Racial and Ethnic Diversity
IN THE AMERICAN BAR ASSOCIATION
Commission on Racial and Ethnic Diversity 2012
Goal III Report: The State of

Racial and Ethnic Diversity
IN THE AMERICAN BAR ASSOCIATION

Commission on Racial and Ethnic Diversity in the Profession
AMERICAN BAR ASSOCIATION
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Introduction

The Commission on Racial and Ethnic Diversity in the Profession was created in 1986 to address the ABA’s then newly adopted Goal IX. Later, Goal IX would be amended to include not only racial and ethnic minorities but also women, persons with disabilities, and persons of differing sexual orientation and gender identification. In 2008, the ABA House of Delegates reformed its goals and mission, reducing them to four key Goals. These Goals are:

- Goal I: Serve our Members
- Goal II: Improve our Profession
- Goal III: Eliminate Bias and Enhance Diversity
- Goal IV: Advance the Rule of Law

The ABA encompassed the tenets of Goal IX into the newly created Goal III. The objective of Goal III is to “Eliminate Bias and Enhance Diversity.” To this end Goal III seeks to:

- Promote full and equal participation in the Association, our profession, and the justice system by all persons; and
- Eliminate bias in the legal profession and the justice system.

Additionally, the Center for Racial and Ethnic Diversity was formed to coordinate and enhance the ABA’s diversity efforts. The Diversity Center Group includes three distinct entities that address racial and ethnic diversity in the legal profession, social justice system, and the educational pipeline. These entities are: the Commission on Racial and Ethnic Diversity in the Profession; the Coalition on Racial and Ethnic Justice; and the Council for Racial and Ethnic Diversity in the Educational Pipeline.

The Commission, the Center for Racial and Ethnic Diversity, and the ABA have continued to work individually and jointly in pursuit of diversity within the ABA, the justice system and the profession. The Goal III Report serves to:

- Monitor and assess the ABA’s own progress in achieving its diversity goals
- Motivate leaders at all levels within the ABA to continue to promote the objectives of Goal III
- Encourage and inspire our profession to maintain its commitment to diversity
- Provide leaders with best practices and alert them to areas in need of improvement

Footnotes

1. The Original Goal IX’s mission was “To promote the full and equal participation in the legal profession by minorities.”
2. These areas are now addressed by the Commission on Disability Rights, the Commission on Women in the Profession, and the Commission on Sexual Orientation and Gender Identity.
The Annual Goal III Survey is conducted with a view toward:

- Determining the representation of minorities in the ABA and its leadership;
- Presenting information on diversity-related initiatives throughout the ABA;
- Identifying and developing ongoing strategies and practices to assist ABA entities in increasing minority participation, particularly in those areas where minorities are underrepresented; and,
- Recognizing those practices that have resulted in greater diversity within the ABA and its leadership.

To this end, the data reported herein are jointly collected, and then separately examined and reported by the ABA’s Commission on Racial and Ethnic Diversity in the Profession, Commission on Women in the Profession, Commission on Sexual Orientation and Gender Identification, Commission on Disability Rights, and the Standing Committee on Continuing Legal Education, as applicable. The survey is completed by each ABA Section, Division and Forum (the “entity”). Each fall, the Chair and Staff Liaison of each ABA entity to be evaluated submits a joint-reporting survey form. The survey form asks each entity for information regarding the composition of its leadership, as well as information regarding programs geared towards increasing diversity within the entity. Each year, we continue to refine and improve upon our ability to report information that will aid members and bar leaders in their diversity efforts.

The Goal III report describes the composition of ABA membership and examines the progress towards greater diversity in the ABA at various levels of its leadership and membership. Therefore, the data are presented in a historical context, entity by entity. The report is primarily based on a comparative analysis of minority participation in ABA Sections, Divisions and Forum leadership in 2000-01 (the year we first began reporting this data), 2010-11 and 2011-12. When applicable to the entity’s analysis, we have included data from other reporting years. Additionally, the report provides raw numbers in addition to percentages so the reader can make easier analysis and more meaningful comparisons. The report also provides a sample of successful practices that are currently being employed by ABA entities in their diversity efforts.

The Commission supports the efforts made by ABA entities to include diverse members in all areas of leadership. To that end, we have included statistical information in the narrative portion of the entity analyses regarding minority leaders in such positions as Committee Vice Chair, Subcommittee Chair, Nominating Committee Chair, Chair and Chair-Elect. However, the charts accompanying the narrative information do not necessarily include these leadership categories. Therefore, the total number of minorities in leadership noted in the narrative portion of the analysis, but are presented for comparison to last year’s report.

An electronic copy of this year’s report, in addition to previous Goal IX/Goal III reports and data, can be found at http://ambar.org/CREDPG3R.

Footnote
1. The Commission is aware that for some individuals the issues of race and ethnicity can be sensitive and as a result can lead to individuals being counted as “Other” or “Unknown.” Consequently, identifying leaders as “Other” and “Unknown” is no longer an option.
Membership

According to the 2010 Census, people of color comprised 36.3% of the United States population. At the beginning of this bar year, the ABA's total membership was 337,453; 114,396 of the members reported their race, ethnicity or gender. In contrast to the U.S. population, minorities constitute less than 10% of the Association's membership according to reported figures.

African American and Hispanic membership continues to grow. Native American and Asian American membership both exhibit nominal signs of decline this year. In terms of actual numbers, every sub-group\(^1\) remained steady compared to 2010-11. The Commission believes that the Association will continue to find innovative ways to maintain or grow its current membership levels and continue to attract minority participation.

### Footnotes

1. Does not include members identified as "Unknown".

### U.S. Census Minority Demographics

<table>
<thead>
<tr>
<th>General Population</th>
<th>2010-2011*</th>
<th>2010-2011*</th>
<th>2011-2012*</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American</td>
<td>3,777</td>
<td>4,156</td>
<td>4,042</td>
</tr>
<tr>
<td>Asian American</td>
<td>3,483</td>
<td>3,670</td>
<td>3,460</td>
</tr>
<tr>
<td>Hispanic</td>
<td>3,165</td>
<td>3,282</td>
<td>3,167</td>
</tr>
<tr>
<td>Native American</td>
<td>828</td>
<td>677</td>
<td>646</td>
</tr>
<tr>
<td>Caucasian</td>
<td>126,480</td>
<td>105,470</td>
<td>101,262</td>
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<tr>
<td>Other</td>
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<td>1,861</td>
<td>1,819</td>
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<tr>
<td>Unknown</td>
<td>269,513</td>
<td>208,427</td>
<td>223,057</td>
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<tr>
<td>Total</td>
<td>408,685</td>
<td>327,543</td>
<td>337,453</td>
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</table>

* Members of unknown race are not included in the calculation.
Appointments to ABA Standing and Special Committees, Commissions, Task Forces and other entities are made by the incoming president of the ABA. These appointments are highly visible and involve entities that are responsible for a significant portion of the ABA's work. The appointment process provides an opportunity for any member of the ABA to be considered for a position, and careful thought goes into making these appointments.

The Office of the President sets the tone for the rest of the ABA with the emphasis it places on racial and ethnic diversity within the association and the legal profession at large. The most meaningful way in which the ABA President can convey the importance of diversity and inclusion is to lead by example through his or her own appointments. A comparative historical analysis of the minority appointments made by past and present ABA presidents shows an incremental increase in diversity leadership appointments over the past four years.

**Member Appointments**

Current ABA President Wm. T. (Bill) Robinson III, made 259 minority member appointments in 2011-12. This represents 34% of President Robinson’s total number of member appointments, and is the highest percentage of minority member appointments of any ABA President. This is an increase from the minority member appointments made by former President Stephen N. Zack in 2010-11, which totaled 251 (33% of his total number of member appointments), former President Carolyn B. Lamm in 2009-10, which totaled 200 (26% of her total number of member appointments), and former President H. Thomas Wells, Jr., in 2008-09, which totaled 175 (25% of his total number of member appointments).

The total number of female minority member appointments made by ABA President Robinson was 135. This represents 18% of his total number of member appointments. This is also an increase from the female minority member appointments made by former President Zack, which totaled 112 (15% of his total number of member appointments), former President Lamm, which totaled 111 (15% of her total number of member appointments), and former President Wells, which totaled 87 (12.5% of his total number of member appointments).

President Robinson’s minority member appointments consisted of 124 African Americans, 79 Hispanics, 48 Asians and six Native Americans. The ABA Office of the President continues to explore opportunities to increase diversity involvement throughout the Association and its entities.

**Chair Appointments**

The Office of the President is also charged with the responsibility of making chair appointments, including co-chair, vice-chair and honorary chair positions. In the past four years, ABA Presidents have made a consistent effort to appoint minorities to chair positions. The total number of minority chair appointments made by ABA President Robinson is 23. This represents 25% of President Robinson’s total number of chair appointments. Former President Zack made 27 minority chair appointments (29% of his total number of chair appointments); former President Lamm made 21 (27% of her chair appointments); and former President Wells made 16 (19% of his chair appointments).

President Robinson made 10 female minority chair appointments. This represents 11% of his total chair appointments. Former President Zack made 11 female minority chair appointments (12% of his total chair appointments); former President Lamm made 9 (12% of her chair appointments); and former President Wells made 10 (12% of his chair appointments).

**Footnotes**

1. Every selection for a position by the President-Elect constitutes an appointment. The President-Elect appoints committee members to fill all vacancies created on Standing Committees (terms ending in 2011 for Wm. T. (Bill) Robinson III). The President-Elect appoints members of Special Committees, Commissions and several other entities (these appointments are for one year terms).
Elected Leadership

The percentage of racial and ethnic minorities on the ABA Board of Governors slightly decreased from the last bar year. In 2010-11, nine of the 40 (22.5%) elected members were minorities (six African Americans, two Hispanics and one Native American). In 2011-12, seven of the 38 (18.4%) elected members were minorities (four African Americans, two Hispanics and one Native American). Since 2003-2004, there have been no Asian Americans serving on the Board of Governors.

<table>
<thead>
<tr>
<th>Elected Leadership</th>
<th>African American</th>
<th>Asian American</th>
<th>Hispanic</th>
<th>Native American</th>
<th>Non-Minority</th>
<th>Total</th>
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<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>34</td>
<td>37</td>
</tr>
<tr>
<td>2010-2011</td>
<td>6</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>31</td>
<td>40</td>
</tr>
<tr>
<td>2011-2012</td>
<td>4</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>31</td>
<td>38</td>
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Footnote
1. This year, there are a total of 38 members on the Board of Governors.
The following is based primarily on a comparative analysis of minority participation in ABA Section, Division and Forum leadership in 2000-01 (the year the Commission first began to report the data), and the past two bar years 2010-11 and 2011-12.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 3,382 (16%)

Membership (excludes leadership)
General membership: 2,755
Number/percentage of diverse members: 516 (19%)
Percentage breakdown of diverse representation:
- African American: 41% of the minority members
- Asian Pacific: 26% of the minority members
- Hispanic: 27% of the minority members
- Native American: 5% of the minority members

Leadership (excludes general membership)
Total leadership: 627
Number/percentage of diverse leaders: 38 (6%)
Percentage breakdown of diverse representation:
- African American: 50% of the minority leaders
- Asian Pacific: 16% of the minority leaders
- Hispanic: 18% of the minority leaders
- Native American: 16% of the minority leaders

The Administrative Law and Regulatory Practice Section experienced another setback in minority leadership growth this year. This year, the overall available
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Section leadership slots decreased by 36. Last year, the Section added 128 new leadership positions. In contrast, the total number of minority lawyers participating in Section leadership dropped from 130 to 38. Minorities now hold only 6% of the leadership positions in the Section, significantly down from 2010-11 levels of 20% and 2009-10 levels of 30% participation.

African American lawyers suffered the greatest decrease in leadership participation, with the loss of 63 leadership positions, leaving them with 19. Last year, the Commission observed that Hispanic members strengthened their leadership presence with the addition of nine slots, bringing their total positions to 28. Unfortunately, most of those gains were erased this year with their loss of seven positions, leaving them with 21 slots. Asian Pacific members also lost ground this year with the reduction of 13 slots, leaving them with six members in leadership, down from 19. On a positive note, Native American lawyers strengthened their presence by taking on five additional leadership positions. This represents two consecutive years of leadership growth for this group.

Minorities made small gains in the Committee Vice Chairs category with the addition of two positions, and in the Nominating Committee category with the addition of one new position. Overall, minorities lost their footing in most of the leadership areas where they had a strong presence last year. They lost 47 positions in the Committee/Forum Division Chairs category, 35 positions in the Publication Authors category, 12 positions in the Programming Faculty area and one position in the Council/Forum Governing Committee category.

The Section reported that it did not track its diversity-related expenditures last year, so it is unable to report on the budget. It did report that the Section’s Nominating Committee is responsible for presenting a diverse slate of candidates for election to the officer and council positions in the Section. Nominating Committee members identify and direct promising diverse candidates into the Section’s leadership pipeline through participation in individual projects that will give them visibility and put them on a path toward future leadership. The chair of the Nominating Committee works with committee chairs to develop a list of names for consideration, with the goal of incorporating as many diverse candidates as possible on every slate.

The Section’s efforts focus on diversity across all spectrums, including politics, practice areas (government, academia, judiciary, private practice), age, gender, and race. The Section states that it is committed to the promotion of the rule of law, and that this commitment imbues every one of its activities. Its mission statement notes that it seeks “effective, efficient, and fair administration at all levels of government.” The Section believes that diversity is a key component of promoting the rule of law, and states that it seeks to ensure transparency in the development of rules which promotes equal opportunity, equal access to justice and equal treatment under the law.

Last year, the Commission recommended that the Section begin to track the percentage of its budget devoted to the advancement of diversity in order to identify the budgetary impact on minority leadership growth. However, it did not do so. In light of the continued decrease in minority leadership participation in the Section, the Commission renews its original recommendation. In addition, the Commission would like to see the Section build on its “ground-level” recruitment efforts and invest more energy into developing more creative programming to incorporate minorities into its leadership framework.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 3,930 (10%)

Membership (excludes leadership)
General membership: 2,784
Number/percentage of diverse members: 262 (9%)
Percentage breakdown of diverse representation:
- African American: 22% of the minority members
- Asian Pacific: 48% of the minority members
- Hispanic: 28% of the minority members
- Native American: 2% of the minority members

Leadership (excludes general membership)
Total leadership: 1,146
Number/percentage of diverse leaders: 130 (11%)
Percentage breakdown of diverse representation:
- African American: 21% of the minority leaders
- Asian Pacific: 35% of the minority leaders
- Hispanic: 43% of the minority leaders
- Native American: 0% of the minority leaders

This has been a banner year for the Section of Antitrust Law with regard to its minority leadership participation. The number of diverse members in leadership grew this year from 74 to 130, a 76% increase. During the previous bar year, the number of diverse members in leadership more than doubled from 35 to 74. The continued on page 13
CONTINUED FROM PAGE 12

percentage of minorities in leadership held steady at 11%, primarily due to the Section’s addition of 476 new leadership positions. Last year, the Commission noted that the Section had reached its highest level of minority leadership participation since it began recording these data in 2000-01. The Section has now surpassed these record levels of diverse leadership.

Hispanic members have the greatest presence in leadership with the addition of 38 new positions, giving them a total of 56 slots. Asian Pacific members now have 46 positions, with the addition of eight new positions. African American members added 10 new positions, giving them a total of 28 leadership slots. Although there are six Native American members represented in general membership, there are no Native Americans at the leadership level. Diverse members are represented in six areas of Section leadership, with the most participation occurring in the Programming Faculty, Other Leadership, and Publication Authors categories. Minorities added 27 new positions in the Programming Faculty area for a total of 72, 17 new positions in the Other Leadership area for a total of 26, and nine new positions in the Publication Authors area, for a total of 16. Further, diverse members took on nine new positions in the Committee Vice Chairs area and one new position in the Committee/Forum Division Chairs area. Minorities lost positions in the Committee Leadership area (five), the Nominating Committee category (one) and the Primary Leadership area (one). Minority members maintained the three positions they had in the Council/Forum Governing Committee area.

The Section allotted $36,725 (less than 1%) of its budget toward its diversity programming this year. This represents a $4,400 reduction in funding from the previous year. Despite this reduction, the Section continues to find ways to move more minorities onto its leadership track. The Section annually updates and distributes its Diversity Plan, which is endorsed and supported by Section leadership. It also encourages participation by diverse members at its Spring Meeting by offering an international program track, featuring international speakers, assisting with visa letters, and hosting a reception for international enforcement officials. During the year, the Section supports an international committee and engages in international outreach events outside of the United States. The Section recently co-sponsored a program on “Hot Topics in Antitrust and Consumer Protection” at the 2011 National Bar Association Annual Convention. It also continues to co-sponsor the ABA Joint Exhibit Project with national minority bar associations, and it has appointed liaisons to the Commission as well as the other ABA diversity entities.

The Section is in the process of developing an ambassador program through which Section representatives will attend the meetings of diverse bar associations. The purpose of this outreach is to expand the reach of the ABA and the Section. Additionally, the Section continues to focus on pipeline efforts with its “Why Antitrust?” seminars, which expose law students, particularly those of color, to the benefits of a career in antitrust. The Section presented the seminar at the University of Washington in Seattle, the University of Chicago, Loyola University, Fordham University, Howard University, Emory University and the University of Wisconsin. The Section is currently developing a “Why Consumer Protection?” program modeled on the “Why Antitrust?” program. The Section plans to present the consumer protection seminars at foreign law schools.

During 2010-11, the Section held a number of diversity-related outreach initiatives. It expanded its outreach and development of young lawyers through its Young Lawyer Representatives (YLRs) program. YLRs are appointed to each Section committee. The Section is also currently working with the ABA on a pilot project to attract more government lawyers by addressing concerns and misconceptions about the cost and value of Section membership, which have previously been barriers to diversity growth.

During its Spring Meeting, the Section presented a program, “Pathways to Leadership,” during which a diverse panel of Section leaders discussed their experiences and shared opportunities for professional development within the Section. The program was followed by the Barristers’ Reception, which gave young lawyers an opportunity to network with a diverse cross section of leaders. The Section is currently developing a series of video vignettes featuring diverse members reflecting on their experiences in the Section and highlighting the benefits of Section membership on their careers. In January 2010, the Section hosted its inaugural “Next Generation of Antitrust Scholarship Conference”; the next such conference is scheduled for January 2012. This conference provides an opportunity for antitrust/competition law professors to present their latest research. Submissions are open to professors from around the world, which will attract a diverse group of participants and, by extension, their students and colleagues.

The Section of Antitrust Law states that it is committed to diversity and equal opportunity. Its leadership appointments, programming, and membership materials reflect this commitment and set a tone that promotes diversity from the top down. The Section’s Programs Officer and Committee Operations Task Force monitor diversity in stand-alone CLE conferences and committee programs, and follow up on any programming that lacks diversity. Further, committees complete self-assessment forms that encourage accountability in diversity initiatives. In addition, the Section continues to require that all of its program panels (10 stand-alone programs and 130 committee programs) reflect racial and/or ethnic diversity. These panels are monitored regularly, and the Section insists on compliance unless an acceptable explanation is provided by the organizers. The Section states that its commitment to diversity in its programming helps to send the message to diverse law

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students and young lawyers that antitrust and consumer protection are fields open and welcoming to their talents. It also believes that its diverse programming helps to counter stereotypes that the antitrust bar lacks diversity. Several members of the Section’s leadership corps also hold positions on diversity committees of other entities, thus providing an additional layer of support for the Section’s own diversity efforts. Finally, the Section provides diverse lawyers with opportunities to contribute as program speakers and publication authors, which can be important for career development.

The Section on Antitrust Law has, once again, found compelling ways to translate its commitment to diversity into substantial minority growth within its leadership ranks. The Commission applauds the Section’s efforts in this regard.
ABA Membership and Leadership

Combined number/percentage of diverse members in membership and leadership: 19,693 (11%)

Membership (excludes leadership)

General membership: 18,617
Number/percentage of diverse members: 2,117 (11%)
Percentage breakdown of diverse representation:
  • African American: 33% of the minority members
  • Asian Pacific: 37% of the minority members
  • Hispanic: 25% of the minority members
  • Native American: 5% of the minority members

Leadership (excludes general membership)

Total leadership: 1,076
Number/percentage of diverse leaders: 136 (13%)
Percentage breakdown of diverse representation:
African American: 39% of the minority leaders
Asian Pacific: 32% of the minority leaders
Hispanic: 26% of the minority leaders
Native American: 3% of the minority leaders

This year, the Business Law Section experienced an overall leadership position reduction from 1,559 to 1,076. Of those positions, 136 are held by minority leadership participants. This is a 42-position decrease from last year.

