INTRODUCTION

The American Bar Association Section of Antitrust Law (the “Section”) embraces the principles of diversity and inclusion. We do not view diversity in terms of any single characteristic and appreciate that each member offers unique and valuable skills and perspectives that can advance the work of the Section. We believe that a diverse and fully engaged Section membership allows us to marshal these skills and perspectives to enrich the practice of antitrust and consumer protection law.

The Section is also committed to ensuring that all members are able to fully and meaningfully participate in its work. As the practice of antitrust and consumer protection law becomes increasingly global in scope, the goal of a diverse and inclusive Section can only be achieved with the support and participation of the Section’s leaders, committees, and members. Towards that end, the Section has developed this Diversity and Inclusion Plan to advance its progress towards a diverse membership and a culture of leadership that fosters inclusion.

BACKGROUND

While the Section recognize the strides it has made in improving the diversity of its membership, and the importance of ensuring that they continue, the Section must improve its efforts to engage its membership and facilitate opportunities and engaging our membership. Specifically, the Section must actively facilitate speaking, writing, and other growth opportunities for its members. This work must occur alongside the Section’s continuing efforts to grow its membership and to support its membership by addressing the unique needs of each segment’s practice (e.g., economists, non-lawyers, solo and small-firm practitioners, plaintiffs’ bar, and international practitioners). The Section has accordingly reexamined its membership data to identify areas of improvement, to update its strategic diversity-related goals, and to establish a revised action plan.

STRATEGIC GOALS

In furtherance of the Section’s goals and values, the Section has developed the following strategic objectives for diversity and inclusion. Diversity reflects the effort to ensure sufficient numbers of targeted groups are represented, and inclusion addresses how well the diverse individuals are included in all aspects of the organization. For purposes of this plan, however, references to “diversity” generally represents both diversity and inclusion.

Goal I. Leverage Programming to Increase Diversity and Foster Inclusion

Diversity is one of the ABA’s four strategic goals. Consequently, it merits dedicated resources, increased visibility, and active top-down support throughout the year. To reinforce the Section’s prioritization of diversity, the Section will ensure that diversity-related materials are easily
accessible to current and prospective members and prominently displayed on our website. Section leadership also seeks to encourage committees and publications to take ownership of realizing these goals, and will recognize those committees that make significant progress towards improving diversity.

The Section continues to excel in providing programming that features a diverse array of speakers and panelists. Our goal is to build on this success by expanding our programming to encompass soft skills across practice areas and take greater advantage in partnering with affinity groups, other ABA resources, and law schools.

Further, the Section believes that improving its outreach to women in the profession is a priority. There are several examples nationwide of successful associations and informal networking groups for women in antitrust and consumer protection law. The Section recognizes this market demand and is committed to meeting it by implementing an initiative to expand outreach to women in the profession.

We will also continue to enrich our outreach to international, consumer protection, and plaintiffs’ bar practitioners. The Section currently enjoys strong relationships with several affinity bar associations, including the National Bar Association and the Hispanic National Bar Association, and frequently speaks at regional and national events hosted by such organizations. The Section will continue to leverage its relationships with affinity and international bar associations and create targeted marketing efforts towards international members.

The Section will also strive to expand its market presence and highlight its commitment to diversity by: (a) developing additional programming, sponsoring research projects, and publishing articles focusing on diversity-related issues in consumer protection, antitrust, and law practice management; (b) developing programming specifically for its women members; and (c) seeking to increase the number of programs it co-sponsors with affinity bar associations.

Towards that end, the Section is establishing the following targets for achieving this goal:

1. The Section will increase the number of speaking and moderating opportunities available to members who have not previously had the opportunity. Specifically, the Council, either by itself or through any entity it may delegate, will revise its existing speaker policy to limit the total number of times in a single fiscal year that any individual can serve as a panelist or moderator at either a brownbag session, a webinar, a teleseminar, or an in-person committee program or networking event. There will be an exception to this requirement for senior U.S. and international government enforcers, e.g., Commissioners, Deputy Attorney Generals, etc., as well as the Section Chair and Chair-Elect.

