

MODEL DIVERSITY AND INCLUSION PLAN FOR ABA ENTITIES

In 2015, ABA President Paulette Brown established the ABA 360 Commission on Diversity and Inclusion (“360 Commission”) to review and assess diversity and inclusion in the ABA, the legal profession, and the judiciary, with a goal of developing sustainable action plans. As part of this initiative, the 360 Commission reviewed the Diversity and Inclusion Plans of the various ABA entities including divisions, sections, forums and commissions. Each of the plans was inspiring and helpful in its own regard. We decided to build on those entity specific plans and prepare a comprehensive one that could serve as a model plan that all ABA entities could use as a guideline to increase participation of racial and ethnic minority, women, disabled, and Lesbian, Gay, Bisexual and Transgender (LGBT) ABA members.

In this light, the 360 Commission has prepared this Model Diversity and Inclusion Plan to serve as a template to encourage all ABA entities leadership to review their own practices and prepare or update their own diversity and inclusion plans tailored to their own group’s needs and missions and within their own governance structures. Our goal is to have all ABA entities take action by not later than the end of the ABA fiscal year 2016-2017 to review the Model Diversity and Inclusion Plan, update their current diversity and inclusion plans, and incorporate the model into their entity’s plans and practices.

A. Preparation for Setting a Diversity and Inclusion Plan:

1. Review history of ABA on diversity and inclusion issues.

The ABA’s Goal III is to eliminate bias and enhance diversity and inclusion of traditionally excluded groups within the legal profession. Its objectives are to promote full and equal participation in the association, our profession, and the justice system by all persons and to eliminate bias in the legal profession and justice system.

Under the ABA Goal III Diversity Plan (“Goal III Plan”)¹, “diversity” includes all four aspects of Goal III gender, race/ethnicity, disability, and sexual orientation/gender identity. The Goal III Plan objective III.D urges the ABA sections, divisions, forums, committees, commissions and other ABA entities to adopt entity-specific diversity plans and encourages periodic review and updating of those plans.

In preparing to create or update a diversity and inclusion plan, the ABA entity should review its own history of diversity and inclusion including its current membership, leadership and governance frameworks. As part of that review, the group should study closely its current and historical membership numbers and demographics including the ABA “Goal III”² Diversity Plan. Annually, the ABA Goal III Commissions survey the sections, divisions, forums and other

¹ The ABA Diversity Plan is at http://www.americanbar.org/content/dam/aba/global/ABA_Diversity_Plan_May_2011.pdf

² In 2008, the ABA adopted and updated its goals including previous Goal IX on diversity and inclusion, which then became “Goal III”. Goal III is to eliminate bias and enhance diversity. Its objectives are to promote full and equal participation in the association, our profession, and the justice system by all persons and to eliminate bias in the legal profession and justice system.

ABA entities for information and data about their progress toward reaching Goal III initiatives including diversity and inclusion in their leadership, membership, programming activities, and similar objectives. The Goal III Commissions then compile this survey data and prepare their Annual Reports, which are released to the membership and the public.

2. Identify shortcomings in diversity and inclusion practices and look at future needs.

The ABA entity should conduct a critical internal self-assessment and review of its entity's membership and demographic data for the past few years. The entity should also critically and analytically review its responses to the ABA Goal III Commission Surveys. These surveys will reveal the entity's progress or lack of progress in the area of diversity and inclusion, including programming and membership. Furthermore, these self-assessments and data should be leveraged to foster a culture of inclusiveness and establish common definitions and understanding of diversity and inclusion.

3. Prioritize and identify resources, staffing, and funding to carry out goals.

After undergoing a critical internal self-assessment and review of its diversity and inclusion practices and governance frameworks, the leadership of the ABA entity must prioritize and identify resources, staffing, and funding to carry out its updated diversity and inclusion practices, goals and plans.

B. Framework for Diversity Plan:

1. Mission Statement / Clear Statement of Purpose and Goals

It is the mission of this ABA entity to advance diversity and inclusion at all levels within this entity, regardless of race, ethnicity, age, gender, religion, sexual orientation, gender identity, disability, economic status, and other diverse backgrounds. This entity will work closely with its leadership to promote the ABA's Goal III and its diversity goals, support the general committees, and promote the value of having diverse attorneys, judges, legal professionals, and law students included in all this entity's activities.

In addition to Goal III diversity goals, this entity will aspire to recruit members who are diverse geographically, generationally, and by type of employment sector.

In furtherance of this mission statement and Goal III, this entity approves and carries out this Diversity and Inclusion Plan. This plan should also commit to make measurable progress on diversity based on defined performance criteria and established timetable.

2. Assignment of responsibilities for implementation and oversight to EDIPIC

This entity's leadership, along with its own Diversity and Inclusion in the Profession Committee (EDIPIC) and assigned staff will be responsible primarily for implementing this Diversity and Inclusion Plan and the diversity goals for this entity. The goal of diversity and inclusion can be achieved only with the unequivocal support and participation of this entity's leadership, its

EDIPC, other committees, task forces, and the individual commitment of each entity member. Its EDIPC will provide this entity's leadership and membership, guidance, training, and encouragement to:

- actively recruit historically underrepresented groups in the legal profession (including racial and ethnic minorities, women, LGBT, and disabled attorneys, young lawyers, and law students);
- actively foster an atmosphere of inclusion to facilitate the inclusion and welcoming atmosphere, mentoring and retention of these racial and ethnic minorities, women, LGBT, and disabled attorneys, young lawyers, and law students, as members of this ABA entity while providing pathways to leadership;
- actively seek the participation of racial and ethnic minorities, women, LGBT, and disabled attorneys, young lawyers, and law students on subcommittees, task forces, and programs; and
- provide racial and ethnic minorities, women, LGBT, and disabled attorneys, young lawyers, and law students with opportunities and training to become leaders in this entity's committees and officers roster.