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Despite a reduction in leadership positions, minorities are represented throughout the Section across 10 leadership categories. Diverse members experienced the most substantial gain in the Subcommittee Chairs category with the addition of 28 new positions. They also gained four new positions in the Committee Vice Chairs category. Minorities experienced only nominal increases in the Primary Leadership and Nominating Committee categories with the addition of one new position each. Minorities retained the five positions they held in the Council/Forum Governing Committee area, and the two positions they held in the Publication Authors area. Minorities suffered significant reductions in leadership in the Programming Faculty category, losing 29 positions. They also lost positions in the Committee/Forum Division Chairs area (17), the Committee Leadership area (15), and the Other Leadership area (15).

Hispanic members were the only group to add new leadership positions this year. They added 12 new positions, giving them a total of 35. African American members lost 50 positions, leaving them with 53 members in leadership. Asian Pacific and Native American members both lost two positions, leaving them with 44 positions and four positions, respectively.

The Section reported that it devoted $204,300 (3%) of its operating budget to advancing diversity. This is the same amount the Section allotted last year. The Section states that “outreach is a fundamental component of all that [it] does and will continue to be a driving force behind many new initiatives.” To that end, it continues to look for ways to reach out to diverse constituencies through a variety of programming. The Section’s Diversity Committee has taken the lead through recruitment and retention programming, as well as by addressing areas of concern to lawyers of color. The committee sponsored a program at the 2011 Annual Meeting, “Career Management and Business Development for the Diverse Lawyer,” which addressed the economic benefits of diversity in the legal profession. The program focused on the importance of continuing to recruit and retain diverse lawyers in the current economic climate. The Committee is also planning to present a diversity-focused program at its March 2012 Spring Meeting.

As was the case last year, the Business Law Section continues its broad support of numerous diversity-related initiatives and events. These include an annual Diversity Networking Reception, the Legal Opportunity Scholarship Fund, and the Corporate Director Diversity Committee, which was developed to enhance the role of diverse corporate lawyers on public and private corporate boards. The Section also continues its relationship with the Business Court Representative Program and the Business Law Diversity Clerkship Program, which exposes law students, particularly those from diverse backgrounds, to judicial clerkships. The Section awarded four clerkships this year. Further, the Business Law Fellows, Ambassadors, and Diplomat Programs all involve diverse lawyers in the Section’s substantive work. The Section selected three fellows and seven ambassadors for the 2011-13 term. The Section reports that 75% of the alumni of these programs have continued their involvement in the Section, with 35% assuming leadership roles.

The Section’s Young Lawyer Committee works closely with the Diversity Committee to sponsor programs geared toward multicultural professionals. The Section co-sponsors the Joint Exhibit Program and the Law Student Outreach Program in furtherance of minority bar outreach. In addition, the Section’s Meetings Committee screens all program panels and speakers to ensure there are diverse participants. The Section’s Membership Committee has created a “Getting Members Involved Guide” to provide guidance to committee chairs in involving members, particularly those of color, in Section work. The Section’s Committee has also developed a companion publication, distributed to the Business Law Fellows, Ambassadors, Diplomats, and law students, to provide information about becoming more involved. It is also a co-sponsor of the Women of Color Research Initiative, spearheaded by the ABA Commission on Women in the Profession. The Section’s Council Committee on Committee Support and Structure holds a series of periodic conference calls for committee chairs in order to raise awareness among Section leaders about outreach initiatives. Finally, the Section’s International Coordinating Committee offers programming targeted at a diverse international audience. The Committee exposes U.S.-based lawyers to their overseas counterparts and integrates non-U.S.-based lawyers into the work of the Section.

In the face of significant economic pressures, the Business Law Section continues to support an impressive array of diversity-focused initiatives. The decrease in the number of minorities in leadership is unfortunate, but the Commission remains encouraged by the Section’s ongoing dedication to substantial programming designed to grow and develop minority participation. The Section should continue its focus on diversity initiatives, with the visible support of current Section leaders, to prevent further minority reductions in leadership.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 871 (15%)

Membership (excludes leadership)
General membership: 5,213
Number/percentage of diverse members: 808 (15%)
Percentage breakdown of diverse representation:
• African American: 46 of the minority members
• Asian Pacific: 15% of the minority members
• Hispanic: 35% of the minority members
• Native American: 4% of the minority members

Leadership (excludes general membership)
Total leadership: 372
Number/percentage of diverse leaders: 63 (17%)
Percentage breakdown of diverse representation:
• African American: 48% of the minority leaders
• Asian Pacific: 22% of the minority leaders
• Hispanic: 30% of the minority leaders
• Native American: 0% of the minority leaders

The Criminal Justice Section took a few steps back this year relative to minority leadership participation. After experiencing a year of growth in 2010-11, the number of minority members in leadership slipped from 74 to 63. The Section reduced the number of available leadership slots by 46, which contributed to the continued on page 18
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change in the overall number of minority leaders.

Asian Pacific members added one new position for a total of 14. African American members lost six positions, leaving them with 30. Hispanic members also lost six positions, leaving them with 19. Native American members have no representation in Section leadership at this time.

Diverse members are represented in five leadership categories this year: Council/Forum Governing Committee (six positions, up from 4), Other Leadership (10 positions, up from 4), Programming Faculty (34 positions, up from 30), Publication Authors (eight positions, down from 11) and Subcommittee Chairs (five new positions).

The Section stated that it spent $200,000 (7%) of its budget on diversity-related initiatives. The Section noted that it has embarked on a mission to improve racial justice in the criminal justice system. To this end, it has directed workshops, published resources, and sponsored training and events that encourage cultural competency, with the goal of eradicating the disparate racial impact of the criminal justice system. The Section, in partnership with the ABA Section of Individual Rights and Responsibilities and the ABA Council on Racial and Ethnic Justice (COREJ), established the Building Community Trust initiative. With funding from an ABA Enterprise Grant, this initiative produced a Model Curriculum and Instructional Manual.

The Section also sponsored the 2nd Annual Racial Justice Training Conference in Washington D.C. The initiative, with support from the Bureau of Justice Assistance, enabled the Section to implement the Racial Justice Task Force model in four jurisdictions: New Orleans, Louisiana; Delaware (statewide); St. Louis County, Minnesota; and Brooklyn, New York. Each jurisdiction was tasked with identifying a specific racial disparity in its criminal justice system, then instituting a specific policy reform to reduce or eliminate the disparity. In October 2010, the project brought together task force members from each of the four selected jurisdictions for a training conference. During the conference, Marc Mauer, executive director of The Sentencing Project, discussed racial justice reform efforts that have been initiated in numerous jurisdictions across the country. Professor Cynthia E. Jones of the American University Washington College of Law and director of the Racial Justice Improvement Project facilitated the conference.

The training conference provided the task force members with an opportunity to explore the four chosen focus areas, share their jurisdictions’ struggles and accomplishments, and receive targeted training applicable to their work. The published curriculum, “Building Community Trust: Improving Cross-Cultural Communication in the Criminal Justice System,” was developed to provide leaders of judicial, prosecutorial and defense agencies with the information, resources and training tools they need to support educational efforts in cultural competency. The goal was to improve the effectiveness of cross-cultural communication between justice agencies and the communities they serve, as well as build community trust and confidence in the integrity and reliability of the criminal justice system. Each attendee was provided with free technical assistance from the Bureau of Justice Assistance. At the conclusion of the conference, participants “mapped out” specific steps for organizing a cultural competency training session in their home jurisdictions, and provided feedback to project organizers regarding project support. This “call to action” was further supported through follow-up emails, surveys and technical assistance offerings. The curriculum is currently available online, along with Power Point presentation slides and additional reading materials.

Since the initial training conference, several jurisdictions—Michigan, West Virginia and Wisconsin—conducted local cultural competency training utilizing the curriculum. Most recently, the curriculum was the basis for a training of the Criminal Justice Section’s Council at the 2011 Spring Conference Meeting in Miami, Florida. The Building Community Trust Initiative won the ABA 2011 SOC Meritorious Service Award this year and continues to be recognized by government agencies, educational institutions and legal communities. Most importantly, the curriculum has outlived the life of the enterprise grant. The curriculum has already been utilized in a number of jurisdictions to conduct training, and it has been cited in a number of publications. The Section also implemented the ABA Criminal Justice Standards Project, an initiative that helps to ensure public safety by advocating for a criminal justice system that allows fair conviction and sentencing of those guilty of crimes while respecting the rights of the accused and providing them with the effective assistance of counsel.

The Section continues its wide-reaching advocacy in the criminal justice arena. The Commission applauds the Section’s dedication to issues of fairness in sentencing and justice for victims. The Section’s important work in eradicating racial disparity in targeted jurisdictions can also be a rich source for the recruitment of diverse practitioners, which may help the Section increase its minority member leadership numbers.
**ABA Membership and Leadership**

Combined number/percentage of diverse members in membership and leadership: 933 (17%)

**Membership (excludes leadership)**
General membership: 5,374
Number/percentage of diverse members: 859 (16%)
Percentage breakdown of diverse representation:
- African American: 40% of the minority members
- Asian Pacific: 29% of the minority members
- Hispanic: 27% of the minority members
- Native American: 5% of the minority members

**Leadership (excludes general membership)**
Total leadership: 213
Number/percentage of diverse leaders: 74 (35%)
Percentage breakdown of diverse representation:
- African American: 47% of the minority leaders
- Asian Pacific: 26% of the minority leaders
- Hispanic: 23% of the minority leaders
- Native American: 4% of the minority leaders

The minority leadership statistics for the Section on Dispute Resolution show that the number of minorities participating in leadership decreased by 16, dropping from 90 to 74. The Section reduced the number of available leadership positions by 373. Even with the reduction in leadership opportunities, the Section continued on page 20.
showed an overall percentage increase in minority member participation in leadership, from 15% to 35%.

Hispanic members retained the 17 leadership positions that they held last year; Native American members added one new position for a total of three. African American and Asian Pacific members, on the other hand, lost seven and 10 positions, respectively. Despite these losses, members from both groups maintained a solid presence in the Section. Minority leaders participate in six leadership categories: Committee/Forum Division Chairs (six positions), Committee Vice Chairs (two positions), Council/Forum Governing Committee (five positions), Nominating Committee (two positions), Primary Leadership (one position) and Programming Faculty (58 positions). The latter category is completely populated by minority members. Last year, there was a minority member in Other Leadership. The Section no longer offers leadership opportunities in this category, and as a result, minority members lost the one position they had in this area. This loss is balanced out by the two minority member positions in the Committee Vice Chairs category, a new leadership category added this year.

The Section spent $9,600 (roughly the same amount as last year) on diversity programming this year, including the sponsorship of Task Force on Diversity breakfasts and luncheons with representatives from the largest ADR providers. The Section also awarded full and partial conference scholarships to members of historically underrepresented groups. The Section’s Diversity Plan was first adopted in the early 2000s. However, despite emphasizing the need to increase diversity in membership and leadership, the Section recognized that it has made little progress in diversifying its membership and leadership ranks. In 2010, it adopted an Implementation Plan, which outlined diversity goals and provided timetables for achievement of those goals. The Implementation Plan provided guidelines for leadership commitment, accountability, communications and training, membership and outreach. Pursuant to its Diversity Plan, the Section committed to work on five initiatives: 1) developing a series of webcasts on practice development for women, minorities, persons with disabilities and persons with differing sexual orientation; 2) coordinating diversity efforts with state and local bar associations, including providing a tool kit on how to start a diversity initiative; 3) working with ADR providers and other organizations to strengthen and communicate diversity efforts; 4) convening a series of meetings to gather information and suggestions about initiatives that should be undertaken; and 5) ensuring that the Council and Section leadership understand the diversity “call to action” and integrate diversity into all activities it undertakes, including publications, membership drives and conferences.

The Section has created a Diversity Task Force which has sparked ideas and discussions by ADR providers on how to increase diversity among their mediator and arbitrator rosters. The Section also requires that all of its CLE program proposals include a detailed statement about the diversity of the proposed presenters. This has resulted in the increased diversity of program faculty (as revealed by the programming faculty numbers). This has also ensured the diversity of Section events.

The Section recognizes that its past diversity efforts have not been fruitful. It feels that it has taken concrete steps to rectify the problem. The Commission recommends that the Section set more measurable goals under its Diversity Implementation Plan to demonstrate future diverse leadership growth.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 431 (9%)

Membership (excludes leadership)
General membership: 3,872
Number/percentage of diverse members: (8%)
Percentage breakdown of diverse representation:
• African American: 26% of the minority members
• Asian Pacific: 27% of the minority members
• Hispanic: 35% of the minority members
• Native American: 12% of the minority members

Leadership (excludes general membership)
Total leadership: 989
Number/percentage of diverse leaders: 107 (11%)
Percentage breakdown of diverse representation:
• African American: 41% of the minority leaders
• Asian Pacific: 19% of the minority leaders
• Hispanic: 20% of the minority leaders
• Native American: 20% of the minority leaders

The Section of Environment, Energy, and Resources has experienced another year of success in growing its minority leadership participation. This marks the fourth consecutive year of increases in diverse leadership in the Section. The number of minority leaders increased from 92 to 107 this year.

continued on page 22
All minority sub-groups are represented in Section leadership. African American members have the greatest presence with 43 leadership positions, up from 35. Native American members added seven new positions, giving them 22 members in leadership. In addition, Native American members enjoy greater leadership visibility in this Section than in many of the other ABA entities. Hispanic members also have 22 members in leadership, despite having lost five positions this year. Asian Pacific members added five new positions, giving them a total of 20 members in leadership.

Minorities are involved in seven leadership areas. Their presence is greatest in the Committee Vice Chairs (33 positions; all new positions), Committee Leadership (29 positions, up from 20), Publication Authors (20 positions, down from 34) and Programming Faculty (14 positions, down from 29) areas. Minorities also have seven positions (up from four) in the Committee/Forum Division category and three positions (down from four) in the Council/Forum Governing Committee category. Diverse members retained the one position they held on the Nominating Committee.

The Section reported that it allocated $71,625 (5%) of its budget to the promotion of diversity in the profession. It stated that it strives to eliminate bias in the legal profession through the Section’s:

- Diversity Fellowships in Environmental Law Program
- Sponsorship of CLE programs with diverse panels and support of the ABA’s Goal III
- The Tribal Travel Stipend Program, which supports participation by attorneys from or representing Native American communities and organizations, as well as others interested in Native American communities, including law students
- The Membership Diversity Enhancement Program, which supports involvement of diverse and underrepresented attorneys.

In April 2011, the Section hosted a free public forum at the University of Mississippi School of Law that focused on environmental justice, an issue that crosses racial and rule of law lines. The law school’s *Mississippi Law Journal* is publishing the speeches presented during the forum.

The Section believes that its Diversity Fellowships in Environmental Law Program, diverse panels, diverse leadership appointments, Tribal Travel Stipend Program and Membership Diversity Enhancement Program have increased diversity in the Section and the ABA. Moreover, the Environmental Justice Forum increased visibility of the Section’s work and enabled the Section to build a new relationship with the University of Mississippi Law School and environmental justice leaders.

Environmental and energy-related issues continue to take center stage, both nationally and globally, which offers the Section an invaluable opportunity to recruit diverse practitioners into the field. The Commission hopes that the Section will continue to take advantage of this opportunity to build its minority leadership program. The Section contends that its Diversity Fellowships in Environmental Law, Tribal Travel Stipend Program and Membership Diversity Enhancement Program are changing the face of the profession by exposing individuals from diverse backgrounds to environmental law practice. The Commission encourages the Section to continue its vigilance in this area.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 381 (8%)

Membership (excludes leadership)
General membership: 4,234
Number/percentage of diverse members: 366 (8%)
Percentage breakdown of diverse representation:
• African American: 38% of the minority members
• Asian Pacific: 19% of the minority members
• Hispanic: 32% of the minority members
• Native American: 11% of the minority members

Leadership (excludes general membership)
Total leadership: 362
Number/percentage of diverse leaders: 15 (4%)
Percentage breakdown of diverse representation:
• African American: 40% of the minority leaders
• Asian Pacific: 13% of the minority leaders
• Hispanic: 33% of the minority leaders
• Native American: 13% of the minority leaders

The Family Law Section took a bit of a step backwards this year relative to minority leadership participation. The number of minorities in leadership decreased slightly from 17 to 15. The number of leadership positions overall in the Section decreased by three from 365 to 362.

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African American, Asian Pacific, Hispanic and Native American members are all represented in leadership. African American members gained four new positions this year, giving them a total of six. Asian Pacific members lost four positions, leaving them with two. Hispanic and Native American members lost one position each, leaving them with five and two positions, respectively.

Minorities have a presence in six leadership areas compared to five last year, including Committee/Forum Division Chairs (three new positions, up from two), Committee Vice Chairs (two positions; all new positions), and Other Leadership (one new position). Minority members retained the one position they held in Primary Leadership and the four positions they held in Programming Faculty; however, they lost eight positions in the Publication Authors category, leaving them with one position.

The Section reported that it dedicated $950 (less than 1%) of its budget to diversity efforts this year. It noted that its spring 2010 issue of the *Family Advocate* included an article on the impact of divorce on the "green card." The Section awarded a diversity scholarship to a woman of color to enable her to attend its spring 2011 conference. It is also planning to present a CLE course on diversity in the family courts during its 2012 spring conference. The Section also continues to distribute a Spanish/English version of its Client Manual, which answers frequently asked questions about divorce. This year, it marketed the manual to 25 local and minority bar associations. The Section believes that the minority scholarship program, the Spanish/English Client Manual, its minority-focused CLE, and the work of its Diversity Committee are making a positive impact on its ability to attract more members of color to the Section.

In the past, the Commission expressed concern that the Section was not proactively engaged in meaningful outreach to minorities. Last year, the Section took steps forward in its outreach to diverse groups. The Commission is pleased to see that the Section is continuing to work toward greater inclusion of diverse groups in its membership and leadership ranks. However, the Commission recommends that the Section cast a wider net, through expanded programming, to attract more practitioners from underrepresented groups. Although this will require the Section to devote more resources to diversity-related efforts, the Commission believes that, in the long run, this will benefit the Section’s minority leadership growth.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 454 (11%)

Membership (excludes leadership)
General membership: 3,627
Number/percentage of diverse members: 357 (10%)
Percentage breakdown of diverse representation:
  • African American: 37% of the minority members
  • Asian Pacific: 29% of the minority members
  • Hispanic: 28% of the minority members
  • Native American: 6% of the minority members

Leadership (excludes general membership)
Total leadership: 515
Number/percentage of diverse leaders: 97 (19%)
Percentage breakdown of diverse representation:
  • African American: 48% of the minority leaders
  • Asian Pacific: 24% of the minority leaders
  • Hispanic: 28% of the minority leaders
  • Native American: 0% of the minority leaders

The Health Law Section has broken free of the minority leadership stagnation that has plagued it for the past two consecutive years. This year, the number of diverse members in leadership more than doubled from 46 to 97. This growth in...
minority leadership participation comes in a year when the Section added 178 new leadership positions.

African American members experienced the most growth with the addition of 20 new positions, giving them a total of 47. Hispanic members added 16 new positions, giving them 27 in total. Asian American members added 15 new positions, giving them a total of 23. There are 20 Native Americans currently in the Section’s general membership; however, no Native American members are in leadership.

Minority leaders can be found in almost every area of Section leadership, including several upper-level positions. The chair-elect of the Section is an African American. The majority of diverse members hold positions in the Committee Vice Chairs area (43). Minorities also hold a sizeable number of positions in the Programming Faculty (17), Publication Authors (15) and Committee/Forum Division Chairs (11) categories. Minorities also retained the two positions they held on the Council/Forum Governing Committee and in the Primary Leadership areas.