2. The Section will sponsor at least two programs annually, including one event during one of the Section’s annual conferences, for its women members.

3. The Section will sponsor at least two programs annually, including one event during one of the Section’s annual conferences, for its plaintiffs’ bar members.

4. The Section will sponsor at least two programs annually, including one event during one of the Section’s annual conferences, for its non-U.S. members.
5. The Section will sponsor at least two programs annually, including one event during one of the Section’s annual conferences, for its members that self-identify as racial or ethnic minorities.

Goal II. Increase Diversity in Membership

The Section is aware that antitrust and consumer protection law is a distinct niche and historically does not draw as many members as broader practice areas like civil litigation, international law, or business law. Further, we understand that many practitioners in this area may not devote their full-time practice to antitrust or consumer protection issues. These realities may limit the depth and breadth of the membership pool available to the Section. The Section must adjust its outreach efforts to account for these realities by targeting those membership segments that are underrepresented and nurturing those segments.

The Section also recognizes the importance of expanding its outreach to law students and junior lawyers. Growing this membership segment is critical to the Section’s continued growth and succession planning. The Section will leverage its existing programs – including the “Why Antitrust?” and “Why Consumer Protection?” programs, the Janet Steiger Fellowship, the Young Lawyer Representative Program, and the Section Mentoring Program – to encourage students and junior lawyers to become involved in the Section. The Section will also target certain marketing efforts, including brochures, newsletters, and websites, to students to increase their awareness of the Section and the breadth of antitrust and consumer protection law as fields of practice. To further the Section’s efforts to recruit more law students, we will also focus on expanding our outreach to law professors.

The Section will continue to expand its effort to reach practitioners outside the United States, building on its international conferences and Global Seminar Series. The Section has increased its resources targeted towards recruiting international practitioners and other Associate members. Because of the Section’s efforts, the Section’s Associate membership has increased significantly over the last five years.

Towards that end, the Section is establishing the following targets for achieving this goal:

1. The Section will increase the number of law students that attend, speak at, or otherwise participate in Section programming by 20% over the next three years (October 2018 vs. October 2021).

2. The Section will increase the number of non-U.S. practitioners that attend, speak at, or otherwise participate in Section programming by 10% over the next three years (October 2018 vs. October 2021).

Goal III. Increase Accessibility for Members with Disabilities

The Section will continue our outreach to disabled members by ensuring accessibility to Section programming and providing membership benefits that address the needs of practitioners with disabilities.

Towards that end, the Section is establishing the following targets for achieving this goal:
1. The Section will ensure that all of its electronic publications and materials, including
   materials published to its website and Connect platform, are accessible to persons with
disabilities.

2. The Section will ensure that all of its video content are closed-captioned.

3. The Section will appoint a liaison to the ABA Commission on Disability Rights

4. The Section will sign the ABA Pledge for Change for disability diversity in the
profession.

Goal IV. Assess Areas Where Diversity Can be Improved

The Section believes in the principle that “if you measure it, you can improve it.” Currently,
the Section does not have demographic data for approximately 52% of its members. Absent more
complete reporting data, it is difficult to obtain meaningful measurements of our progress.

Since 2013, the Section has worked proactively to collect more complete demographic data
for its membership, while respecting member sensitivities. This included offering incentives to
provide demographic data and simplifying the process for updating member profiles. These efforts
were helpful in gaining demographic data from an additional five percent of Section membership.
In order to address this issue further, the Section will periodically survey its membership to gather
feedback relating to Section diversity. Additionally, the Section will retain a diversity consultant to
advise on strategies for gathering more complete information while remaining mindful of privacy
concerns.

Further, recognizing that diversity encompasses a variety of factors, including practice area,
geography, and seniority in the profession, the Section will continue to ensure its programming
reflects a fair cross-section of experiential and geographic diversity within the profession.