EXECUTIVE SUMMARY

The Membership and Diversity Committee respectfully requests that the Council review and adopt the attached proposed Diversity and Inclusion Strategic Plan. The proposed plan is a substantial revision from the original plan adopted by the Council in 2013.

The proposed plan encompasses the following four strategic goals:

1. increase diversity in membership;
2. increase accessibility for members with disabilities;
3. increase diversity in programming; and
4. assess areas where diversity can be improved.

In the current plan, the Section adopted several long-range goals and action items for the Section. Reviewing the current plan, it appears the Section has achieved each of its identified long-range goals, which includes designating committee vice chairs responsible for member recruiting and diversity purposes; coordinating strategic marketing and communication efforts targeted specifically to students and young lawyers; and addressing the marketing demand for programming for women in the profession. The proposed plan builds on these achievements. Also, applying best practices outlined in the ABA Goal 3 Report, the proposed plan states specific metrics for determining success. These specific goals include the following:

- increasing law student membership by 15% over three years (October 2015 vs. October 2018) (Note: Law student membership as of October 2015: 868);
- increasing Associate membership by 15% over three years (October 2015 vs. October 2018) (Note: Associate membership as of October 2015: 1,372);
- retaining a diversity consultant to analyze Section membership for diversity information and to advise on strategic ways in which to target underrepresented groups;
- ensuring that 100% of electronic Section publications and CLE materials are accessible to persons with disabilities by end of fiscal year 2018;
- investing financially in coordinating strategic marketing and communication efforts targeted specifically towards consumer protection professionals and the plaintiffs’ bar;
- offering on an annual basis at least two events (either on a committee or Section-wide level) targeted towards women in the profession; and
- revising the Section’s strategic plan for diversity and inclusion once every three years.

Once approved, we ask that the Council make this plan publicly available on the Section’s website.
INTRODUCTION

The American Bar Association Section of Antitrust Law (the “Section”) embraces the principles of diversity and inclusion. We do not view diversity as 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 a new Diversity and Inclusion Plan to advance its progress towards a diverse membership and a culture of leadership that fosters inclusion.

BACKGROUND

The Section has long been a leader in recognizing the importance of fostering a diverse and inclusive environment. As one of the first sections to implement an annual strategic plan for diversity nearly 20 years ago, the Section implemented a series of initiatives that has resulted in a consistent increase in the diversity of its membership and its leadership.

ABA’s Goal III, which was adopted in 2008, mirrors the Section’s priorities in seeking to achieve the following:

1. Promoting full and equal participation in the Association, our profession, and the justice system by all persons; and
2. Eliminating bias in the legal profession and the Justice System.

While we recognize the strides we have made in improving Section diversity and engaging our membership, it is important to ensure these efforts continue. Specifically, the Section must improve its outreach towards membership segments that are underrepresented (e.g., law students and young attorneys), as well as cater to those segments that are growing (e.g., women, consumer protection, 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.

The Section has also seen dramatic growth in the number of Associate members, which includes international attorneys not barred in the United States, and economists, and other professionals. Over the last four years, the number of Section Associate members has increased by 25 percent. In addition, nearly 75% of reporting members were over the age of 40 while law
students make up a nominal percentage of its membership. At the same time, a large number of Section members do not report demographic information, and obtaining more accurate and complete data is a prerequisite to the success of the Section’s efforts.

**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 populations 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. Increase Diversity in Membership**

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 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 its outreach efforts to those membership segments that are underrepresented and nurturing those segments with demonstrated growth.

The Section also recognizes the importance of expanding its outreach to law students and young lawyers. Growing this membership segment is critical to the Section’s continued growth and improvement. The Section will leverage its existing programs – including the “Why Antitrust?” and “Why Consumer Protection?” programs, the Janet Steiger Fellowship, and the Young Lawyer Representative Program, the YLD-MEO Mentoring Program – to encourage students and young 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 scope of antitrust and consumer protection law. To further the Section’s efforts to recruit more law students, we will also focus on expanding our outreach to law professors. The Section’s goal in pursuing these initiatives is to increase its law student membership by 15% over the next three years.

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 this demand by implementing an initiative to expand outreach to women in the profession. The Section will aim to offer at least two substantive programs annually
that are geared towards women, dedicate resources to host/focus on women-centered programming, and provide settings for women to gather. In order to achieve this goal, the Section will work with the Liaison to the Commission for Women in the Profession to identify programs.

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.

Specifically, the Section will expand its effort to reach out to international practitioners, building on its international conferences and Global Seminar Series. The Section has increased its resources targeted towards recruiting international practitioners and other Associate members. As a result of the Section’s efforts, the Section's Associate membership has increased significantly over the last five years. The Section will build on its current efforts and seek to increase its Associate membership by 15% over the next three years (October 2015 vs. October 2018).

Goal II. 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 will ensure that its electronic publications and materials are routinely made accessible to persons with disabilities and that all videos are closed-captioned.

Goal III. Increase Diversity in Programming

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.

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.

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 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.