The Section reported that it spent $3,500 on diversity programming this year. This is $1,500 less than what the Section spent last year. The Commission can speculate that it was money well spent, given the growth in minority leadership that the Section is currently enjoying. The Section stated that it began implementation of its revised diversity plan in 2011. However, it does not offer much more information on its diversity-related activities, other than its support of the Commission on Racial and Ethnic Diversity’s Spirit of Excellence Luncheon, as well as the Section’s efforts to diversify its program panels and to recruit diverse authors for its publications. The Section’s minority leadership statistics show promise this year, but it should also identify additional ways to improve its minority participation with a stated percentage goal for the coming years. The Commission recommends that the Section provide a more detailed “road map” of how it stimulated its stagnant minority leadership growth this past year. This information can be helpful to other entities that are struggling with similar issues.
Individual Rights and Responsibilities

ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 2,402 (25%)

Membership (excludes leadership)
General membership: 2,078
Number/percentage of diverse members: 486 (23%)
Percentage breakdown of diverse representation:
• African American: 39% of the minority members
• Asian Pacific: 28% of the minority members
• Hispanic: 27% of the minority members
• Native American: 5% of the minority members

Leadership (excludes general membership)
Total leadership: 324
Number/percentage of diverse leaders: 112 (34%)
Percentage breakdown of diverse representation:
• African American: 54% of the minority leaders
• Asian Pacific: 17% of the minority leaders
• Hispanic: 14% of the minority leaders
• Native American: 15% of the minority leaders

The Section of Individual Rights and Responsibilities (IRR) is blazing a trail for other entities to follow when it comes to promoting diversity in leadership. For the third consecutive year, the section is enjoying solid minority leadership growth. The Section has experienced across-the-board growth in just about continued on page 28

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The Section of Individual Rights and Responsibilities (IRR) is blazing a trail for other entities to follow when it comes to promoting diversity in leadership. For the third consecutive year, the section is enjoying solid minority leadership growth. The Section has experienced across-the-board growth in just about continued on page 28

Commission on Racial and Ethnic Diversity in the Profession
every measurable area. The number of minority leaders in the Section grew significantly from 38 to 112. The Section offered more opportunities for leadership this year by adding 165 new leadership positions. Diverse members were able to capitalize on these newly added positions.

Minorities hold positions in 11 of the Section’s leadership areas, including several upper echelon leadership positions. African American members have the greatest presence in leadership with the addition of 37 new positions, giving them a total of 60. Asian Pacific members added 17 new positions, giving them a total of 19. Native American members added 11 new positions for a total of 17 in all. Hispanic members added nine new positions, for a total of 16.

Both the Chair and Chair-Elect of the Section are people of color. Moreover, an overwhelming number of minority leaders are active on the Programming Faculty (64). The Section added 57 new positions to this area alone. Minorities also hold a good number of positions in the Publication Authors (12), Council/Forum Governing Committee (10) and Committee Leadership (nine) areas. Minority members retained one position in the House of Delegates and three positions on the Nominating Committee that they held last year. The Section no longer offers leadership opportunities in the Primary Leadership area; therefore, diverse members lost all four of the positions that they held in this area. However, the Other Leadership category added four new minority-held positions. Additionally, diverse members hold positions in the Committee/Forum Division Chairs (three) and Committee Vice Chairs (four) leadership areas.

The Section reported that it allocated $65,000 (15%) of its budget to diversity initiatives, $40,000 more than it allocated last year. The Section’s goal has always been to enhance ethnic and racial diversity in the legal profession and society as a whole. The diversity programming that the Section put in place this year went a long way toward helping it achieve this goal.

The Section hosted a fall conference in Memphis, Tennessee, “More to Overcome: Civil Rights in the 21st Century—An Action Agenda for Lawyers and the Legal Profession”. The conference kicked off the Section’s endeavors to address the civil rights and human rights challenges that confront the United States and the world. The conference featured a variety of panels that addressed racial discrimination, voting rights, civil remedies, freedom of speech and constitutional rights. A series of four panel discussions, “Debunking the Myth of a Post-Racial Society,” examined the unresolved issues related to race and ethnicity in light of the widely-held assumption that President Obama’s election ushered in a post-racial society. The Section also presented “They Had a Dream Too,” which educated high school students about the civil rights struggles that have occurred since the 1950s, with the hope of inspiring them to become future leaders. Conference panelists and host committee members were racially diverse. The conference concluded with a tour of the National Civil Rights Museum. The Section also co-sponsored a conference that was simultaneously broadcast via teleconference, “Serving the Needs of Urban Native Americans.” This conference featured a racially diverse panel of nine participants, seven of whom were people of color (five Native Americans representing different tribes, one Native Hawaiian, and one African American from a Native American tribe). The program focused on the specialized non-profit legal clinics in the Northwest that are providing much-needed guidance and resources to urban Native Americans, and how these clinics can be replicated in cities throughout the United States.

In addition, the Section stated that it continued to implement its Diversity Plan and participated in several minority bar association annual conventions including HNBA, NBA and NAPABA. In addition, the Section sponsored the Thurgood Marshall Award 20th Anniversary Award Dinner. This year’s award recipient, Elaine Jones, was honored for her work as a civil rights litigator and activist. Jones was the first African American woman to win the award. She was also the first African American to integrate the ABA Board of Governors, where she served for three years. The Section also stated that its FY2010-11 executive committee included two women of color and four men of color, and that its 23-member Council comprises eight racial minorities.

The Section of Individual Rights and Responsibilities is working hard to fulfill its mission of enhancing racial and ethnic diversity in the profession and in society at large by raising awareness of the social and economic disparities that persist between people of color and Caucasians throughout the world. The Section’s willingness to tackle the sensitive and controversial issues is commendable. The Commission is particularly impressed by the Section’s comprehensive programming targeting the plight of urban Native Americans. The Section should continue to provide leadership in these and other diversity-related issues.
ABA Membership and Leadership

Combined number/percentage of diverse members in membership and leadership: 1,231 (16%)

Membership (excludes leadership)

General membership: 7,091
Number/percentage of diverse members: 1,151 (16%)
Percentage breakdown of diverse representation:
  - African American: 26% of the minority members
  - Asian Pacific: 50% of the minority members
  - Hispanic: 20% of the minority members
  - Native American: 4% of the minority members

Leadership (excludes general membership)

Total leadership: 713
Number/percentage of diverse leaders: 80 (11%)
Percentage breakdown of diverse representation:
  - African American: 39% of the minority leaders
  - Asian Pacific: 52% of the minority leaders
  - Hispanic: 9% of the minority leaders
  - Native American: 0% of the minority leaders

The Section of Intellectual Property Law had previously been on a steady roll in its promotion of diverse members into leadership positions. This year, the

continued on page 30
Section hit a stumbling block that stunted its minority leadership growth. The number of minority leaders in the Section dropped from 87 to 80. African American, Asian Pacific and Hispanic members are represented in leadership this year, but all three groups lost positions. The Section experienced these losses in a year when it added 49 new leadership positions overall.

Asian Pacific members hold the most positions with 42, down negligibly from 43. African American members hold 31 positions, down from 33. Hispanic members hold seven positions, down from 11. Native American members remain unrepresented in Section leadership.

Minorities serve in six leadership areas: Committee/Forum Division Chairs (two positions, down from four), Committee Vice Chairs (seven new positions), Council/Forum Governing Committee (one position, retained from last year), Other Leadership (18 positions, up from 4), Programming Faculty (13 positions, down from 15) and Publication Authors (39 positions, down from 62).

The Section reports that it allocated $36,000 (2%) of its overall budget to diversity programming. It has devoted this level of funding to diversity for the past three years. The Section continued its support of the American Intellectual Property Law Education Foundation (AIPLEF), which promotes diversity in the intellectual property bar. The AIPLEF grants several awards to diverse students including the Sidney B. Williams, Jr. Award, which recognizes minority students who have shown a dedication to the Intellectual Property Bar and are outstanding in the field. The Section has representation on the AIPLEF Board of Trustees. In addition, the Section continued to collaborate with the Antitrust Law and Litigation sections to support the Judicial Intern Opportunity Program, an initiative that placed diverse students in judicial clerkships throughout the country.

It also supported the Spirit of Excellence Awards. The Section’s Committee on Minorities in the Profession is dedicated to fostering and developing minority membership and participation in coordination with the Section’s overall membership recruitment programs. In addition, the Section sponsors a liaison to the Commission on Racial and Ethnic Diversity in the Profession, as well as the Asian Patent Attorneys Association.

Once again, most of the Section’s minority leadership growth was experienced in the Publication Authors category, with a total of 39 minority-held seats. The Commission understands that this area is a valuable training ground for young and inexperienced leaders. However, it would be beneficial to the Section to strive to more evenly distribute its minority leadership across various categories. The Commission would like to see the Section develop a plan to increase its minority leadership in the other categories.

The Section also stated that it has actively sought to populate its program speaker panels with diverse presenters, and to expand ethnic diversity among its committee chairs and other areas of leadership. The Commission would like to see the Section focus its attention on recouping the minority losses that it sustained this year.
**International Law**

### ABA Membership and Leadership

Combined number/percentage of diverse members in membership and leadership: 241 (24%)  

**Membership (excludes leadership)**  
General membership: 540  
Number/percentage of diverse members: 143 (26%)  
Percentage breakdown of diverse representation:  
- African American: 29% of the minority members  
- Asian Pacific: 26% of the minority members  
- Hispanic: 43% of the minority members  
- Native American: 2% of the minority members  

**Leadership (excludes general membership)**  
Total leadership: 470  
Number/percentage of diverse leaders: 98 (21%)  
Percentage breakdown of diverse representation:  
- African American: 22% of the minority leaders  
- Asian Pacific: 20% of the minority leaders  
- Hispanic: 33% of the minority leaders  
- Native American: 25% of the minority leaders  

Last year, minority growth in the Section of International Law was flat. This year, the Section’s minority leadership numbers dropped from 214 to 98, showing a significant decline. There was an overall reduction of 1,139 leadership positions throughout the Section.

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**2000-2001**

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| Total | 643  
| Percentage | 7.15%  

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**2010-2011**

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**2011-2012**

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| Native American | 0  
| Total Minorities | 5  
| Caucasian | 41  
| Total | 46  

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**Commission on Racial and Ethnic Diversity in the Profession**

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continued on page 32
CONTINUED FROM PAGE 31

All minority groups are represented across Section leadership. Hispanic members lost 79 positions, leaving them with 32. Asian Pacific members lost 44 positions, leaving them with 20. African American members lost 15 positions, leaving them with 22. However, Native American members gained 22 positions, giving them 24 in total.

Minorities are represented in only three leadership categories: Other Leadership (37 positions, up from 22), Primary Leadership (one position, down from three) and Programming Faculty (60 positions, down from 157). In the previous bar year, minorities held positions in the following leadership areas: Committee/Forum Division Chairs (six), Committee Leadership (20), Council/Forum Governing Committee (five) and Nominating Committee (one). The Section no longer offers leadership positions in these areas, which has significantly limited advancement opportunities for minorities in the Section.

The Section reported that it spent $2,000 of its budget on diversity-related efforts. The Section presented a program, "Pathways to Employment," at Howard University School of Law. It partnered with the National Bar President’s Council for a diversity program at the Annual Meeting in Toronto. The Section also sponsored a diversity workshop during its Leadership Retreat in Toronto.

In addition, the Section created a diversity newsletter to highlight its diversity initiatives and to give other Section committees the chance to promote their diversity-related programs and articles. The Section provided liaisons to minority groups, and encouraged cross-participation in programming and attendance. The liaisons also had the opportunity to contribute to the diversity newsletter. The Section’s diversity officer reviewed all program proposals to ensure that diversity objectives were met. Finally, the Section participated in the ABA Joint Exhibit Project, which is presented at four minority bar annual meetings.

Last year, the Section’s Diversity Committee was completing its implementation of a comprehensive, updated plan to increase diversity Section-wide. At the time, the Commission questioned whether the diversity plan would effectively produce the Section’s desired results. It takes time to fully implement a new program, particularly one as comprehensive as the one outlined in the Section’s plan. The Commission is hopeful that the Section will continue to focus on achieving the mandates of its diversity plan, and looks forward to the Section’s status report during the next Goal III reporting cycle. The Commission also hopes that the report will be filled with more positive news about the Section’s minority leaders.
**ABA Membership and Leadership**

Combined number/percentage of diverse members in membership and leadership: 1,630 (15%)

**Membership (excludes leadership)**

General membership: 8,718

Number/percentage of diverse members: 1,302 (15%)

Percentage breakdown of diverse representation:
- African American: 41% of the minority members
- Asian Pacific: 25% of the minority members
- Hispanic: 28% of the minority members
- Native American: 5% of the minority members

**Leadership (excludes general membership)**

Total leadership: 1,896

Number/percentage of diverse leaders: 328 (17%)

Percentage breakdown of diverse representation:
- African American: 49% of the minority leaders
- Asian Pacific: 29% of the minority leaders
- Hispanic: 22% of the minority leaders
- Native American: 0% of the minority leaders

The Section of Labor and Employment Law experienced a decrease in minority leadership numbers this year. There are currently 328 diverse members in leadership roles in the Section, compared to 399 in 2010-11. Overall, the Section reduced the number of available leadership positions by 660 positions.

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CONTINUED FROM PAGE 33

African American members hold the most positions in leadership despite having lost 70 positions. They currently hold 160. Asian Pacific members added eight new positions, giving them a total of 95. Hispanic members lost nine positions this year, leaving them with 73. There are 61 Native Americans in the Section’s general membership, but none in leadership at this time.

Minority practitioners are active in eight leadership areas: Committee/Forum Division Chairs (seven positions, up from six), Committee Leadership (47 positions, up from 45), Council/Forum Governing Committee (4 positions, up from three), Other Leadership (14 positions, down from 20), Programming Faculty (183 positions, up from 162), Publication Authors (37 positions, down from 162), Subcommittee Chairs (35 new positions) and Nominating Committee (one position, retained from the previous year). The heaviest concentration of minority-held leadership positions is in the Programming Faculty category. In previous years, a significant number of the minority-held positions in the Section were housed in the Publication Authors category as well. However, this year the Section decreased the number of opportunities available in this leadership area.

The Section reported that it dedicated $380,000 (10%) of its budget to diversity-related activities and initiatives. This is more than double the amount that the Section allocated toward such programming last year. It also offered a wide variety of programs with a diversity focus. These programs included the Section’s Leadership Development Program (LDP), which was established in 2009. The LDP identified diverse potential leaders and involved them in Section leadership activities. The LDP class of 2010 comprised 19 attorneys representing diverse constituencies, including four who self-identified as racial or ethnic minorities. The 2011 class comprised 21 diverse attorneys, including six who self-identified as racial or ethnic minorities. The key component of the LDP was a two-day workshop that provided participants with an overview of the ABA and the Labor and Employment Law Section. The workshop also included extensive leadership training on effective communication, creating positive visibility and working successfully as a volunteer. Additionally, the LDP’s mentoring program paired LDP participants with Section leaders. Mentors and their protégés were provided training to ensure the success of the mentoring relationships. The Section reported that LDP class member participation enhanced the effectiveness of its Equal Opportunity in the Legal Profession Committee and the Outreach to Law Students Task Force.

The Section developed a speaker/author resource database to encourage increased participation of attorneys of color, and collaborated with the National Bar Association to recruit diverse speakers and authors for Section activities. It is currently establishing similar partnerships with other minority bar associations. The Section’s 2010 Annual Conference included diversity programming such as a reception honoring diversity in the profession, free pre-conference programs for diverse attorneys, and two programs: “National Origin Discrimination and Language Rights Litigation” and the “Latest Cases and Trends in Harassment Law and Litigation.”

The Section’s Standing Committees engaged in their own outreach. These committees 1) recruited diverse speakers to participate on panels; 2) presented reports on diversity-related topics; 3) sponsored diversity programs on issues such as EEOC initiatives, employment discrimination law and immigration issues; and 4) conducted outreach to minority bars and law schools and sponsored diversity breakfasts, luncheons and other networking events. The Section’s Employment Rights and Responsibilities Committee sponsored a diversity outreach task force called “Do It,” and the Equal Opportunity Committee considered diversity in its leadership succession planning. It awarded 10 $1,000 grants to diverse practitioners to enable them to attend diversity events held at seven 2011 Standing Committee Midwinter meetings. These diversity events included:

- A program that featured the following discussions: “Why Haven’t Law Firms Reached Diversity Goals?” and “What Is a Lawyer’s Individual Responsibility to Facilitate Diversity at His or Her Place of Employment?”
- Receptions honoring diversity
- A breakfast that explored how to recruit and involve more diverse attorneys in the work of the Section and the Committee
- A workshop focused on promoting diversity in labor law
- A diversity luncheon panel discussion on workplace flexibility
- A diversity reception that featured an attorney of color as a presenter

Additionally, the Section compiled a Standing Committee Best Practices Task Force Report for diversity initiatives outside of Midwinter Meeting activities. It is also in the process of creating a Midwinter Meeting diversity events database to assist its Standing Committees in their efforts to increase diversity. The Section sent letters, which included copies of the Section’s Diversity Plan and Standing Committee Best Practices Task Force Report, to its Standing Committee co-chairs reminding them of the Section’s commitment to diversity. Its chair and chair-elect also issued a directive requiring all Standing Committees to appoint liaisons to the Equal Opportunity in the Legal Profession Committee.

The Section continues to invest time, money and energy in the enhancement of opportunities for diverse members. Its diversity programming is comprehensive and inclusive. The Commission is impressed with the Section’s top-down implementation
CONTINUED FROM PAGE 34
of its diversity initiatives. The Section's diligence and commitment to the promotion of diversity among its Standing Committees will be the key to reigniting minority leadership growth in the Section.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 782 (12%)

Membership (excludes leadership)
General membership: 6,211
Number/percentage of diverse members: 725 (12%)
Percentage breakdown of diverse representation:
- African American: 34% of the minority members
- Asian Pacific: 33% of the minority members
- Hispanic: 29% of the minority members
- Native American: 4% of the minority members

Leadership (excludes general membership)
Total leadership: 450
Number/percentage of diverse leaders: 57 (13%)
Percentage breakdown of diverse representation:
- African American: 72% of the minority leaders
- Asian Pacific: 7% of the minority leaders
- Hispanic: 19% of the minority leaders
- Native American: 2% of the minority leaders

This has been a productive year for the Law Practice Management Section, relative to minority leadership growth. The Section experienced diverse leadership increases in all but one area. The number of diverse members in leadership roles this year is 57, a 28-position increase from last year. These increases occurred in a

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year when the Section offered 120 additional leadership positions. Diverse members clearly benefited from these newly added leadership opportunities.

African American, Asian Pacific, Hispanic and Native American members all have a presence in Section leadership. African Americans experienced the most growth with the addition of 20 new positions, giving them a total of 41. Hispanic members added seven new positions, giving them a total of 11. Asian Pacific members added just one new position this year, giving them four. Native American members retained the one position they had from the previous year.

Although the majority of the diverse leadership positions are in the Publication Authors (26) and Programming Faculty (10) areas, diverse members are involved in leadership throughout the Section. Most significant is the fact that the current Chair-Elect of the Section and Nominating Committee Chair are both people of color. Minorities also hold slots in the following leadership areas: Committee Vice Chairs (three new positions), Nominating Committee (three), Other Leadership (nine) and Primary Leadership (two). Minority leaders retained the positions that they held in the Committee/Forum Division Chairs and Council/Forum Governing Committee areas (one position each).

The Section reported that it spent $25,000 (1%) of its budget on diversity-related projects, which is $7,000 more than it spent last year. The Section and the Center on Racial on Ethnic Diversity co-sponsored a program, “Raising Your Bottom Line by Using New Tools to Build Diverse Talent: Mentoring 360,” during the 2011 Annual Meeting. It anticipated that it would set a new standard for managing the careers of diverse lawyers and producing consistently positive outcomes, including increased recruitment, retention and promotion of diverse lawyers to partnership and leadership roles within their law firms. This pilot program served as a kick-off to an ABA-wide diversity certification project, and is currently being fine tuned. It is scheduled to be launched as a CLE Showcase Program at the 2012 Annual Meeting.

