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ABA 360 COMMISSION WORKING GROUPS

WORKING GROUPS
The work of the Commission was organized through four working groups.

Diversity and Inclusion Working Group

Because the ABA is viewed as a leader in all things legal, this working group was tasked with holding up the proverbial mirror and allowing the ABA to take a good look at itself in order to assess how it was doing in fulfilling its commitment to eliminate bias and enhance diversity as embodied in Goal III.

The working group examined how entities (sections, divisions, forums, commissions, and other groups) within the ABA developed and implemented strategic diversity plans. It reviewed the diversity plans of each entity and created a Model Diversity and Inclusion Plan to serve as a template to assist ABA entities with developing new or reviewing and updating existing diversity plans tailored to their specific needs, missions, and governance structures. The working group also sought to marshal the powerful diversity information that was spread across the ABA web site. It pulled all the pertinent content together in a revised, revamped and repowered web portal accessible via the Diversity tab on the ABA web-site. Finally, it took a look at diversity within continuing legal education (CLE) and encouraged bodies responsible for mandatory continuing legal education to require diversity and inclusion as a separate and distinct credit. It also proposed a framework for achieving levels of diversity for CLE programs sponsored or co-sponsored by the ABA.

As one of the largest professional associations in the world and the national voice of the legal profession in the United States, the ways in which the ABA models diversity and inclusion affect the entire profession. This working group sought to strengthen the ABA’s impact.

Chairs: Darcee Siegel and Lelia Mooney

Key Projects:
- Model Diversity and Inclusion Plan Template
- Diversity and Inclusion Web Portal
- Resolution 107 pertaining to Continuing Legal Education
- ABA Continuing Legal Education Policy to Enhance Diverse Faculties on all ABA CLE panels

Pipeline Working Group

The legal profession is one of the least diverse professions in the nation. Eighty-eight percent of lawyers are white. This statistic matters because lawyers play a vital role in our society and should reflect the country's diversity. This working group examined how to increase diversity in the legal profession.

The pipeline covers a considerable amount of ground. It begins in pre-Kindergarten, extends through elementary and high school, stretches to college and law school and encompasses bar examination passage. Along this continuum there are points where diverse students are diverted off the path or never find their way on to it. Well-entrenched, complex problems such as the school-to-prison complex and lack of access to financial aid are among the “leaks” in the pipeline where diverse students can get lost.

The working group sought to empower students and to explore new avenues into the profession. It created a searchable database of pipeline programs so that students, teachers, guidance counselors, parents, and mentors can directly access information about pipeline programs across the country. The working group also forged a new collaboration with the Judge Advocate General’s Corps to explore
ways that the ABA and the U.S. military can educate students about legal careers and how the two institutions can share and learn from one another about their respective recruiting and diversity efforts.

Chairs: Martha Minow and Erika Robinson

Key Projects:
- The National Pipeline Diversity Initiatives Directory
- Collaboration with the Judge Advocate General's Corps

Implicit Bias Working Group

The working group addressed how corrosive implicit bias is to our system of justice. Its focus was on helping key players in our justice system -- prosecutors, public defenders, judges, and juries -- become more aware of their own biases and appreciate how they affect their roles in administering justice.

"Implicit bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control," according to Professor Jerry Kang, a UCLA law professor who specializes in implicit bias training for the legal profession.[2]

The working group produced a series of videos and an accompanying toolkit that can be used in training programs for judges, prosecutors, and public defenders to help those professionals identify their biases and explore what to do about them. The working group addressed juries by advocating for amendments to the ABA Principles for Juries and Jury Trials that would raise jurors' awareness about implicit bias and how to avoid it in decision making and that would ensure that juries themselves are fully diverse by adding marital status, gender identity, and gender expression to the list of groups that should not be excluded from jury service.

Studies show that implicit bias is something that can be controlled if individuals are equipped with the tools necessary to address it. This group contributed valuable tools.

Chairs: Phoebe Haddon and Kimberly Norwood

Key Projects:
- *Hidden Injustice: Bias on the Bench*, an implicit bias training video for judges
- *Hidden Injustice: Toward a Better Defense*, an implicit bias training video for public defenders
- *Hidden Injustice: The Prosecutor's Paradox*, an implicit bias training video for prosecutors
- Toolkit
- Proposed amendments to ABA Principles for Juries and Jury Trials

Economic Case Working Group

The working group sought to identify ways to expand economic opportunities for diverse attorneys. How diverse attorneys fare in the marketplace makes a difference in their ability to thrive and participate fully in the profession. The group specifically examined the roles that law firms and clients play in driving the economic success of diverse attorneys and what could be done differently. Although the group focused its examination on diverse attorneys in private practice settings that range from AmLaw 100 firms, mid-sized firms, and boutique firms to minority- and women-owned firms and solo practices, it recognized that many of the principles could be applied to diverse attorneys working in the public sector.
The working group found that law firms should ensure that the diverse attorneys within their ranks receive meaningful opportunities to develop their skills, grow their client base, contribute to the management and leadership of their firms, and ultimately reap the rewards that flow from that investment of time and talent. It found that clients (both corporations and other types of clients) should use their buying power to incentivize the firms to improve in the area of diversity and inclusion. The well-established business case for diversity posits that diverse teams produce better results.[3] Many clients want these results and want their legal providers to reflect the diversity of their employees, customers, other stakeholders, and society as a whole.

To inform its work, the working group conducted outreach calls with key organizations, including the national diverse bar associations and organizations that are dedicated to diversity and inclusion in the legal profession.

The group served as the lead author for a resolution and report being presented by the Commission to the House of Delegates. The resolution urges law firms to focus on their diversity and inclusion practices in a meaningful way and urges clients to use their purchasing power to increase economic opportunities for diverse attorneys. To support implementation of the resolution, the working group developed a Model Diversity Survey that will help clients measure the effectiveness of diversity and inclusion in the legal teams they engage and promote efficiency, uniformity, and consistency in the gathering of clear, objective data.

Finally, the working group has developed and organized a presidential showcase program for the 2016 ABA Annual Meeting that features some of the nation’s leading general counsel. The program explores how corporations can allocate their legal spend in a way that benefits more diverse attorneys and what tools will help both corporate law departments and law firms consistently and transparently benchmark diversity demographics and initiatives. The program concludes with a town hall discussion during which diverse attorneys from various sectors of the profession engage in dialogue with the general counsel.

Chairs: Wendy Shiba and Alan Bryan

Key Projects:

- Economic Case House of Delegates Resolution
- ABA Model Diversity Survey
- Presidential Showcase Program: Fortune 500 General Counsel Share the 3Cs of Diversity and Inclusion: Commitment, Candor and Collaboration.

Endnotes:


3.) Mark Roellig, “WHY” Diversity and Inclusion Are Critical to the Success of Your Law Department” (paper presented at the PLI Corporate Counsel Institute, New York, NY, October 2012).