Litigation. We have participated in the multi-section-sponsored and informational booth administered through the ABA Commission on Racial and Ethnic Diversity in the Profession. Through this program, the Section is able to display recruitment materials and brochures at four national bar conferences: National Bar Association, Hispanic National Bar Association, Native American Bar Association, and the National Asian Pacific American Bar Association. As plans for our Section annual conference in New York in April 2005 progress, we will be including a major initiative to invite participation of local New York and New Jersey ethnic and minority bar leadership to the meeting and to include them in our programming.

The Section has begun to collect statistics on the diversity of members in leadership, as speakers at our conferences and CLE seminars, and as authors of articles and program materials. This has enabled us to measure our successes by noting the progress of our

new recruits as they move up in leadership and participate in our conferences as authors, speakers, and program chairs. The Section maintains a diversity database identifying individuals who are candidates for leadership and speaking and writing assignments. Senior leaders in our Section this year were appointed or reappointed to sit on the ABA Commission on Racial and Ethnic Diversity in the Profession and on the President's Advisory Council on Diversity—significant positions of leadership for our Section.

This past year, the Section co-sponsored ABA President Dennis Archer's ABA Diversity Conference, attended by many Section leaders. The results of our diversity efforts were collected and submitted to the Section Officers Conference of the ABA for consideration for its annual SOC Meritorious Service Award. I am proud to report that the Section of Litigation was a finalist in the competition for this year's award.

In September at our Fall Leadership Meeting in Kohler, Wisconsin, our CLE programming concentrated on the diversity issues facing our profession—also featured in this issue of *Litigation*—as a panel of lawyers, academics, and judges discussed the impact of “black and white.”

This year our Council will consider the recommendations of our Diversity Plan Implementation Committee derived from the suggestions of the committees' Co-Chairs, the Committees and Diversity Initiatives Manager, and indi-

vidual committee members. These recommendations include all of the following:

- Include Diversity Plan status as an agenda item at each Council meeting.
- Form a Committee of the Council on Diversity and include Council members who are also members of the Diversity Plan Implementation Committee.
- Have Officers and Council members sign acknowledgments of their support of the Plan.

The Committee itself will:

- Review other sections' Diversity Plans.
- Comprehensively review the Section of Litigation's Bylaws from a diversity perspective.
- Solicit Section Committee, Subcommittee, and Task Force Chairs to determine their needs for information and other support in pursuing diversity.
- Provide diversity consultant training at Leadership meetings at least once every three bar years.
- Comprehensively review the Section of Litigation's resource materials on diversity and make recommendations for updating as necessary.
- Explore the need for additional inducements or financial assistance to disadvantaged attorneys to permit their participation in Section activi-

ties consistent with ABA policies.

- Explore the need for formal mentoring of diverse members of Leadership.
- Work with the Section's Law School Faculty Involvement Committee to identify law student opportunities.
- Work with the Section periodicals director to encourage diverse authors and content in Section publications.

- Study means of generating greater publicity of its diversity efforts.

Finally, the Section should:

- Continue financial support for the ABA Legal Opportunity Scholarships.
- Continue its support of the Judicial Intern Opportunity Program.
- Appoint liaisons to the national bars of color.

We can and will do more; but if you are not convinced that these efforts are working, just ask our Vice Chair, our Budget Officer, six of our Council members, three of our Division Directors, our Section Annual Conference Co-Chair, our Annual Meeting Co-Chair, 45 of our Committee Chairs, and members of our task forces, all of whom are lawyers of color. Or, just ask me.

As former ABA President Archer and President Grey often have said, diversity in the ABA and the profession is not only the right thing, it's a necessity! □