The Diversity Leadership Program was also introduced, through which two diverse lawyers will be recruited, annually, to serve in leadership roles within the Section beginning in the 2011-12 bar year. All eligible Section members have been encouraged to apply. There has been such a high level of interest in this new program that the Section has selected two additional diverse members to serve in leadership roles as “unfunded” committee members.

The Section believes that these two programs will have a long-term effect on advancing the full and equal participation of lawyers of color within the Section, the ABA and the legal profession.

It also considers race and ethnicity when developing panels for presentations and other activities, which ensure that the Section is inclusive in terms of participation and content. Its webinars, which increase the availability of its content to members of the legal profession, now include more diversity-related offerings.

The Commission first became aware of the Section’s proposals for the development of a Diversity Certification Program and Diversity Leadership Program in the 2010-11 Goal III report. The Section has followed through to make both of these new programs a reality. This type of innovative programming has been a key driver in contributing to the section’s minority leadership growth this year. ■
ABA Membership and Leadership

Combined number/percentage of diverse members in membership and leadership: 741 (16%)

Membership (excludes leadership)

General membership: 4,565
Number/percentage of diverse members: 725 (16%)
Percentage breakdown of diverse representation:
• African American: 52% of the minority members
• Asian Pacific: 17% of the minority members
• Hispanic: 25% of the minority members
• Native American: 5% of the minority members

Leadership (excludes general membership)

Total leadership: 71
Number/percentage of diverse leaders: 16 (22%)
Percentage breakdown of diverse representation:
• African American: 69% of the minority leaders
• Asian Pacific: 0% of the minority leaders
• Hispanic: 19% of the minority leaders
• Native American: 12% of the minority leaders

The Section of Legal Education and Admissions to the Bar experienced modest growth in minority leadership this year. The number of diverse leaders in the Section grew by three from 13 to 16. These increases came in a year when the Section expanded opportunities for leadership involvement with the addition of the commission on racial and ethnic Diversity in the Profession.

2010-2011

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2011-2012

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African American, Asian Pacific, Hispanic and Native American members are all represented in the Section’s general membership. However, only African American, Hispanic and Native American members are represented among the Section’s leadership ranks. African American members hold 11 leadership positions, Hispanic members hold three positions, and Native American members hold two positions. There is a lack of Asian Pacific representation in leadership, in light of the fact that there are currently 123 members of Asian Pacific descent in the Section’s general membership.

Diverse members hold positions in five leadership areas: Committee/Forum Division Chairs, Committee Vice Chairs, Council/Forum Governing Committee, House of Delegates and Nominating Committee. The Committee Vice Chairs category is new this year. Minority members were able to capitalize on the addition of this leadership category with three new positions. Diverse members retained the same amount of positions in the other leadership areas as they did last year.

The Section allocated $1,000 toward diversity programming this year. This is the same amount that was allocated last year. The Section continued to take the lead in promoting the cause of diversity in legal education through the law school accreditation process and Section-sponsored initiatives. Since the early 1970s, the Section has been guided by the Standards for Approval of Law Schools which contains several provisions promoting diversity. Enforcement of these standards is a priority for the Section, despite criticism from the U.S. Department of Education and the U.S. Commission on Civil Rights that it has been “too aggressive” in its support of diversity among faculty, students and staff in legal education. The Section noted that Standard 211, an anti-discrimination provision, requires law schools to “foster and maintain equal opportunity in legal education, including employment of faculty and staff without discrimination based on race, color, religion, national origin, gender, sexual orientation, age or disability.” Standard 212 provides that a “law school shall demonstrate through concrete actions, a commitment to providing full opportunities for the study of law and entry into the legal profession by members of underrepresented groups.” The Section stated that the enforcement of these diversity standards continues to be a high priority for its Accreditation Committee. The Section credited adherence to the standards as a significant factor in the increase in minority participation in legal education, from less than 5% in 1971 to 22% in fall 2010.

In order to be a credible authority on the value of diversity in the profession, the Section of Legal Education and Admissions to the Bar has to lead by example. The Commission sees that the Section enjoyed modest minority leadership growth this year. However, there are concerns that Asian Pacific members have been absent from Section leadership for three consecutive years. The Commission recommends that the Section look for ways to get some of its 123 Asian Pacific members into the leadership pipeline. It would also be helpful to be able to explore more specific examples of the programming that the Section has in place to advance diversity within its own ranks.

Commission on Racial and Ethnic Diversity in the Profession
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 2,224 (10%)

Membership (excludes leadership)
General membership: 21,500
Number/percentage of diverse members: 1,888 (9%)
Percentage breakdown of diverse representation:
  • African American: 22% of the minority members
  • Asian Pacific: 34% of the minority members
  • Hispanic: 38% of the minority members
  • Native American: 6% of the minority members

Leadership (excludes general membership)
Total leadership: 1,527
Number/percentage of diverse leaders: 336 (22%)
Percentage breakdown of diverse representation:
  • African American: 41% of the minority leaders
  • Asian Pacific: 29% of the minority leaders
  • Hispanic: 28% of the minority leaders
  • Native American: 2% of the minority leaders

The number of minority leaders in the Section of Litigation rebounded this year with the addition of 50 new positions, giving minorities a total of 336. This surpasses the 286 minority-held positions in 2010-11 and the 309 minority-held positions in 2000-2001.
Litigation

CONTINUED FROM PAGE 40

positions in 2009-10. The Section increased the number of available leadership positions by 285 overall.

All racial and ethnic sub-groups are represented in the Section’s leadership. African American leaders hold the most positions with 138, despite having lost 20 this year. Asian Pacific and Hispanic members both added 35 new positions, giving them 98 and 93, respectively. Native American members retained the same seven leadership positions they held last year. Minorities are represented in eight leadership categories, with the bulk of their involvement being in the Programming Faculty (116), Publication Authors (96), Committee/Forum Division Chairs (57), and Other Leadership (56) areas. Minorities retained the positions they held last year in the Council/Forum Governing Committee, House of Delegates, Primary Leadership and Nominating Committee categories.

Last year, the amount of funding the Section allocated to its diversity efforts dropped from $373,369 to $211,655. This year the Section dedicated $213,092 of its budget to diversity-related programming. While this is slightly more than the Section spent last year, it is still considerably less than the funding levels from previous years. However, the Commission believes (as it stated last year) that it is not necessarily about how much the Section spent, but how it used its resources. The Section of Litigation continued to allocate its resources wisely with respect to increasing the diversity of its leadership.

The Section’s long-standing commitment began with the adoption of its inaugural diversity plan in 2001, and continues with ongoing reevaluation and revision of the plan. The current diversity plan focuses on four attorney populations, including lawyers of color. It was distributed to every leader, as well as included in the annual Section Leadership Directory and the online Leadership Reference Library. The plan includes a built-in accountability measure that requires all Section leaders and staff to take responsibility for implementation. The Section employed a full-time Committees and Diversity Initiatives director to oversee implementation of the diversity plan. It also recently established a new Section of Litigation Diversity Committee to focus only on inclusion issues within the profession. This committee will work closely with the Council’s Diversity Committee.

The Section has a solid track record of recruiting and promoting diverse members into leadership roles. The Section’s immediate past chair was a woman of color. Two immediate past chairs, also women of color, currently sit on the Section’s Executive Committee. Two of the four delegates to the House of Delegates are women of color. Seven of the eight members of the Section’s new Diversity Committee are minorities. In 2010-11, 27% of its CLE presenters were attorneys of color.

Four affinity committees that focused on the diversity issues of minority trial lawyers were sponsored by the Section. These committees worked individually and collaboratively on diversity-related initiatives. The Minority Trial Lawyer Committee (MTL) assumed a heightened profile in the Section this year. The Committee’s Minority Trial Lawyer publication, which features articles written by and about topics of interest to minority litigators, successfully transitioned to a digital format. The Committee was the primary sponsor of two programs on the international track during the 2011 Section Annual Conference. An MTL program was also presented during the 2011 ABA Annual Meeting in Toronto. Most recently, the Committee has begun focusing on the development of a speakers’ bureau. The Section stated that the MTL “aims to become the Section’s ‘Go to Goal III’ committee,” serving as a diversity resource to the Section.

The Section continued its long-standing support of the Judicial Intern Opportunity Program, which offers summer internships to diverse law students interested in doing legal research and writing for federal and state trial judges. The Section reported that student and young lawyer memberships increased as a direct result of the program. There are currently seven JIOP alumni active in Section leadership and five JIOP alumni serving on the Litigation News Board. The number of JIOP program locations increased to 10 in 2011, the number of participating judges increased from 124 to 151, and the number of JIOP applications jumped from 658 to 740. In addition, the number of JIOP placements increased from 170 to 191.

The Section also established the Implicit Bias Task Force in 2010 to educate lawyers, judges and others about the pervasive effects of implicit bias throughout the civil and criminal legal system. The Task Force’s inaugural program featured an interactive session with Section leaders in which participants took an Implicit Association Test and used handheld technology to respond to questions about fact patterns that were designed to demonstrate the existence of implicit bias. The ultimate goal of the Task Force is to raise awareness and limit the adverse effects of bias in the justice system.

The Section is currently working with the Center for Racial and Ethnic Diversity to develop protocols for the Center’s new Legal Experts Author Pool (LEAP) program, an initiative that is developing a bureau of diverse potential authors that will be available to ABA publishing entities. The Section believes that LEAP will serve as a source for quality content for the Section’s publications. The program will provide authors from diverse backgrounds with publication opportunities for their curricula vitae.

The Litigation Section continues to lead the way in its development of wide-ranging diversity-centered initiatives. Its creative programming provides models for other entities to emulate. The Commission commends the Section for continuing to weave diversity into every one of its programs, policies and practices.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 535 (16%)

Membership (excludes leadership)
General membership: 2,617
Number/percentage of diverse members: 488 (19%)
Percentage breakdown of diverse representation:
- African American: 37% of the minority members
- Asian Pacific: 32% of the minority members
- Hispanic: 25% of the minority members
- Native American: 5% of the minority members

Leadership (excludes general membership)
Total leadership: 665
Number/percentage of diverse leaders: 47 (7%)
Percentage breakdown of diverse representation:
- African American: 62% of the minority leaders
- Asian Pacific: 30% of the minority leaders
- Hispanic: 8% of the minority leaders
- Native American: 0% of the minority leaders

The Section of Public Contract Law has made significant headway in the promotion of minorities into leadership positions. The number of diverse members in leadership roles in the Section jumped from 13 to 47 this year. In past years, minority leadership growth in the Section had not been as robust.

continued on page 43
African American, Asian Pacific and Hispanic members have a presence in the Section’s leadership, increasing their involvement in Section leadership this year. African American members added 21 new positions, giving them 29. Asian Pacific members added 10 new positions, giving them 14. Hispanic members added three new positions, giving them four. As has been the case for the past two years, Native American members are not represented in Section leadership.

Minorities are involved in five leadership areas: Committee/Forum Division Chairs (six), Committee Vice Chairs (12), Other Leadership (seven), Programming Faculty (16) and Publication Authors (six). Minorities gained new positions in each of these leadership categories.

The Section reported that it spent $12,000 (2%) of its budget on diversity programming this year. It awarded two of its three Diversity Scholarships to attorneys of color—an African American woman and an Asian Pacific man. However, the Section conceded that it has made greater strides in elevating women to positions of leadership than it has in promoting racial and ethnic minorities into such positions. This leaves the Section with room for additional growth and improvement in this arena.

The Section took some steps in the right direction this year to bring more racial and ethnic minorities into the leadership fold. The Commission encourages the Section to continue to make diligent efforts to increase minority leadership participation, and strongly recommends that it develop a diversity plan outlining specific goals, procedures, and timelines for achieving these goals. The minority leadership growth that the Section experienced this year provides a solid foundation for future growth, but without a plan for the future the Section will not be able to sustain this growth.
ABA Membership and Leadership

Combined number/percentage of diverse members in membership and leadership: 316 (15%)

Membership (excludes leadership)

- General membership: 1,804
- Number/percentage of diverse members: 308 (17%)
  - Percentage breakdown of diverse representation:
    - African American: 38% of the minority members
    - Asian Pacific: 34% of the minority members
    - Hispanic: 24% of the minority members
    - Native American: 4% of the minority members

Leadership (excludes general membership)

- Total leadership: 235
- Number/percentage of diverse leaders: 8 (3%)
  - Percentage breakdown of diverse representation:
    - African American: 75% of the minority leaders
    - Asian Pacific: 0% of the minority leaders
    - Hispanic: 25% of the minority leaders
    - Native American: 0% of the minority leaders

Last year, the number of minorities in leadership dropped from nine to three in the Section of Public Utility, Communications and Transportation Law. This year, continued on page 45
the Section was able to reenlist most of the minority leaders that it lost last year with the addition of five new positions. There are now eight minority leaders in the Section. The Section added 146 new leadership positions overall.

African American and Hispanic members are the only minorities represented in Section leadership, with six and two positions respectively. Both groups added new positions this year. Asian Pacific members have been absent from leadership for two years. Native American members have not had a leadership presence in at least three years.

Diverse leaders hold positions in three leadership areas: Committee/Forum Division Chairs, Committee Vice Chairs and Publication Authors. Minorities gained five new positions with the addition of the Committee Vice Chairs leadership category. They added one new position in the Publication Authors area but lost one position on the Council/Forum Governing Committee, leaving them with no positions in this leadership area. Minorities retained the two positions they held last year in the Committee/Forum Division Chairs area.

The Section reported that it spent $2,000 on its diversity efforts this year. A portion of these funds was used to support the Spirit of Excellence Awards Luncheon. Unfortunately, this is all the information the Section has provided about its diversity-related programming. For the past two years, the Section has failed to provide any information about its diversity-related initiatives, which leads the Commission to believe that diversity is not a priority for the Section. Despite this, minority leadership grew this year. The Commission strongly encourages the Section to explore elevating diversity planning as a priority, and to reflect that by creating and implementing a diversity plan. There are currently 308 minorities in the Section’s general membership. The Section could identify ways to move more of these members into the leadership pipeline as a starting point to enhance its diversity efforts.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 740 (6%)

Membership (excludes leadership)
General membership: 11,334
Number/percentage of diverse members: 687 (6%)
Percentage breakdown of diverse representation:
  • African American: 29% of the minority members
  • Asian Pacific: 36% of the minority members
  • Hispanic: 25% of the minority members
  • Native American: 9% of the minority members

Leadership (excludes general membership)
Total leadership: 611
Number/percentage of diverse leaders: 53 (9%)
Percentage breakdown of diverse representation:
African American: 57% of the minority leaders
Asian Pacific: 26% of the minority leaders
Hispanic: 17% of the minority leaders
Native American: 0% of the minority leaders

The Section of Real Property, Trust and Estate Law experienced limited growth in its minority participation this year. Minority leaders increased their presence in leadership with the addition of three new positions, giving them a total of 53. The Section added 54 new leadership opportunities overall.

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African American members now hold 30 leadership positions, including the addition of three new ones. Asian Pacific members hold 14 positions, despite losing two. Hispanic members hold nine positions after picking up two additional positions this year. Native American members continue to be unrepresented in Section leadership.

The majority of diverse members hold positions in the Programming Faculty area (24, up from 18). However, minority leaders are also involved in the Committee/Forum Division Chairs (seven, up from five), Committee Vice Chairs (eight new positions), Council/Forum Governing Committee (three, down from four), Other Leadership (three, down from eight) and Publication Authors (seven, down from 10) areas. Additionally, minority members retained the one position they have held for the past two years in the House of Delegates. Diverse members held four positions in the Primary Leadership area last year. This year, they have no presence in this particular leadership area.

The Section reported that it allocated $52,380 of its budget to diversity efforts this year. This represents a 35% decrease in resources compared to 2010-11. It continued to sponsor six 14-week CLE programs on real property, trust and estates for minority bar members around the country via its Community Outreach Program (COP). This program enabled the Section to develop lasting, mutually beneficial relationships with local minority attorneys, as well as state and local minority bar associations, in the cities where Section programs are held. The Section expanded COP to include two new cities this year—New Orleans and Philadelphia. The program was well received in both locales.

In addition, the Section continues to offer free registration to first-time minority bar members at its Spring Meeting. It sent follow-up letters to all diverse speakers thanking them for their participation and inviting them to participate in its Diverse Speaker Database, which is available on the Section’s website. The Section participated in several ABA diversity programs, purchased booth space at minority bar conferences, and supported the Spirit of Excellence Awards Luncheon. It also has maintained active liaison relationships with the ABA Commission on Racial and Ethnic Diversity in the Profession and the National Bar Association.

The Commission recognizes the Section for its limited minority leadership growth. Despite the significant reduction in diversity-related resources it experienced this year, the Section was able to expand its innovative Community Outreach Program, demonstrating that creative programming can still be implemented during challenging economic times without negatively impacting minority leadership involvement. The Commission encourages the Section to focus on increasing the percentage of minority members in leadership, with a goal of raising participation to 10% in the next three years.
### ABA Membership and Leadership

Combined number/percentage of diverse members in membership and leadership: 608 (18%)

**Membership (excludes leadership)**
- General membership: 2,831
- Number/percentage of diverse members: 531 (19%)
  - African American: 23% of the minority members
  - Asian Pacific: 49% of the minority members
  - Hispanic: 26% of the minority members
  - Native American: 2% of the minority members

**Leadership (excludes general membership)**
- Total leadership: 534
- Number/percentage of diverse leaders: 77 (14%)
  - African American: 12% of the minority leaders
  - Asian Pacific: 52% of the minority leaders
  - Hispanic: 33% of the minority leaders
  - Native American: 3% of the minority leaders

The Section of Science and Technology had strong increases in minority leadership this year. The number of diverse members in leadership increased from 47 to 77. This growth reverses the minority leadership decline that the Section experienced last year. The Section added 142 new leadership positions overall.

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Asian Pacific members experienced the most substantial presence in Section leadership with the addition of 27 new positions, giving them a total of 41. Hispanic members added seven new positions, giving them a total of 25. African American members retained the nine leadership positions they held last year. Native American leadership decreased by four positions, leaving them with just two.

Diverse members are represented in a variety of leadership capacities. The bulk of minority leaders can be found in the Publication Authors area (29, up from four) and the Other Leadership area (17, up from 15). In addition, minority leaders acquired new leadership roles in the following categories: Committee/Forum Division Chairs (eight, up from five), Committee Vice Chairs (six new positions) and Committee Leadership (six, up from three). A minority member assumed the position of Nominating Committee Chair this year as well. However, diverse leaders lost two positions on the Nominating Committee, leaving them with no positions at the committee member level. Diverse members also lost positions in the Council/Forum Governing Committee (two, down from three), Primary Leadership (one, down from two) and Programming Faculty (seven, down from 13) areas.

The Science and Technology Section reported that it devoted $1,000 to the promotion of diversity in the legal profession. The Section introduced a new member benefit this year to attract a diverse pool of young lawyers and law students. The new program, the “Think Outside the Box Lunch” series, featured box lunches, encouraged outside-the-box thinking and provided a chance to network and share insights with other forward-thinking practitioners. The Section will be launching the series in cities with major concentrations of Science and Technology members to provide networking opportunities two to four times a year. The kick-off session was held at ABA headquarters in Chicago in July 2011, featuring the topic “Navigating E-Discovery: The Latest Legal Trends and Best Practices”. Minority and local bar association members were invited to attend. The Asian American Bar Association co-sponsored the program. Young lawyers and law students represented 66% of the attendees, and they were able to attend for free. The Section believes that the “Think Outside the Box Lunch” program will help to diversify the Section and the ABA in the future.

The Section also updated its diversity plan last year in order to better fulfill its obligation to advance the full and equal participation of racial and ethnic minorities within the profession. It stated that everyone in Section leadership will be accountable for the plan’s implementation.

Last year, the Commission predicted that the Section’s biggest challenge would be to translate its minority outreach programs into active minority leadership participation. The Section has accomplished this with its new program. The initiative is an example of the type of programming that should have a positive impact on the development of young, diverse leadership talent in the Section.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 521 (16%)

Membership (excludes leadership)
General membership: 2,957
Number/percentage of diverse members: 477 (16%)
Percentage breakdown of diverse representation:
- African American: 39% of the minority members
- Asian Pacific: 30% of the minority members
- Hispanic: 27% of the minority members
- Native American: 4% of the minority members

Leadership (excludes general membership)
Total leadership: 210
Number/percentage of diverse leaders: 44 (21%)
Percentage breakdown of diverse representation:
- African American: 52% of the minority leaders
- Asian Pacific: 32% of the minority leaders
- Hispanic: 16% of the minority leaders
- Native American: 0% of the minority leaders

Last year, the Section of State and Local Government Law finally overcame the minority leadership growth stagnation that it had experienced for two consecutive years. The Section continues to build on this growth with the addition of...
17 new diverse members in leadership this year. The number of minorities in Section leadership is now 44, up from 27. This growth occurred during a year when the Section increased the overall number of leadership positions by 18.

African American members hold the most leadership seats with the addition of 10 new positions, giving them 23. Asian Pacific members gained four new positions this year, giving them 14. Hispanic members added three new positions, giving them seven. Native American members continue to be unrepresented in Section leadership.

Minority leaders are involved in almost every area of Section leadership. Diverse leaders serve in the Other Leadership (14), Committee Vice Chairs (two), Committee Leadership (two), and Subcommittee Chairs (three) categories. The minority-held positions in these leadership areas are all new this year. Minorities also hold positions in the following leadership areas: Programming Faculty (14, up from 12), Nominating Committee (two, up from one), and Committee/Forum Division Chairs (three, down from six). Diverse leaders retained the four positions they held on the Council/Forum Governing Committee. Last year, minorities held positions in the Primary Leadership and Publication Authors categories—they no longer occupy positions in these areas.

The Section once again reported that it has not allocated a specific amount of its resources for diversity initiatives. Instead, the Section has planned to contribute $500 to support the Diversity Expo for National Bars of Color. Also, pending approval by the ABA Board of Governors, the Section has planned to make a $500 contribution in support of a substantive diversity law project on the issue of Heirs Property. The Section states that it has sponsored several receptions and CLE programming, including a Midyear Meeting program, “Hot Topics in Diversity Law”. It co-sponsored the program with local diverse bar associations. These local bar associations provided speakers for the program. Following the Midyear Meeting, the Section’s publication, the *Urban Lawyer Journal*, published one of the program’s papers.

The Commission has observed that the Section has been able to continue on its newfound path of minority leadership growth. However, the concern resurfaces about the Section’s failure to specifically designate funding for diversity programming. In order for the Section to make progress, it must allocate resources toward its diversity initiatives. As noted last year, including diversity as a permanent line item in the Section’s resources is a critical step toward treating diversity as an asset and a valued goal.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 703 (7%)

Membership (excludes leadership)
General membership: 7,408
Number/percentage of diverse members: 527 (7%)
Percentage breakdown of diverse representation:
- African American: 25% of the minority members
- Asian Pacific: 38% of the minority members
- Hispanic: 30% of the minority members
- Native American: 7% of the minority members

Leadership (excludes general membership)
Total leadership: 2,534
Number/percentage of diverse leaders: 176 (7%)
Percentage breakdown of diverse representation:
- African American: 15% of the minority leaders
- Asian Pacific: 25% of the minority leaders
- Hispanic: 58% of the minority leaders
- Native American: 2% of the minority leaders

The Section of Taxation experienced a decline in its diverse leadership. After having increased its diverse leadership from 134 to 190 positions in 2010-11, the Section has now lost 14 minority leadership seats, leaving it with 176 positions this year. There was an overall reduction in the number of available positions in 2011-2012 continued on page 53
the Section this year (a loss of 340 positions).

Hispanic members continue to have a very strong presence in Section leadership with the addition of seven positions, giving them 102. Asian Pacific members added two new positions, giving them a total of 43. African American members lost ground this year. They now have 27 members in leadership, compared to 43 in 2010-11 and 38 in 2009-10. Native American members also lost ground this year. They lost seven positions, leaving them with four. This loss practically erases all of the gains made by this group in 2010-11, and puts them closer to 2009-10 leadership levels.

The overwhelming majority of positions held by diverse leaders are in the Programming Faculty category. Diverse members hold 149 positions in this area. Minorities also gained seven new positions in the Committee Vice Chairs category and four new positions in the Subcommittee Chairs category. Diverse members hold 10 positions (an increase of two) in the Publication Authors area, and three positions (an increase of one) on the Nominating Committee. Minorities retained their positions in the Council/Forum Governing Committee (two) and Committee/Forum Division Chairs (one) categories.

The Section reported that it allocated $75,000 (3%) of its budget toward diversity programming. This represents $15,000 more than what was allocated in 2010-11. It continued to offer annual law student career programs that provided information on tax law. It also continued to sponsor a Law Student Tax Challenge Writing Contest that attracts over 40 J.D. and LL.M. student teams each year. Minority participation in this competition has grown each year. In addition, the Section continued to underwrite the Legal Opportunity Scholarship, which funded a diverse student to attend law school.

The Section has an active Diversity Committee that presents diversity-related CLE at the Section’s three annual meetings. Also at each of these annual meetings, the Diversity Committee and Young Lawyers Forum held a joint reception where young lawyers and lawyers of color were able to network with Section leadership. Annually, the Section selects six young lawyers with a demonstrated interest in Section activities to serve as John S. Nolan Fellows. Almost half of the Fellows have been women or minorities.

ALI-ABA also collaborated on a project with the Section’s Young Lawyers Forum in which young lawyers, many of whom were diverse, partnered with senior members of the Section to write articles for ALI-ABA’s *Practical Tax Lawyer*. Minorities were represented in this group as editors and authors. The Section also continued its outreach to minority bar associations. In addition, the Past Chair of the National Bar Association Tax Section acts as the current Chair of the Section’s Diversity Committee.

The Section stated that it has a vibrant international contingent that has not only participated in its three annual meetings, but has also developed successful stand-alone programs in Europe and Latin America. Its Council will be updating the Section’s long-range plan in 2012, strengthening its emphasis on diversity. The Section participates in and contributes funding to the ABA National Bars of Color Joint Exhibit Project. It also contributes $500 to offset the costs of the ABA and its entities to exhibit at the annual conferences of the National Asian Pacific American Bar Association, National Native American Bar Association, National Bar Association and Hispanic National Bar Association.

In the upcoming years, the Section anticipates that racial and ethnic diversity in its leadership will grow as pipeline efforts targeting young minority lawyers and law students begin to bear fruit. The Commission looks forward to seeing the fruits of the Section’s labor in its minority leadership growth.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 1,021 (10%)

Membership (excludes leadership)
General membership: 8,848
Number/percentage of diverse members: 938 (11%)
Percentage breakdown of diverse representation:
- African American: 32% of the minority members
- Asian Pacific: 27% of the minority members
- Hispanic: 35% of the minority members
- Native American: 5% of the minority members

Leadership (excludes general membership)
Total leadership: 1,521
Number/percentage of diverse leaders: 83 (5%)
Percentage breakdown of diverse representation:
- African American: 25% of the minority leaders
- Asian Pacific: 40% of the minority leaders
- Hispanic: 34% of the minority leaders
- Native American: 1% of the minority leaders

Minority leadership numbers and percentages are down for the Tort, Trial and Insurance Practice Section this year. The number of minorities in leadership dropped significantly from 185 to 83. Minorities sustained these losses in a year when the Section actually increased the available number of leadership opportunities.

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### 2011-2012

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Commission on Racial and Ethnic Diversity in the Profession

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continued on page 55
Asian Pacific practitioners were the only group to gain leadership positions, with the addition of two new seats. This group now holds 33 leadership positions. African American members sustained the greatest losses of leadership seats with the reduction of 78 positions, leaving them with 21. Hispanic members have seen a steady decrease in leadership positions for three consecutive years. In 2009-10, Native American members held 10 leadership slots. In 2010-11, they held two. This year they hold only one position.

Minority leaders are active in eight leadership areas. Diverse members gained eight new positions in the Other Leadership category, four new positions in the Committee Vice Chairs area and one new position in the Primary Leadership area. Diverse members added one additional position in the Publication Authors category, giving them six. They also retained the two positions they held in the Council/Forum Governing Committee area. Minorities lost positions in the Committee Leadership area (74 lost, leaving 26), Programming Faculty area (36 lost, leaving 28), Committee/Forum Division Chairs area (five lost, leaving eight), and the Nominating Committee area (one lost, leaving none).

The Torts, Trial and Insurance Practice Section reported that it dedicated $168,172 (4%) of its budget to diversity programming and initiatives. However, the Section also stated that this allocation did not include outreach to law students and young lawyers, overall membership recruitment and retention, or funding for membership outreach by TIPS General Committees.

The Section is actively involved in promoting diversity in a myriad of ways. It created a DVD, “The Diversity Factor: Capturing the Competitive Advantage,” which examines the diversity practices of the Chubb Group of Insurance Companies and the Microsoft legal team. The video focused on the competitive advantages gained through a diverse workforce, and outlined the steps required to create a culturally competent legal team. The DVD is available in 35-minute and 60-minute lengths, and it is eligible for CLE self-study and elimination of bias credits. The Section’s Standing Committee on Diversity in the Profession (CDP) promoted the Section’s diversity goals through publications, CLE programs, networking receptions and local and national outreach programs. The CDP identified opportunities for diverse lawyers to publish, speak and network with colleagues from around the world. The CDP has also participated in national meetings such as the National Conference for the Minority Lawyer and the Minority Counsel Meeting. In addition, the CDP published Embracing Diversity, a newsletter that features articles about diversity in the legal profession.

The Section continued to support the TIPS Leadership Academy, a year-long leadership training program targeting young lawyers of diverse backgrounds. The Academy provided participants with the knowledge and skills necessary to develop a vision to lead the legal profession. The Section also continued its support of the TIPS Scholarship Fund, which provided financial assistance to minorities and others who would otherwise be unable to participate in Section activities. It continued to host a leadership dinner for the Coalition of Bars of Color during its annual meeting. In addition, the Section annually awards the TIPS Liberty Achievement Award to an attorney who takes a leadership role in promoting diversity in the profession. Most recently, the Section presented the Liberty Achievement Award to Dennis W. Archer for his extraordinary life-long efforts toward the achievement of liberty and justice for all. The Section also presented Diversity Awards to various General Committees in recognition of their outstanding efforts in the enhancement of diversity.

TIPS NOW!, a leadership initiative that appointed five to six Fellows to funded positions on TIPS Standing Committees, is supported by the Section. The Fellows will assist with membership and the TIPS Task Force on Outreach to Young Lawyers. The Section states that the TIPS class of 2013-14 will be diverse in practice area, gender, race and ethnicity. The Section’s diversity officer, along with the chair and chair-elect of the CDP, will conduct outreach to regional and national minority bar associations. It has recently revised the Section’s strategic plan to better fulfill its goal to advance diversity in the profession. The Section also provides links on its website to various minority organizations and associations.

The Section continues to provide a variety of diversity-related programming. It is unfortunate that minority leadership decreased this year, despite the strong initiatives that the Section has in place. The Commission believes that the Section can rebound from these losses as long as it continues to offer solid diversity programming that grooms diverse law students and diverse young practitioners to assume future leadership roles in the Section.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 1,110 (16.83%)
Membership (excludes leadership)
General membership: 6,135
Number/percentage of diverse members: 1,016 (17%)
Percentage breakdown of diverse representation:
• African American: 37% of the minority members
• Asian Pacific: 29% of the minority members
• Hispanic: 28% of the minority members
• Native American: 6% of the minority members
Leadership (excludes general membership)
Total leadership: 461
Number/percentage of diverse leaders: 94 (20%)
Percentage breakdown of diverse representation:
• African American: 52% of the minority leaders
• Asian Pacific: 25% of the minority leaders
• Hispanic: 20% of the minority leaders
• Native American: 2% of the minority leaders

The General Practice, Solo and Small Firm Division had been experiencing substantial minority leadership growth until this year. The overall number of Division leadership positions fell from 524 to 461. Commensurate with this loss in available leadership slots, the number of minorities in Division leadership also continued on page 57.
Members from each racial and ethnic sub-group still continue to be represented in Division leadership, even though each of these groups lost positions this year. African American members dropped from 56 positions to 49, Asian Pacific members dropped from 26 to 24 positions, Hispanic members decreased from 30 to 19 positions and Native American members dropped from seven positions to two. Last year, the Division achieved triple-digit minority leadership participation with diverse members represented in every leadership category. This year, minority leadership is back in the double digits. However, diverse members are represented in all but two leadership categories. Despite these losses, the Division is still in an enviable position with minority members taking on roles in the majority of its leadership areas, including the Chair and Chair-Elect positions.

Similar to last year, the highest concentration of minority-held positions is in the Other Leadership, Programming Faculty, Committee/Forum Division Chairs and Publication Authors categories. This year, diverse members garnered additional positions in new leadership areas including Committee Leadership (three additional positions), Other Leadership (two additional positions), and the House of Delegates (one additional position). Last year, there was one diverse member on the Nominating Committee. This year, a minority member holds the position of Nominating Committee Chair. Although they still maintain a presence, diverse members lost ground in the following leadership categories: Programming Faculty (22 fewer positions), Publication Authors (11 fewer positions), Committee/Forum Division Chairs (six fewer positions), Council/Forum Governing Committee (one less position) and Primary Leadership (one less position).

The Division reports that it spent $5,600 on diversity initiatives again this year. It continues to support the Diversity Fellowship Program, which the Division established more than a decade ago to promote leadership development opportunities for minority practitioners. The Division’s Diversity Board identifies and nominates four lawyers with diverse backgrounds and experience who are then appointed by the chair-elect to funded fellowship positions within the Division for the following bar year. After the successful completion of their first year, the fellows are appointed to regularly funded positions within the Division. The Division states that both past and current diversity fellows have become more actively involved as leaders in the entity.

Despite the losses sustained in minority and non-minority leadership this year, the Division is in a good position to recoup these losses based on the substantial number of diverse practitioners in its general membership. The key is to ensure that these members are poised and ready to take advantage of leadership opportunities as they become available.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 1,025 (22.10%)  
Membership (excludes leadership)
General membership: 4,531
Number/percentage of diverse members: 1,003 (22%)  
Percentage breakdown of diverse representation:
- African American: 41% of the minority members
- Asian Pacific: 29% of the minority members
- Hispanic: 26% of the minority members
- Native American: 5% of the minority members
Leadership (excludes general membership)
Total leadership: 108
Number/percentage of diverse leaders: 22 (20%)  
Percentage breakdown of diverse representation:
- African American: 50% of the minority leaders
- Asian Pacific: 45% of the minority leaders
- Hispanic: 4% of the minority leaders
- Native American: 0% of the minority leaders

The Government and Public Sector Lawyers Division experienced a slight increase in its diverse Division leadership, but it was not commensurate to its overall leadership growth. While the number of minorities in Division leadership increased...
from 19 to 22, the percentage of minorities in leadership fell by 5% due to a disproportionate increase in the available number of overall leadership slots.

Asian Pacific members experienced growth with the addition of four new positions, giving them 10 leadership slots. African American members lost one slot, decreasing their leadership presence to 11. Hispanic and Native American members maintained their previous year’s numbers at one and zero slots, respectively.

The Division reports that it allocated $2,000 (2%) of its budget to diversity-related initiatives in 2010-11. It notes that 17% (down from 19% last year) of its council members are of color. Further, it states that through its Pathways to Success for Women and Minorities in the Public Sector program, it provides an outlet for successful public sector women and minority lawyer-leaders to share their experiences. Despite its limited resources, the Division states that it also promotes diversity by 1) ensuring that its CLE panelists are diverse (last year, 28 of its panelists were of diverse backgrounds); 2) using diverse images in its publications; and 3) posting its diversity plan on its website with links to the ABA Commission on Racial and Ethnic Diversity in the Profession, the ABA Commission on Women in the Profession and the ABA Council on Racial and Ethnic Justice.

The number of minorities in leadership continues to increase in the Division, despite the fact that it has not altered its diversity initiatives in any significant way in the past few years. The Commission would like to see the Division add some new initiatives to its tried and true programming. These initiatives may enable the Division to attract new members who might not otherwise consider becoming actively involved in the entity.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 67 (26.8%)

Membership (excludes leadership)
General membership: 216
Number/percentage of diverse members: 54 (25%)
Percentage breakdown of diverse representation:
- African American: 54% of the minority members
- Asian Pacific: 13% of the minority members
- Hispanic: 24% of the minority members
- Native American: 9% of the minority members

Leadership (excludes general membership)
Total leadership: 34
Number/percentage of diverse leaders: 13 (38%)
Percentage breakdown of diverse representation:
- African American: 61% of the minority leaders
- Asian Pacific: 31% of the minority leaders
- Hispanic: 0% of the minority leaders
- Native American: 8% of the minority leaders

There were substantial reductions in the overall number of leadership positions in the Judicial Division this year. This year, the Division eliminated all leadership roles in the Publication Authors and Council/Forum Governing Committee categories, reducing its positions from 108 to 34. Even though diverse membership and leadership combined number/percentage of diverse members in membership and leadership: 67 (26.8%)
leadership positions were reduced from 31 to 13, the percentage of diverse leaders increased to 38%.

Diverse leaders have expanded their reach in the Division. Both the chair-elect of the Division and the chair of the Nominating Committee are minority members. Additionally, a second minority member joined the Nominating Committee this year. Last year, the majority of the leadership positions held by diverse members were in the Publication Authors category. This year, the bulk of the minority-held leadership positions are in the Committee/Forum Division Chairs category. Minorities retained the eight positions they held in this area last year. Diverse members lost one position in the Primary Leadership category, leaving only one minority member in this leadership area.

African-American members lost 10 leadership slots this year, but still maintain the bulk of the minority-held positions with eight slots. Asian Pacific members experienced growth in leadership, adding two positions for a total of four. Hispanic and Native American members both saw declines in leadership. Hispanics lost all three of the positions they held last year, and Native Americans lost seven of the eight positions they held last year. Until this year, Native Americans had enjoyed leadership growth moving from two positions in 2009-10 to eight positions in 2010-11. It is particularly disappointing to see this growth stymied given the Division’s longstanding support of the Tribal Courts Council.

Last year, the Division reported that it spent $28,000 on diversity-related activities. This is a significant decrease from the previous year’s $101,921 budget. In its current report, the Division does not disclose the amount of funds allocated to diversity. However, the Division notes that it continues to support the Judicial Clerkship Program, which exposes members of diverse groups to the judicial clerkship experience. Each year, 100 diverse law students participate in this three-day educational program. Additionally, the Judicial Division Standing Committee on Diversity has developed a diversity plan that governs the entity’s diversity policies and actions. The Standing Committee also hosts annual minority outreach programs during both the Midyear and Annual meetings. Last year, the Commission was impressed with the Division’s ongoing commitment to promoting inclusion in the judiciary and educating the public about the judicial system through its “Obtaining & Retaining a Diverse Judiciary” project and “Perceptions of Justice” town hall event, despite significant budget reductions. Unfortunately, there is no mention of these programs in the Division’s current Goal III reporting. The Division’s once very productive publishing apparatus also appears to be on hiatus, potentially due to the overall economic downturn.

The Commission is hopeful that the Division will able to return to the innovative programming that has been its hallmark in past years. With this shift, the Division may be able to recoup some of the minority leaders it lost this year.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 1,160 (23%)
Membership (excludes leadership)
General membership: 4,884
Number/percentage of diverse members: 1,111 (23%)
Percentage breakdown of diverse representation:
- African American: 37% of the minority members
- Asian Pacific: 33% of the minority members
- Hispanic: 26% of the minority members
- Native American: 4% of the minority members
Leadership (excludes general membership)
Total leadership: 134
Number/percentage of diverse leaders: 49 (37%)
Percentage breakdown of diverse representation:
African American: 41% of the minority leaders
Asian Pacific: 31% of the minority leaders
Hispanic: 22% of the minority leaders
Native American: 6% of the minority leaders

The Law Student Division’s minority leadership held steady this year. There are 49 diverse members acting in a leadership capacity in the Division. This number is unchanged from last year. The Division decreased the number of overall available leadership slots from 171 to 134.

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The structure of the Law Student Division differs somewhat from that of other entities because it does not have a Nominating Committee or Committee Chair. Committee Vice-Chair or Subcommittee Chair positions open to the general membership. Nevertheless, minority members hold several upper-echelon leadership positions in the Division. The current Chair of the Division is a person of color. As was the case last year, the majority of the diverse members are in the Other Leadership category. Minority members lost only one position in this area, dropping from 27 to 26 positions. Diverse members hold two positions in the Committee Leadership category and one in the House of Delegates. In addition, diverse members held on to nine of the 10 positions they had on the Council/Forum Governing Committee. Minority members also maintain a solid presence in the Publication Authors category with 10 positions, up from five last year. Diverse members suffered the greatest setback in the Primary Leadership area, losing all three of the positions they held last year.

African American, Asian Pacific, Hispanic and Native American members all have a strong presence in Division leadership. African American members have 20 members in leadership, down from 24 last year. Asian Pacific members maintained the 15 leadership slots they had last year. Hispanic members added three positions moving them from eight positions to 11, and Native American members have three positions, up from two last year. The Commission is pleased to see such growth among Hispanic and Native American members in a year when the Division added only two new leadership positions overall.

The Division reported that it dedicated $25,000 to diversity-related initiatives. This is half of what it spent on its diversity efforts last year. To its credit, the Division’s reduction in spending has not diminished its commitment to the diversity programs that it has supported throughout the years. The Law Student Leadership Program continues to be a major source of the Division’s diverse leadership representation. Academically-eligible law students of all backgrounds from ABA-approved law schools are able to nominate themselves for election or appointment to leadership positions on the local, regional and national level. This program has consistently produced a multicultural team of law student leaders who have led the Division in many of its initiatives. It continues to sponsor a grant program that provides seed money and programming support to law student organizations developing public service projects.

In addition, the Division allocates $16,000–$20,000 annually in grant funding. Programs that were supported through the grant in 2010-11 included a Native American Law Students Indian Wills Tour and a diversity breakfast. The Division’s Board of Governors Standing Committee on Diversity provides oversight of the Division’s diversity efforts and its long-range diversity plan. It sponsors a variety of other diversity-related initiatives, including: 1) the Volunteer Income Tax Assistance (VITA) Program, which offers free income tax preparation assistance to the elderly, non-English speaking and low income taxpayers (27 law schools established VITA sites this year); 2) affiliated bar outreach through which the Division builds relationships with affiliated law student organizations including those representing diverse groups (the Division has committed to sending a board member to each of the affiliated organization’s major meetings this year); 3) state and local bar outreach through which the Division collaborates with 24 state and local bars, including minority bars, to promote opportunities for their bench and bar members to serve as judges during the National Appellate Advocacy Competitions and the Negotiation Competition National Finals; 4) scholarships to minority law students and co-sponsorship of educational programs, including an annual $5,000 contribution to the ABA Legal Opportunity Scholarship Fund, an annual $1,500 contribution to the Judicial Intern Program and an annual $1,000 contribution to the Commission on Racial and Ethnic Diversity in the Profession’s Spirit of Excellence Luncheon; and 5) annual meeting programming that includes leadership training sessions, a career fair and co-sponsored diversity-related seminars. Recent programming included “The Battle Over Birthright Citizenship: History, International Perspectives, and the Path Ahead,” “Implicit Bias and the Myth of Equal Justice” and “Career Management and Development for the Diverse Lawyer.”

The Division continues its sponsorship of the Dean Henry J. Ramsey Jr. Diversity Award, presented annually to a student, faculty member, administrator or student organization of an ABA-approved law school that exemplifies a commitment to issues of inclusiveness, and the Judy M. Weightman Memorial Public Interest Award, which recognizes law students and law schools that have made outstanding contributions to underrepresented groups or public interest causes. Additionally, it continues to sponsor Diversity Day (designated by the Division as March 2), on which law schools nationwide are encouraged to celebrate diversity through programming, events and activities. The Division provides a Diversity Day Toolkit on its diversity webpage to aid law schools in developing Diversity Day programming. Finally, Student Lawyer magazine, the Division’s monthly publication, featured an article in its March 2011 issue, “Lead by Example and Help the Less Fortunate,” which highlighted the Student Bar Association of Florida State University School of Law for their “Making a Difference” program—an initiative that enabled FSU’s diverse student body to participate in public interest projects assisting the underrepresented in the local community.

Despite fiscal constraints, the Law Student Division promotes programming that provides law students, particularly those of color, with an invaluable introduction to the ABA and its entities. Moreover, it offers training and access to entry-level leadership opportunities that are essential to the development of law students into successful practitioners. The Division sets a strong example for other entities that are looking for ways to produce quality diversity programming with limited resources.
Public Services

(The Division for Public Services is not a membership entity; therefore, no membership information is available for the Division.)

ABA Leadership

Leadership (excludes general membership)
Total leadership: 14
Number/percentage of diverse leaders: 5 (36%)
Percentage breakdown of diverse representation:
• African American: 40% of the minority leaders
• Asian Pacific: 40% of the minority leaders
• Hispanic: 20% of the minority leaders
• Native American: 0% of the minority leaders

This is the first year that we have included data for the Division for Public Services in our Goal III reporting, so we do not have comparative data from prior years to include in our analysis. The Division currently has 14 members in positions of leadership, five of whom are minority members. The percentage of minorities in leadership is 36%. All of the Division’s leadership slots are in the Programming Faculty category. African American members hold two positions, Asian Pacific members hold two positions and Hispanic members hold one position. Native American members are unrepresented in leadership at this time.

The Division has not disclosed the amount it allocates toward diversity programming. However, the Division reports that it co-sponsored an Annual Meeting program with the Law Student Division, “Public Interest Careers for Lawyers: From Advocacy to Representation, to Policy Development and Beyond,” which included a panel of diverse presenters.

The Commission looks forward to receiving an update on the Division’s future work in the diversity area. We encourage the Division to identify ways to grow its leadership opportunities beyond co-sponsorship of Annual Meeting programs, and to groom more minorities for leadership in the process.
**ABA Membership and Leadership**

Combined number/percentage of diverse members in membership and leadership: 3,897 (3.36%)

**Membership (excludes leadership)**

General membership: 3,760

Number/percentage of diverse members: 122 (3%)

Percentage breakdown of diverse representation:
- African American: 43% of the minority members
- Asian Pacific: 21% of the minority members
- Hispanic: 23% of the minority members
- Native American: 12% of the minority members

**Leadership (excludes membership)**

Total leadership: 137

Number/percentage of diverse leaders: 9 (6%)

Percentage breakdown of diverse representation:
- African American: 89% of the minority leaders
- Asian Pacific: 11% of the minority leaders
- Hispanic: 0% of the minority leaders
- Native American: 0% of the minority leaders

The road to expanded minority leadership appears to be unobstructed for the Senior Lawyers Division. Last year, the Division was moving in the right direction relative to building its minority leadership base. The small numerical and percentage increases in minority leadership involvement showed slow but steady growth continued on page 66
Senior Lawyers

CONTINUED FROM PAGE 65

for diverse senior lawyers. That growth continued this year with three additional minority members taking on leadership roles in the Division, raising the number of minority leaders from six to nine. This increase came in a year when the Division added 13 new leadership positions.

Practitioners representing all racial and ethnic sub-groups are represented in Division membership. However, only African American and Asian Pacific members have leadership roles. African American members increased their number by two for a total of eight positions. Two African American members currently sit on the Division’s Council, and one African American woman serves as a committee chair. Additionally, an Asian Pacific woman holds a committee vice chair position. Hispanic members and Native American members are still unrepresented in the leadership ranks. Diverse senior leaders also continue to hold high-level positions in the Committee/Forum Division Chairs, Committee Leadership and Council/Forum Governing Committee categories. However, this year minority members also assumed three committee vice chair positions.

The Division reported that it spent $2,000 (20% of its membership recruitment budget) on diversity programming. This represents an increase from the $1,500 spent last year. Once again, it sent recruitment mailings to age-eligible ABA members who identified themselves as being members of a minority group. The Division reports that several diverse members joined as a result of this outreach. However, the Division reiterated that its membership budget is limited and must be used to recruit from the larger pool of ABA members who are either age-eligible to join or who have an interest in elder law, regardless of race or ethnicity.

There are currently 122 diverse senior lawyers in the Division’s general membership pool. We would like to see the Division do more to tap these diverse members for leadership opportunities. The Division has enjoyed limited success with its recruitment mailings. However, the Commission believes that the minority practitioners already involved in the Division could be excellent sources for leadership talent. The Commission suggests that the Division broaden its approach and identify additional cost-effective strategies to attract more senior lawyers of color into these leadership roles.
Young Lawyers

ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 22,272 (19%)

Membership (excludes leadership)
General membership: 21,882
Number/percentage of diverse members: 4,221 (19%)
Percentage breakdown of diverse representation:
• African American: 33% of the minority members
• Asian Pacific: 35% of the minority members
• Hispanic: 29% of the minority members
• Native American: 4% of the minority members

Leadership (excludes general membership)
Total leadership: 390
Number/percentage of diverse leaders: 98 (25%)
Percentage breakdown of diverse representation:
• African American: 56% of the minority leaders
• Asian Pacific: 23% of the minority leaders
• Hispanic: 16% of the minority leaders
• Native American: 4% of the minority leaders

The Young Lawyers Division lost 80 leadership slots this year. Last year, the Division lost some ground in minority leadership participation, falling from 121 to 112 minorities in leadership. Unfortunately, the number of diverse members in leadership continued to decrease, falling to 98 this year. However, due to the continued on page 68
The Division sponsors a diversity team that brings a unique perspective to the development and implementation of the Division’s programs and initiatives. The diversity team is considered an integral part of Division leadership. Additionally, the Division’s diversity website highlights its initiatives and includes information on the Diversity Plan, upcoming events and programs. The division sponsored five successful programs during the 2010-11 bar year including:

- “The 101 Basics of Native American Law: An Introduction,” which provided an overview of: general Native American law principles; the inner workings of the tribal legal process; the history of tribes and their legal relationship with federal and state governments and tribal criminals; and civil and regulatory jurisdiction.
- “Valuing Diversity in the Legal Profession,” which featured a panel discussion by prominent members of the State Bar of New Mexico on the ABA’s newly released report entitled “Diversity in the Legal Profession: Next Steps,” as well as initiatives that can be implemented at the local level through partnerships with the judiciary and local bar associations.
- “Diversity in the Workplace: Understanding Micro-Insults and the Effects They Have on Workplace Performance and Satisfaction,” which highlighted the effects of micro-aggressions on workplace performance, job satisfaction and attorney-client relationships. The program explored the lawyer’s ethical duty not to unlawfully discriminate in the practice of law and educated attendees about common types of micro-insults and how to recognize and eliminate them from the workplace.
- “When Companies Discuss Diversity, How Does Privilege Fit In?,” which explored the various privileges (attorney-client communications, work product and self-critical analysis) that may apply when a company undertakes a diversity analysis or diversity training. The presentation reviewed the three different privileges and related case law and explained how they may apply in the context of a company’s diversity-related actions in the face of discrimination or reverse discrimination claims. The panel also discussed practical considerations that attorneys must keep in mind when advising clients regarding these privileges.
- “Movin’ On Up: How to Succeed as a Diverse Associate and Young Lawyer,” which provided advice on how to become the “go to” lawyer, find mentors in a chosen practice area, seek out challenging assignments in these areas, hone business development skills as a diverse young lawyer, and seek in-house opportunities. The discussion also offered information on how state and national bar associations can assist and provide resources to diverse young lawyers.

The Young Lawyers Division offers an impressive array of programming for newly admitted lawyers and lawyers with limited experience, particularly those of diverse backgrounds. The leadership training that the Division offers is essential to their growth as successful lawyers and leaders in the profession. The Commission encourages the Division to continue expanding its excellent work in this area.
**ABA Membership and Leadership**

Combined number/percentage of diverse members in membership and leadership: 196 (19%)

**Membership (excludes leadership)**

- General membership: 911
- Number/percentage of diverse members: 179 (20%)
- Percentage breakdown of diverse representation:
  - African American: 57% of the minority members
  - Asian Pacific: 18% of the minority members
  - Hispanic: 21% of the minority members
  - Native American: 3% of the minority members

**Leadership (excludes general membership)**

- Total leadership: 104
- Number/percentage of diverse leaders: 17 (16%)
- Percentage breakdown of diverse representation:
  - African American: 82% of the minority leaders
  - Asian Pacific: 12% of the minority leaders
  - Hispanic: 6% of the minority leaders
  - Native American: 0% of the minority leaders

The results are mixed for the Forum on Affordable Housing and Community Development Law. The Forum added a total of 47 positions. For the first time in

continued on page 70

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four years, the number of diverse members in Forum leadership increased from 11 to 17. However, the overall percentage of minorities in leadership decreased as a consequence of the general increase of available leadership slots. During the 2009-10 and 2010-11 bar years, all of the minority-held leadership positions were in the Programming Faculty category. Although the majority of minority-held leadership positions still remain in Programming Faculty, the chair of the Forum is a minority, and members of color held four positions on the Council/Forum Governing Committee.

African American members hold 14 of the 17 positions, up seven positions from the previous year. During the last reporting period, the Commission was pleased to see Hispanic and Asian Pacific members gain more of a foothold in Forum leadership. It was hoped that these groups would have been able to broaden their presence this year; however, this was not the case. Hispanic members held at two positions this year, as in the last year, and Asian Pacific members lost one of the two positions they previously held. Native American members continue to be unrepresented in the upper levels of the Forum.

Last year, the Forum reported that it was working toward the development of a diversity plan for the upcoming bar year. It stated that it would appoint a liaison to coordinate diversity efforts and implement the plan. The Commission anticipated receiving a report on the status of the diversity plan in the Forum’s current Goal III reporting, but it was not included. In addition, it appears that the Forum did not earmark any funding to support diversity programming in 2010-11. The entity’s ongoing diversity efforts appear to be limited to participation in the ABA Joint Exhibit Project. However, the Forum reports that it “looks to keep racial and ethnic diversity in its programs and on the Governing Committee leadership.”

The Commission believes that the Forum could strengthen relations with organizations that are focused on affordable housing issues. With affordable housing issues disproportionately affecting people of color, there are a myriad of minority-based organizations working toward developing affordable housing options throughout the nation. Strengthening relationships with one or more of these organizations could aid the Forum in its long-term minority recruitment and retention efforts. Going forward, the Commission would like to work with the Forum to help build its diverse membership and leadership ranks.
ABA Membership and Leadership

Combined number/percentage of diverse members in membership and leadership: 67 (11%)

Membership (excludes leadership)
General membership: 542
Number/percentage of diverse members: 60 (11%)
Percentage breakdown of diverse representation:
  • African American: 20% of the minority members
  • Asian Pacific: 37% of the minority members
  • Hispanic: 32% of the minority members
  • Native American: 12% of the minority members

Leadership (excludes membership)
Total leadership: 94
Number/percentage of diverse leaders: 7 (7%)
Percentage breakdown of diverse representation:
African American: 57% of the minority leaders
Asian Pacific: 29% of the minority leaders
Hispanic: 14% of the minority leaders
Native American: 0% of the minority leaders

For the last three years, the Forum on Air and Space Law has experienced a steady decline in minority leadership. The Commission had concerns regarding the downward trend, but the Forum has reversed the trend this year with solid increases in minority leadership. Until this year, minorities have lost two...
leadership positions per year since 2008-09. The number of diverse members in leadership this year stands at seven, compared to one in 2010-11. However, there was only a negligible increase in the percentage of minorities in overall leadership—due primarily to an increase in the number of leadership positions available in the Forum overall. The Forum added 79 new leadership slots this year for a total of 94 positions.

During the 2009-10 and 2010-11 reporting periods, the few minorities in Forum leadership were all concentrated in the Programming Faculty area. Currently three of the leadership slots held by diverse members still remain in Programming Faculty, but now four are on the Council/Forum Governing Committee as well. Minorities have not been represented in this area of leadership since 2008-09. African American, Asian Pacific and Hispanic members all currently have a presence in Forum leadership. African American members added three new positions (all on the Council/Forum Governing Committee) for a total of four leadership positions. Prior to this year, Asian Pacific members did not hold any positions in leadership. This year, they added two new positions. In the same vein, Hispanic members were also absent in the leadership tier prior to this year—they have added one new position. Native American members continue to be unrepresented in Forum leadership.

Last year, the Forum reported that it was in the process of developing a diversity plan for the upcoming fiscal year, and that they would appoint a liaison to the Commission to coordinate diversity efforts and implement the plan on the Forum’s behalf. The Commission did not receive an update regarding the status of the diversity plan in the Forum’s current Goal III reporting. The Forum reported that it spent less than 1% of its budget on diversity-related efforts during the past fiscal year. Its efforts appear to be related primarily to participation in ABA Joint Exhibit Project during that period. The Forum states that it “aims to find diverse speakers” for its programming, but admits to having limited success in this area. In contrast, the Forum has garnered greater success from its Governing Committee’s diversity development efforts. The Commission is pleased to see growth in the Forum’s diverse leadership, and encourages its leadership to continue identifying ways to build upon this progress.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 224 (17%)

Membership (excludes leadership)
General membership: 1,129
Number/percentage of diverse members: 205 (18%)
Percentage breakdown of diverse representation:
  • African American: 32% of the minority members
  • Asian Pacific: 35% of the minority members
  • Hispanic: 31% of the minority members
  • Native American: 2% of the minority members

Leadership (excludes general membership)
Total leadership: 201
Number/percentage of diverse leaders: 19 (9%)
Percentage breakdown of diverse representation:
  • African American: 42% of the minority leaders
  • Asian Pacific: 31% of the minority leaders
  • Hispanic: 26% of the minority leaders
  • Native American: 0% of the minority leaders

Despite a reduction of nine leadership positions, the Forum on Communications Law was able to maintain its minority leadership numbers and percentages this year. For the second year in a row, the number of minorities in leadership remains at 19 (9% of the Forum’s leadership).
Diverse members continue to hold positions in six leadership categories, including the Council/Forum Governing Committee, Committee/Forum Division Chairs, Committee Leadership, Nominating Committee, Programming Faculty and Publication Authors categories. Minorities have the greatest presence in the Programming Faculty and Council/Forum Governing Committee areas. The Forum no longer offers positions in Other Leadership, and, as a result, one minority-held post was lost. However, that position appears to have been absorbed into the Committee Leadership area, which previously had no minority representation. Minorities lost positions in two areas: the Committee/Forum Division Chairs (one position) and the Nominating Committee (one position). In addition to Committee Leadership, minority members gained two positions on Council/Forum Governing Committee for a total of four positions in this area.

African American, Asian Pacific and Hispanic members all hold positions in leadership. African Americans lost four positions this year, moving them from 12 positions to eight. Asian Pacific members recorded the most growth with the addition of four positions, bringing their numbers to six positions. Hispanic members have maintained the five positions they held last year, and Native American members continue to be unrepresented.

In alignment with last year’s budget, the Forum devoted $20,000 (5%) of its budget to support diversity initiatives. Three women of color (up from two) now sit on the Forum’s Governing Committee; another woman of color serves as the program chair of the Forum’s Privacy and Data Security CLE Symposium. The Forum chair has appointed a liaison to the Commission. In conjunction with its annual conference, the Forum sponsored its third annual First Amendment and Media Law Diversity Moot Court Competition, which is designed to expose minority law students to the Forum and the media bar. The Forum is hopeful that continued support of the Diversity Moot Court Competition will provide opportunities to interest more diverse law students in communications law.

The small but growing minority female presence is an encouraging sign that the Forum is broadening its minority base, despite the fact that overall minority leadership growth remained unchanged from last year. The Forum believes that these female leaders can help to attract other women of color. In addition, the explosion in popularity of social media provides expanded opportunities for the Forum to attract diverse groups, particularly younger members, to this developing legal practice area.
ABA Membership and Leadership
Combined number/percentage of diverse members in membership and leadership: 163 (6%)

Membership (excludes leadership)
General membership: 2,586
Number/percentage of diverse members: 160 (6%)
Percentage breakdown of diverse representation:
  • African American: 22% of the minority members
  • Asian Pacific: 26% of the minority members
  • Hispanic: 46% of the minority members
  • Native American: 6% of the minority members

Leadership (excludes general membership)
Total leadership: 57
Number/percentage of diverse leaders: 3 (5%)
Percentage breakdown of diverse representation:
  • African American: 33% of the minority leaders
  • Asian Pacific: 33% of the minority leaders
  • Hispanic: 33% of the minority leaders
  • Native American: 0% of the minority leaders

This has been a year of loss for the Forum on the Construction Industry. In 2010-11, the Forum suffered across-the-board reductions in its minority and non-minority leadership numbers. Further, the number of available leadership positions in the Forum fell sharply from 250 to 57 this year (a 77% decrease).
CONTINUED FROM PAGE 75

Diverse members lost 17 leadership slots, leaving them with three positions. The percentage of diverse members dropped from 8% to 5%. Given the devastating downturn in the construction industry this year, the negative numbers experienced by the Forum are not unexpected.

Last year, minorities held positions in the Primary Leadership, Committee/Forum Division Chairs, Nominating Committee, Programming Faculty and Publication Authors categories. This year, their presence is limited to the Committee/Forum Division Chairs and Council/Forum Governing Committee categories. African American, Asian Pacific and Hispanic members are represented in Forum leadership with one position each. African American members lost nine positions, Asian Pacific members lost five positions and Hispanic members lost three positions. Native American members continue to have no representation in leadership.

The Forum spent approximately $100,000 on diversity initiatives last year. This year, it reports that it allocated $30,000 to support these initiatives. Through its Women and Minority Fellowship Program, the Forum awarded scholarships to six diverse lawyers to attend each of its national programs. The Forum’s Diversity Committee sponsored new programming during 2010-11, which included diversity luncheons at each of the entity’s national programs. The Forum believes that these luncheons have been beneficial to its diverse member recruitment and retention marketing efforts. Through its fellowship and scholarship programs, the Forum is working toward heightening awareness of both the Forum and construction law practice among diverse practitioners. It is providing key resources and networking opportunities that will enable this constituency to establish careers in this area of law.

The Forum’s growth prospects are clearly tied to the economic condition of the construction industry, which has significantly impacted its overall programming budget, although the Forum has specific diversity initiatives in place. Unfortunately, as long as the industry suffers, fewer attorneys will gravitate to this practice area. The Commission recommends that the Forum still continue to reinforce its diverse outreach efforts to build a stronger member base for the future.
ABA Membership and Leadership

Combined number/percentage of diverse members in membership and leadership: 233 (16%)

Membership (excludes leadership)

General membership: 1,196
Number/percentage of diverse members: 213 (18%)
Percentage breakdown of diverse representation:
• African American: 54% of the minority members
• Asian Pacific: 20% of the minority members
• Hispanic: 20% of the minority members
• Native American: 6% of the minority members

Leadership (excludes general membership)

Total leadership: 250
Number/percentage of diverse leaders: 20 (8%)
Percentage breakdown of diverse representation:
• African American: 30% of the minority leaders
• Asian Pacific: 40% of the minority leaders
• Hispanic: 30% of the minority leaders
• Native American: 0% of the minority leaders

The Forum on Entertainment and Sports Industries rebounded this year with increases in both diverse and non-diverse members benefiting from an expansion in available leadership positions.

The Forum on Entertainment and Sports Industries continued on page 78
The number of available leadership positions increased by 36 to a total of 250 positions. Minority Forum leadership jumped from nine to 20 positions (8% of the Forum’s leadership); non-diverse member involvement grew from 205 positions to 230.

Diverse members continue to hold two positions in the Committee/Forum Division Chairs category. They currently hold three positions in the Committee Vice Chairs category, one position in the Committee Leadership category, one position on the Council/Forum Governing Committee, two positions in Other Leadership and nine positions on Programming Faculty. African American and Hispanic members gained five positions for a total of six positions each. Asian Pacific members demonstrated the greatest leadership growth, advancing to eight positions (noting that no positions were held by these members in the previous year.) Native American members continue to be unrepresented in Forum leadership. As was the case last year, diverse members continue to be active on the Forum’s Governing Committee and as committee chairs, division chairs and vice-chairs. The Forum believes that these diverse members will eventually move into upper-level Forum leadership positions.

The Forum reports that it allocated approximately $10,000 (3%) of its budget for its diversity initiatives. It reiterated its awareness that efforts need to be improved to attract more minority speakers to its programs and meetings. The Forum also noted that more must be done to encourage minority members to become more active in Forum activities, and is hopeful that the policies it put in place this year will improve minority participation. However, the Forum must take concrete, proactive steps toward preparing minorities to take on leadership roles if it wants to capitalize on the minority leadership growth that it has experienced this year.
ABA Membership and Leadership

Combined number/percentage of diverse members in membership and leadership: 110 (10.37%)

Membership (excludes leadership)

General membership: 867.
Number/percentage of diverse members: 77 (9%)
Percentage breakdown of diverse representation:
• African American: 34% of the minority members
• Asian Pacific: 30% of the minority members
• Hispanic: 32% of the minority members
• Native American: 4% of the minority members

Leadership (excludes general membership)

Total leadership: 194
Number/percentage of diverse leaders: 33 (17%)
Percentage breakdown of diverse representation:
• African American: 33% of the minority leaders
• Asian Pacific: 33% of the minority leaders
• Hispanic: 33% of the minority leaders
• Native American: 0% of the minority leaders

Minority leadership participation continued its growth trajectory this year in the Forum on Franchising. The number of diverse members in Forum leadership increased four-fold from eight to 33. The percentage of diverse members in

Franchising
leadership also grew, increasing from 9% to 17%. Additionally, the number of leadership positions available in the Forum this year doubled, increasing from 93 to 194.

Diverse members hold positions in two leadership categories: Publication Authors (19 positions) and Programming Faculty (14 positions). Prior to this year, diverse members had been active on the Nominating Committee. African American and Asian Pacific members both gained nine new positions each, while Hispanic members added seven new positions. This upswing gave each group a total of 11 leadership positions in the Forum. Although there are three Native American members in the Forum, there are no members of this group represented in Forum leadership.

The Forum reported that it spent $1,000 (less than .001%) of its total budget on its diversity efforts. A new diversity officer is in place, and the Forum’s new Diversity Caucus is developing a diversity plan that will provide structure for the entity’s diversity efforts. Current efforts include the sponsorship of various events to provide diverse members with networking opportunities. The Forum will be hosting a diversity luncheon during the Annual Meeting for the second year in a row. In addition, the Diversity Caucus has established a Steering Committee that has 1) developed a list of diverse Forum members for targeted outreach; 2) developed a mentoring program to help diverse members identify ways to get involved in the Forum at the membership and leadership levels; and 3) developed a Web page for the Caucus.

The Forum states that its Governing Committee has made it a priority to increase diversity among its general membership, and to move diverse candidates through the pipeline into leadership positions. One of the first stops in the pipeline is participation in the Forum’s writing programs. Minorities are encouraged to work on the Forum’s publications, including its newsletter and the Franchising Law Journal, as well as to author papers for the entity’s Annual Meeting programs. This explains the current concentration of diverse members among the entity’s Programming Faculty and Publication Authors categories. Further, the Forum reports that there are diverse members currently sitting on its Governing Council, and that it strives to secure diverse panelists for all of its programs.

The Commission is pleased to see that several of the proposed diversity initiatives that were in the planning stage last year have now come to fruition. The Forum’s commitment to building a more diverse leadership class is evident. There are 110 minorities currently active in the Forum. Of these members, 33 are now on the leadership track. The Commission is encouraged by the structure that the Forum has in place to move its diverse members through the pipeline, and looks forward to seeing increased numbers of minority members moving into Forum leadership.
ABA Sections, Divisions and Forums—Analyses

sections

- Dispute Resolution ................. 35%
- Individual Rights and Responsibilities ... 34%
- Litigation .................................... 22%
- Legal Education and Admissions to the Bar .................. 22%
- State and Local Government Law ............. 21%
- International Law .......................... 21%
- Health Law ............................... 19%
- Criminal Justice ......................... 17%
- Labor and Employment Law .............. 17%
- Science and Technology Law .............. 14%
- Business Law ............................. 13%
- Law Practice Management ................. 13%
- Intellectual Property Law ................. 11%
- Antitrust Law .............................. 11%
- Environment, Energy, and Resources ...... 11%
- Real Property, Trust and Estate Law ...... 9%
- Taxation .................................... 7%
- Public Contract Law ...................... 7%
- Administrative Law and Regulatory Practice .................. 6%
- Tort Trial and Insurance Practice ............ 5%
- Family Law ............................... 4%
- Public Utility, Communications and Transportation Law ........ 3%

divisions

- Judicial ................................. 38%
- Law Student ............................. 37%
- Public Services ........................... 36%
- Young Lawyers .......................... 25%
- Government and Public Sector Lawyers ................ 20%
- General Practice, Solo and Small Firm ...... 20%
- Senior Lawyers Division .................. 6%

forums

- Affordable Housing and Community Development Law ........... 16%
- Communications Law ..................... 9%
- Franchising ................................ 17%
- Construction Industry ..................... 5%
- Air and Space Law ......................... 7%
- Entertainment and Sports Law ............... 8%

The above are based on the percentage of minority participation in ABA Section, Division and Forum leadership in 2011-2012.
Executive Summary

The ABA Commission on Racial and Ethnic Diversity in the Profession is committed to ensuring that the ABA’s Goal III—eliminate bias and enhance diversity—is fulfilled. Working as an agent for change, the Commission continues to promote the tenets of the ABA’s Goal III. Central to the ABA’s commitment to diversity is its ability to provide sustained leadership by offering policies, programs and procedures that serve to improve the experiences of people of color in the legal profession, justice system, and the community. The Association’s leadership in this area is most recently exemplified by its establishment of a Commission on Hispanic Legal Rights and Responsibilities in 2010, as well as its adoption of an Association-wide Diversity Plan in 2011.

Since its inception, the Commission has played an integral role in monitoring and evaluating the level of diversity within the Association, as well as within the individual entities it comprises. Specifically, the Commission has extensively analyzed the state of racial and ethnic diversity among the ABA’s member entities, and has annually documented the results. The information contained in this 2011-12 report offers a frank, unflinching review of the status of racially and ethnically diverse legal practitioners in positions of authority throughout the Association. The Commission hopes that the suggestions, strategies and practices presented in the report will inspire ABA leaders to identify innovative ways to engage and promote minority participation in Association work at every level. In addition, the Commission strongly encourages current and incoming ABA entity leaders to refer to the diversity-related initiatives highlighted throughout this report as they design programming that provides meaningful leadership development opportunities for their minority members.

It’s All Relative

As we reviewed the raw numbers and percentages of minorities who are active in the leadership of each of the entities, the Commission discovered that progress is relative to:

- Fluctuations in percentage growth. The percentage growth of minority leadership can be impacted, positively or negatively, by year-to-year fluctuations in the availability of leadership positions in an entity as a whole. Despite these fluctuations, some entities are able to maintain solid levels of minority participation, while some are not.
- The available pool of minorities within a particular practice area. Certain practice areas are more heavily populated with minority practitioners than others (e.g., family law and criminal law versus tax law and intellectual property law), which provides some entities with a greater pool of potential leadership candidates from which to draw.
- The type of leadership roles held by minorities within the entity. Not all leadership positions are created equal. There is a hierarchy among positions within each entity. Entry-level positions, such as Programming Faculty and Publication Authors, are more transient in nature and serve as a training ground for novice members, providing opportunities for mentoring and development. Upper echelon positions, such as Chair, Chair-Elect, Primary Leadership, Council/Forum Governing Committee and Committee/Forum Division Chairs wield substantial decision-making and appointment authority. These high level positions influence the policy direction, look and make-up of entity leadership. A high participation among minorities in the first category is important, but must be balanced with an equally high participation in upper leadership.
- The availability of leadership positions within the entity. The number of available leadership positions varies from entity to entity. For instance, some groups may have a publishing arm, others may not. Some may offer mid-level leadership opportunities such as Additional Leadership or Other Leadership, which may not be the case for others.
- The quantity and quality of the diversity-related programming and initiatives fostered by the entity. The purpose of diversity programming may vary from entity to entity: 1) to support and promote the diversity goals of the Association; 2) to educate the membership about the value and necessity of diversity; 3) to provide outreach to potential minority members (e.g., law school graduates and newer practitioners) for recruitment purposes; 4) to expose minority members to the substantive work of the entity; 5) to identify potential future leaders and to provide them with opportunities for leadership development; or 6) to facilitate or influence systemic or societal change. Those entities that fail to give diversity and inclusion priority through these initiatives limit their access to potential leaders who can contribute to the entity’s long-term success. Those that choose to develop programming without diversity in mind limit their ability to expand their leadership ranks. And while it is true that an entity with no initiatives can still increase its minority leadership, the data show that an entity with one or more high-quality initiatives can expand its minority leadership growth exponentially.
- The economy. Funding levels vary from entity to entity. During recession years, many entities are forced to cut costs. Diversity programming may be one of the first areas to experience cuts. Moreover, a down economy can have a negative impact on active participation of members, particularly members of color. Further, entities with practice areas that are tied to industries hard hit by the recession (e.g., real estate and construction) often find their overall membership numbers dwindling.
- A Diversity Plan. The Commission observed that the entities that have created and implemented a Diversity Plan, measuring results against plan objectives, have better success in recruiting and retaining diverse leadership.
The Commission acknowledges these factors, when relevant, in its analysis. However, under no circumstances should these factors be used as excuses. In order to fulfill the mandate of Goal III, entities must provide meaningful strategies and tactics for nurturing diverse leaders. To this end, the Commission strongly encourages every ABA entity to design and sponsor a variety of well-organized, substantive and sustainable diversity initiatives. The Commission also encourages any entity that does not currently have a diversity committee and/or Diversity Plan to pursue these endeavors to guide the development and implementation of their diversity inclusion initiatives.

In this report, we examine the progress made by ABA Sections, Divisions and Forums on the diversity leadership front. The focus of the analysis is two-pronged, exploring both minority growth statistics and strategies for long-term minority leadership development. The Commission recognizes the difficulty of comparing diversity statistics and progress, entity to entity, due to differences in entity size and the demographics of specific practice areas. Therefore, the analysis is based primarily on each entity’s discrete history. Where appropriate, the report does draw general comparisons between ABA entities with regard to the effectiveness of specific diversity-related programming in order to encourage the entities to share successful strategies and practices.

**Mixed Results**

As reported in the pages that follow, a few entities have made notable progress. Some have made incremental, yet promising, movement forward. Unfortunately, there are also some entities that have yet to make any progress. Though rare, a few entities, such as the Section of Environment, Energy and Resources, the Section of Individual Rights and Responsibilities, and the Forum on Franchising reported minority leadership growth in most, if not all, measureable categories. Some groups, like the Section of Administrative Law and Regulatory Practice and the Section of Intellectual Property experienced no minority leadership growth this year. There are also groups, such as the Tort, Trial and Insurance Practice Section, that reported no real minority leadership growth this year despite having a variety of very strong diversity-related programs and initiatives in place.

Some entities may be hindered in their diversity efforts by a lack of focus and direction, or the inability to formulate an adequate game plan. Others may need to reinvigorate once effective programming to meet current and future challenges. In contrast, some entities are in the process of building and sustaining a flourishing diversity leadership program. It is to this latter group that other ABA entities should look for guidance and inspiration.

**Tactics**

This report presents a snapshot of practical, accessible and workable strategies that every ABA entity can either use or modify to meet the entity’s own unique diversity-related needs. The Commission considers this resource to be the most beneficial aspect of the report. It is important that the Sections, Divisions and Forums share ideas, information and innovations; forge alliances; and, where appropriate and expedient, jointly develop and sponsor programming. Many of the entities identified in this report are engaged in endeavors that have borne fruit for their diversity initiatives. These initiatives include the:

- Recruitment of a diversity officer and/or the establishment of a diversity committee or task force
- Development of a strong internal Diversity Plan with action steps, accountability and short- and long-term goals
- Collaboration with local and national minority law student and bar associations, as well as other ABA and non-ABA entities
- Sponsorship of diversity networking opportunities
- Development of clerkship programs for minority law students
- Support of pipeline programs designed to interest diverse students in specific areas of the law
- Development of online and in-person programs designed to expose young, diverse practitioners to substantive practice areas
- Publication of books and articles on inclusion and other issues of interest to diverse groups
- Establishment of a targeted minority recruiting program
- Creation of scholarship and fellowship programs for diverse law students
- Inclusion of diverse program faculty, publication authors and presenters
- Development of mentoring programs

This list is by no means exhaustive. However, these successful sample strategies provide a starting point for entities that are looking for inspiration and replicable ideas.

**Strategies Toward Success**

The report provides detailed analysis of the status of minority leadership growth across most of the ABA’s entities. However, the efforts of a few ABA entities are worthy of special recognition because of their achievements. Their experiences serve as case studies on how to nurture and grow racially and ethnically diverse leadership talent. The section of this report entitled “Strategies Toward Success” provides a brief snapshot of those entities that are leading the way in the advancement of diversity in the profession. The featured entities include the:

- Section of Antitrust Law
- Section of Environment, Energy and Resources
- Forum on Franchising
- Section of Individual Rights and Responsibilities
- Law Practice Management Section
- Section of Litigation
- Section of Science and Technology
Challenges Going Forward

Reporting annually on the state of leadership diversity within the ABA and its entities continues to be a meaningful process. It enables the Commission to look broadly at the spectrum of inclusion-based programming currently in place, as well as identify both positive and negative trends in such programming.

One of the trends that has continued through the years is the overwhelming concentration of diverse members in lower-level leadership tracks such as Programming Faculty and Publication Authors, almost to the exclusion of other leadership categories. The Programming Faculty and Publication Authors leadership areas serve as a valuable training ground for novice members, providing them with opportunities for mentoring and development. They can also serve as stepping stones to future high-level leadership opportunities. However, these entry-level positions are transient in nature and do not in themselves offer many opportunities to leverage participation to build and sustain long-term member involvement.

The Commission’s concern is that some will rely solely on these lower-level leadership categories to boost minority participation numbers in the short term, with no sustainable interest in or expectation of developing or grooming these minority members for future growth. Offering diverse members a limited menu of leadership opportunities is counter to the advancement of diversity, and therefore defeats the purpose of Goal III.

The ultimate goal is to create a fully inclusive and diversity-rich environment throughout the Association and the profession, with all groups participating fully in all aspects of leadership. In order to accomplish this goal, diversity must become a core value that is integrated into long-range policy planning, leadership appointments, substantive programming, marketing, committee work, recruitment and retention. It should be considered a beneficial and inherent component of entity life.
This Goal III report provides an analysis of the status of minority leadership growth for every reporting ABA entity. The progress made by certain ABA entities merits special recognition. Their efforts serve as examples of how to foster racially and ethnically diverse leadership talent. Each of the highlighted entities has developed strategies or undertaken programming to identify and nurture potential minority leaders. Their efforts are now beginning to bear fruit in the form of minority leadership growth—many times at the highest levels of leadership.

Section of Antitrust

- What They Did. The number of diverse members in leadership more than doubled from 35 to 74 during the previous bar year. The number of diverse members in leadership increased again this year from 74 to 130, a 76% increase. Last year, The Commission noted that the Section reached its highest level of minority leadership participation since it began recording these data in 2000-01. The Section has now surpassed these record levels of diverse leadership.
- How They Did It. The Section allotted $36,725 toward its diversity programming this year. This represents a $4,400 reduction in funding from the previous year. Despite this reduction, the Section continued to find ways to move increasingly more minorities onto its leadership track. The Section annually updates and distributes its diversity plan, which is endorsed and supported by Section leadership. The Section encouraged participation of diverse members at its Spring Meeting by offering an international program track that featured international speakers, as well as assisted with visa letters and hosted a reception for international enforcement officials.

The Section recently co-sponsored a program on “Hot Topics in Antitrust and Consumer Protection” at the 2011 National Bar Association Annual Convention. It also continued to co-sponsor the Joint Exhibit Project with national minority bar associations, and appointed liaisons to the ABA Commission on Racial and Ethnic Diversity and other ABA diversity commissions. The Section is in the process of developing an ambassador program through which Section representatives will attend the meetings of diverse bar associations. The purpose of this outreach is to expand the reach of the ABA and the Section. In addition, the Section continued to focus on pipeline efforts with its “Why Antitrust?” seminars, which exposed law students, particularly those of color, to the benefits of a career in antitrust. The Section presented the seminar at the University of Washington in Seattle, the University of Chicago, Loyola University, Fordham University, Howard University, Emory University and the University of Wisconsin. It is also currently developing a “Why Consumer Protection?” program. The Section plans to present the consumer protection seminars at foreign law schools.

During 2010-11, the Section sponsored a number of diversity-related outreach activities and initiatives. It expanded its outreach and development of young lawyers through its Young Lawyer Representatives (YLRs) program. YLRs are appointed to each Section committee. The Section is currently working with the ABA on a pilot project to attract more government lawyers, by addressing concerns and misperceptions about the cost and value of Section membership. These misperceptions have previously been barriers to diversity growth. The Section is currently developing a series of video vignettes featuring diverse members reflecting on their experiences in the Section, and highlighting the benefits of Section membership.

During its Spring Meeting, the Section presented “Pathways to Leadership,” a program where a diverse panel of Section leaders discussed their experiences and shared opportunities for professional development within the Section. The program was followed by the Barristers’ Reception, which gave young lawyers an opportunity to network with a diverse cross section of leaders.

In addition, the Section hosted its inaugural “Next Generation of Antitrust Scholarship Conference” in January 2010. The next conference is scheduled for January 2012. This conference provides an opportunity for antitrust/competition law professors to present their latest research. Submissions are open to professors from around the world, which will attract a diverse group of participants and, by extension, their students and colleagues.

The Section of Antitrust Law states that it is committed to diversity and equal opportunity. Its leadership appointments, programming and membership materials reflect this commitment and set a tone that promotes diversity from the top down. The Section’s programs officer and Committee Operations Task Force monitor diversity plan, which is endorsed and supported by Section leadership. The Section encouraged participation of diverse members at its Spring Meeting by offering an international program track that featured international speakers, as well as assisted with visa letters and hosted a reception for international enforcement officials.

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The Section continues to require that all of its program panels (10 stand-alone programs and 130 committee programs) reflect racial and/or ethnic diversity. These panels are monitored regularly, and the Section insists on compliance unless an acceptable explanation is provided by the organizers. The Section states that its commitment to diversity in its programming helps to send the message to diverse law students and young lawyers that antitrust and consumer protection are fields that are open to their talents. It also believes that its diverse programming helps to counter stereotypes that the antitrust bar lacks diversity. The Section provides diverse lawyers with opportunities to contribute as program speakers and publication authors, which can be important for their career development.

Several members of the Section’s leadership corps also hold positions on diversity...
committees for other entities, providing an additional layer of support for the Section’s own diversity efforts.

Environment, Energy, and Resources

- What They Did. The Section experienced another year of positive minority leadership growth. This marks the fourth consecutive year of diverse leadership increases in the Section. The number of minority leaders increased from 92 to 107 this year.
- How They Did It. The Section reports that it allocated $71,625 of its budget to the promotion of diversity in the profession. It stated that it strives to eliminate bias in the legal profession through the following initiatives: the Diversity Fellowships in Environmental Law Program; sponsorship of CLE programs with diverse panels that support the ABA’s Goal III; Tribal Travel Stipend Program, which supports participation by attorneys from or representing Native American communities and organizations, as well as others interested in Native American communities, including law students; and the Membership Diversity Enhancement Program, which supports involvement of diverse and underrepresented attorneys.

The Section believes that its Diversity Fellowships in Environmental Law Program, diverse panels, diverse leadership appointments, Tribal Travel Stipend Program, and Membership Diversity Enhancement Program have increased diversity in the Section and the ABA. The Environmental Justice Forum has also increased visibility of the Section’s work, and enabled the Section to build new relationships with the University of Mississippi Law School and environmental justice leaders.

Franchising

- What They Did. Minority leadership participation continued its growth trajectory this year in the Forum on Franchising. The number of diverse members in Forum leadership increased four-fold from eight to 33. Additionally, the number of leadership positions available in the Forum this year doubled, increasing from 93 to 194.
- How They Did It. The Forum reported that it spent $1,000 on its diversity efforts. A new diversity officer is now in place, and the Forum’s new Diversity Caucus is developing a plan that will provide structure and focus for the entity’s diversity efforts. Current efforts include the sponsorship of various events to provide diverse members with networking opportunities. For instance, the Forum will be hosting a diversity luncheon during the Annual Meeting for the second year in a row. In addition, the Diversity Caucus has established a Steering Committee that has 1) developed a list of diverse Forum members for targeted outreach; 2) developed a mentoring program to help diverse members identify ways to get involved in the Forum at the membership and leadership levels; and 3) developed a Web page for the Caucus.

The Forum states that its Governing Committee has made it a priority to increase diversity among its general membership, as well as to move diverse candidates through the pipeline into positions of leadership. Minorities are encouraged to work on the Forum’s publications, including its newsletter and the Franchising Law Journal, and to author papers for the entity’s Annual Meeting programs. The Forum also reported that members, representing multiple ethnicities, are currently sitting on its Governing Council and that it strives to secure diverse panelists for all of its programs.

Individual Rights and Responsibilities

- What They Did. The Section is enjoying its third consecutive year of minority leadership growth. The number of minority leaders in the Section grew significantly from 38 to 112. The Section offered more leadership opportunities overall this year by adding 165 new positions, which enabled increased diverse leadership.
- How They Did It. The Section reported that it allocated $65,000 of its budget to diversity initiatives, $40,000 more than it allocated last year. Its goal has always been to enhance ethnic and racial diversity in the legal profession and society as a whole. The diversity programming that the Section put in place this year went a long way toward helping it achieve this goal.

The Section hosted a fall conference in Memphis, Tennessee, “More to Overcome: Civil Rights in the 21st Century—An Action Agenda for Lawyers and the Legal Profession”. The conference kicked off the Section’s endeavors to address the civil rights and human rights challenges that confront the United States and the world. A variety of panels addressing racial discrimination, voting rights, civil remedies, freedom of speech and constitutional rights were featured at the conference. A series of four panel discussions, “Debunking the Myth of a Post-Racial Society,” examined the unresolved issues related to race and ethnicity in light of the widely-held assumption that President Obama’s election ushered in a post-racial society.

The Section also presented “They Had a Dream Too,” which educates high school students about the civil rights struggles that have occurred since the 1950s with the hope of inspiring them to become future leaders. Conference panelists and host committee members were racially diverse. The conference concluded with a tour of the National Civil Rights Museum.

The Section also co-sponsored a conference that was simultaneously broadcast via teleconference, “Serving the Needs of Urban Native Americans”. This conference featured a racially diverse panel of nine participants, seven of whom were people of color (five Native Americans representing different tribes, one Native Hawaiian, and one African American from a Native American tribe). The program focused on the specialized non-profit legal clinics in the Northwest that are providing much-needed guidance and resources to urban Native Americans, and explored how these clinics can be replicated in cities throughout the United States.

The Section continues to implement its Diversity Plan, and it participates in several minority bar association annual conventions including HNBA, NBA and NAPABA. In addition, the Section sponsored the Thurgood Marshall 20th Anniversary Award Dinner. This year’s award recipient, Elaine Jones, was honored for her work as a civil rights litigator and activist. Jones is the first African American woman to win the award. She is also the first African American to integrate the ABA Board of Governors, where she served for three years.
Law Practice Management

- **What They Did.** The Section experienced minority leadership increases in almost every area. The number of diverse members in leadership roles this year is 57, an increase of 28 members. The Section offered 120 additional leadership positions this year, which enabled an increase in diverse leadership.
- **How They Did It.** The Section reports that it spent $25,000 of its budget on diversity-related projects, which is $7,000 more than it spent last year. In 2010-11, the Section’s Diversity Committee proposed an ABA Diversity Certification Program, which offers certification or certificates of approval to law firms that comply with certain diversity standards. The certification program has been well-received and supported by ABA leadership.

The Section and the Center on Racial on Ethnic Diversity co-sponsored a program, “Raising Your Bottom Line by Using New Tools to Build Diverse Talent: Mentoring 360,” during the 2011 Annual Meeting. The Section hopes that the program will help to set a new standard for managing the careers of diverse lawyers and producing consistently positive outcomes, including increased recruitment, retention and promotion of diverse lawyers to partnership and leadership roles within their law firms. This pilot program served as a kick-off to the ABA Diversity Certification Project. It is also scheduled to be launched as a Showcase CLE Program at the 2012 Annual Meeting.

The Section also introduced its Diversity Leadership Program through which two diverse lawyers will be recruited, annually, to serve in leadership roles within the Section beginning in the 2011-12 bar year. All eligible Section members are encouraged to apply. There has been such a high level of interest in this new program that the Section has selected two additional diverse members to serve in leadership roles as “unfunded” committee members. The Section believes that this program will have a long-term effect on advancing the full and equal participation of minorities within the Section, the ABA and the legal profession. In addition, the Section considers race and ethnicity when developing panels for presentations and other activities, which ensures that the Section is inclusive in terms of participation and content. The Section’s webinars, which increase the availability of its content to members of the legal profession, now include more diversity-related offerings.

Litigation

- **What They Did.** The number of minority leaders in the Section of Litigation rebounded this year, with minorities holding a total of 336 positions in leadership—an increase of 50 leadership positions compared to last year. This not only surpasses the 286 minority-held positions in 2010-11, but also the 309 minority-held positions in 2009-10.
- **How They Did It.** Last year, the amount of funding the Section allocated to its diversity efforts dropped from $373,369 to $211,655. This year, the Section dedicated $213,092 of its budget to diversity-related programming. While this is slightly more than the Section spent last year, it is still considerably less than prior years’ resource levels.

The Section’s long-standing commitment began with the adoption of its inaugural diversity plan in 2001, and continues with ongoing evaluation of the plan. The current diversity plan focuses on four attorney populations, including lawyers of color. It is distributed to every leader and is included in the annual Section Leadership Directory, as well as the online Leadership Reference Library. The plan has a built-in accountability measure that requires all Section leaders and staff to take responsibility for implementation. The Section employs a full-time committees and diversity initiatives director to oversee the diversity plan’s implementation. The Section recently established a new diversity committee to focus exclusively on inclusion issues within the profession.

The Section has a solid track record of recruiting and promoting diverse members into leadership roles. Its immediate past chair was a woman of color. Two immediate past chairs, both women of color, sit on the Section’s Executive Committee. Two of the four delegates to the House of Delegates are also women of color. Seven of the eight members of the Section’s new diversity committee are minorities. In 2010-11, 27% of its CLE presenters were attorneys of color.

The Section of Litigation sponsors four affinity committees that are focused on the diversity issues of minority trial lawyers. These committees work individually and collaboratively on diversity-related initiatives. The Minority Trial Lawyer Committee (MTL) has assumed a heightened profile in the Section this year. The Committee’s Minority Trial Lawyer publication, which features several articles written by minority litigators, recently successfully transitioned to a digital format. The Committee was the primary sponsor of two programs on the international track during the 2011 Section Annual Conference. An MTL program was also selected for presentation during the 2011 ABA Annual Meeting in Toronto. Most recently, the Committee has also begun to focus on the development of a speaker’s bureau. The Section stated that the MTL “aims to become the Section’s ‘Go to Goal III’ committee,” making it a diversity resource for the Section.

The Section continued its long-standing support of the Judicial Intern Opportunity Program (JIOP), which offers summer internships to diverse law students interested in doing legal research and writing for federal and state trial judges. The Section reported that student and young lawyer memberships have increased as a direct result of the program. There are currently seven JIOP alumni active in Section leadership, and five JIOP alumni serving on the Litigation News Board. The number of JIOP program locations increased to 10 in 2011, participating judges increased from 124 to 151, and JIOP applications jumped from 658 to 740, a 12% increase. In addition, the number of JIOP placements increased from 170 to 191.

The Section established the Implicit Bias Task Force in 2010 to educate lawyers, judges and others about the pervasive effects of implicit bias throughout the civil and criminal legal system. The Task Force’s inaugural program featured an interactive session with Section leaders in which participants took an Implicit Association Test, and used handheld technology to respond to questions about fact patterns designed to demonstrate the existence of implicit bias. The ultimate goal of the Task Force is to raise awareness and limit the adverse effects of bias in the justice system.
The Section is also currently working with the Center for Racial and Ethnic Diversity to develop protocols for its new Legal Experts Author Pool (LEAP), a program that creates a database of diverse potential authors that will be available to ABA publishing entities. The Section believes that LEAP will provide a source of quality content for its publications from a diverse group of new authors.

**Science and Technology**

- **What They Did.** The number of diverse members in leadership increased from 47 to 77. This growth reversed the decline in minority leadership that the Section experienced last year. The Section added 142 new leadership positions overall.
- **How They Did It.** The Science and Technology Section devoted $1,000 to the promotion of diversity in the profession. The Section introduced a new member benefit this year to attract young lawyers and law students, who are typically more diverse. The new program, “Think Outside the Box Lunch,” featured box lunches, outside-the-box thinking, and a chance to network and share insights with other forward-thinking practitioners. The Section is launching the series in cities with major concentrations of Science and Technology members to provide them with opportunities to meet in person, two-to-four times a year. The kick-off session was held at ABA headquarters in Chicago in July 2011, and covered “Navigating E-Discovery: The Latest Legal Trends and Best Practices”. Minority and local bar association members were invited to attend, and the National Asian Pacific American Bar Association co-sponsored the program. Young lawyers and law students were able to attend for free, representing 66% of the attendees. The Section believes that the “Think Outside the Box Lunch” program will help to diversify the Section and the ABA.

The Section also updated its diversity plan last year in order to better fulfill its obligation to advance the full and equal participation within the profession by racial and ethnic minorities. The Section reports that everyone in Section leadership is accountable for the implementation of the plan.
ABA Center for Racial and Ethnic Diversity
The Center for Racial and Ethnic Diversity serves as the leading advocate for racial and ethnic diversity within the ABA. The Center provides the framework for effective utilization of ABA resources committed to diversity; improves coordination and collaboration of diversity efforts throughout the Association; and works to maintain racial and ethnic diversity as a priority issue for the Association.

Commission on Racial and Ethnic Diversity in the Profession
Focuses on the Needs of Racially & Ethnically Diverse Lawyers
The ABA Commission on Racial and Ethnic Diversity in the Profession provides services for racially and ethnically diverse lawyers, judges, and others who are in the profession. It is the catalyst for creating leadership and professional opportunities for racially and ethnically diverse lawyers. To that end, the Commission presents a variety of programs, conferences, publications and products that address the needs of minority lawyers and their employers.

The Commission’s initiatives include:
- Minority Counsel Program
  - Committee of Minority Partners
  - Committee of Minority In-House Counsel
- National Conference for the Minority Lawyer
- Spirit of Excellence Awards
- The History Project
- The Committee on Diversity in the JAG Corps

For more information about the Commission, visit http://www.americanbar.org/groups/diversity/racial_ethnic_diversity.html.

Coalition on Racial and Ethnic Justice
Focuses on Social Justice Issues and Provides Services to Reduce Racial & Ethnic Bias in the Justice System
The ABA Coalition on Racial and Ethnic Justice addresses issues related to racial and ethnic bias in the justice system. It serves as a means to develop partnerships and eliminate bias in the justice system. Its focus is on social justice issues, based on the concepts of human rights and equality.

The Coalition’s services and initiatives include:
- Providing technical assistance and advice on implementing specific programs, strategies and partnerships
- Hosting public forums for dialogue between legal institutions and non-legal groups
- Election Protection Project
- Overrepresentation of Juveniles of Color in the Justice System Project
- Restoring Justice and Equity during Disasters Initiatives

For more information about the Coalition, visit http://www.americanbar.org/groups/diversity/racial_ethnic_justice.html.

Council for Racial and Ethnic Diversity in the Educational Pipeline
Increase Diversity Among Students in the Pipeline to the Legal Profession
The ABA Council for Racial and Ethnic Diversity in the Educational Pipeline works to increase diversity among students in the pipeline to the legal profession. It collaborates with key stakeholders to address issues and build networks to effect change.

The Council’s work comprises an array of pipeline diversity topics, from preschool to bar passage. It has addressed issues such as:
- Law School admissions
- Bar examination passage
- Disparities in K-20 education

The Council’s initiatives include:
- Judicial Clerkship Program
- Pipeline Diversity Directory
- Pipeline Diversity workshops and training
- ABA Legal Opportunity Scholarship

For more information about the Council, visit http://www.americanbar.org/groups/diversity/diversity_pipeline.html.
Building upon over 25 years of Racial and Ethnic Diversity at the ABA

1980  ABA President calls for “a better understanding of the concerns and problems of minority lawyers” to determine constructive and meaningful ways to address these problems.

1984  Task Force on Minorities in the Legal Profession created.

1986  Goal IX—To Promote Full and Equal Participation in the Profession by Minorities and Women—adopted.

1986  Commission on Opportunities for Minorities in the Profession (Commission) created to continue work of the Task Force.

1988  Commission established the Minority Project Demonstration Program to encourage corporations to retain lawyers of color for legal services; later becomes the Minority Counsel Program (MCP)


1992  ABA President-Elect started hosting the annual Presidents-Elect meeting to bring together leaders of the four major national minority bar associations.

1995  Commission establishes the Spirit of Excellence Award to recognize individuals who have contributed to the advancement of racial and ethnic diversity in the profession.

1996  Commission begins publishing the Goal IX (now Goal III) Report assessing diversity within the Association.


2000  ABA Presidential Advisory Council on Diversity created to improve diversity in the pipeline to the profession—later becomes the Council for Racial and Ethnic Diversity in the Educational Pipeline.

2000  Commission on Opportunities for Minorities in the Profession changed its name to the Commission on Racial and Ethnic Diversity in the Profession.

2001  ABA Center for Racial and Ethnic Diversity created as coordinating body for diversity efforts throughout the ABA.


2008  ABA restructured its Mission & Goals, and identified diversity as one of only four Association priorities. The new Goal III is to:

“Eliminate Bias and Enhance Diversity”
with the following objectives:

• Promote full and equal participation in the association, our profession, and the justice system by all persons.
• Eliminate bias in the legal profession and the justice system.

2009  ABA Commission on Women in the Profession, in collaboration with the Commission, publishes an updated Dear Sisters, Dear Daughters: Strategies for Success from Multicultural Women Attorneys.


2011  Board of Governors approved the first Association-wide ABA Diversity Plan.
**Commission on Disability Rights**
The ABA's Commission on Disability Rights (formerly known as the Commission on Mental and Physical Disability Law) was established in 1973 to respond to the advocacy needs of persons with mental and physical disabilities. The Commission promotes the ABA's commitment to justice and the rule of law for persons with mental, physical, and sensory disabilities and to promote their full and equal participation in the legal profession. The Commission carries out an array of projects and activities addressing disability-related public policy, disability law, and the professional needs of lawyers and law students with disabilities.

**Commission on Sexual Orientation and Gender Identity**
The Commission on Sexual Orientation and Gender Identity was formed in 2007. The mission of the Commission is to secure for lesbian, gay, bisexual and transgender persons full and equal access to and participation in the ABA, the legal profession and the justice system. Through education efforts, policy development, building relationships with leaders in the profession, and other activities, the Commission seeks to secure equal treatment in the ABA, the legal profession and the justice system without regard to sexual orientation or gender identity, remove barriers to professional advancement, and promote diversity.

**Commission on Women in the Profession**
The Commission on Women was formed in 1987 to assess the status of women in the legal profession, identify barriers to advancement, and recommend to the ABA actions to address problems identified by the Commission. The mission of the Commission is to secure the full and equal participation of women in the ABA, the legal profession, and the justice system.
The ABA Commission on Racial and Ethnic Diversity in the Profession is a diverse group of committed lawyers that, through its work and programs, is the catalyst for creating leadership and economic opportunities for racially and ethnically diverse lawyers within the ABA and the legal profession. It provides a voice to identify and tackle issues of discrimination, racism and bigotry, and to inspire the ABA and the profession to value differences, to be sensitive to prejudice, and to reflect the society they serve. The Commission on Racial and Ethnic Diversity in the Profession is a part of the ABA Center for Racial and Ethnic Diversity, which coordinates and enhances the ABA’s diversity efforts.

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