To fulfill its diversity mission statement and Goal III, this entity will have at least one full time staff person whose primary duties will be to support the work of the entity members and its EDIPC in meeting its Goal III responsibilities and to carry out its Diversity and Inclusion Plan work.

The entity's Diversity and Inclusion Plan will be reviewed annually by the entity's leadership and dedicated (ideally full time) staff and will be updated to ensure that its mission is being fulfilled.

3. Short term /Long term specific goals, objectives, action plan, implementation methods, and milestones/timeframe

A. Obtain support and participation of entity leadership, members, its EDIPC, and committee chairs in implementing the Diversity and Inclusion Plan.

1. Provide a copy of the Diversity and Inclusion Plan to each existing and incoming entity leader, committee member, and entity member and post the Diversity and Inclusion Plan on the entity's website.
2. Provide a copy of the Diversity and Inclusion Plan to each existing and incoming committee chair as part of the entity's leadership orientation program.
3. Send a letter or email communication from the incoming entity chair upon taking office stressing the importance of diversity and inclusion, EDIPC's role, and the necessity for implementing the entity's Diversity and Inclusion Plan.
4. Delegate to its EDIPC the responsibility of following up with the entity's officers, committee chairs, and committees that are not participating fully in

the entity's Diversity and Inclusion Plan including its diversity and inclusion efforts.

B. Entity's leadership and its EDIPC will provide guidance to the entity's committee chairs and chairs-elect regarding diversity, its importance to the entity, and its necessity to the legal profession.

1. Include diversity training and materials in the entity's committee chairs and chairs-elect mandatory orientation meetings and handbooks, if provided, including among other things, a list of diversity contacts and resources.
2. Update diversity resource materials annually, to be done by the entity's chair or chair-elect, using the input of its EDIPC and assigned staff and members.
3. Provide diversity training for entity leadership and members, entity committee chairs, and chairs-elect at the fall and/or spring meetings.
4. Distribute the entity Diversity and Inclusion Plan or email a link to the entity Diversity and Inclusion Plan to all new entity members.
5. Refer to the entity Diversity and Inclusion Plan in its entity member marketing materials.
6. Ensure accessibility of the entity Diversity and Inclusion Plan to members with visual or other disabilities.
7. Entity leadership will direct the entity to engage in active marketing, recruitment, and outreach efforts to affinity bars and other professional organizations, legal communities, and law schools to promote diversity and inclusion.
8. Entity leadership will direct the entity to have formal and informal liaison relations with diverse entities of the ABA including the Goal III entities and appoint entity liaisons to the ABA Goal III groups, YLD, and the Law Student Division.
9. Entity leadership will set up a mentoring program for its member young lawyers, law students, and its new members.

C. Insure entity committees are accountable to Goal III and its EDIPC:

1. Establish an effective means of monitoring entity committee efforts toward diversity and inclusion including membership numbers, and increased efforts between entity committee chairs and liaisons.
2. Provide resources to entity committees for seeking out diverse members, speakers, and panelists and leverage the ABA Diverse Speakers Directory.

3. Prioritize and coordinate the entity's Diversity and Inclusion Plan in sync with Goal III timelines and priorities.
4. Entity leadership and EDPIC should ensure that the entity will have annual training programs for all the entity leaders and members on diversity and inclusion, including implicit bias and diversity resources within the entity and in the ABA.

D. Promote and track diversity in the entity's leadership nominations and leadership development processes and outreach.

1. Require diversity and inclusion as an emphasis in the entity's leadership nominations including among the nominators of decision-makers.
2. Urge entity committees to emphasize diversity and inclusion in leadership training and development programs and to foster an atmosphere of inclusion to assist in retaining diverse lawyers once they become members.
3. Require entity committees to report their membership statistics annually including demographics of their members and leadership.

4. Increase Diversity and Inclusion in Entity's General Membership Activities

A. Foster and encourage the spirit of inclusiveness in entity's activities and take affirmative efforts to increase diversity:

1. At least annually, the entity chair should make a request to its EDIPC, committee chairs and chairs-elect to invite diverse non ABA-entity member lawyers, young lawyers, and law students to entity meetings and hospitality suites at all entity meetings.
2. In all entity printed and digital materials, state that non-entity members are welcome to attend entity meetings (except paid-for CLE, unless otherwise provided as free for first-time entity visitors), and identify non-entity members by a non-obtrusive sticker and/or badge.
3. The entity leadership and EDPIC will work with the entity CLE planning committees to encourage diversity and inclusion for all entity CLE panels and any programs presented by the entity. The entity leadership will further encourage and remind the CLE and program planning committees that all entity CLE panels and any entity programs should be accessible to people with disabilities.
4. The entity EDPIC will review before publication and ensure that all the entity's publications and articles will include diverse and inclusionary authors and/ or include topics related to diversity and inclusion.

5. The entity leadership will also ensure that its EDPIC shall support the entity's mentor programs and outreach to law students and new lawyer admittees by doing the following:
 - a. Partner with the entity's mentoring committee to support diversity and inclusion initiatives for new admittees and young lawyers.
 - b. Work with an entity task force for outreach to law students.
6. The entity leadership in coordination with its EPDIC will create and maintain a pipeline to leadership program to ensure there is a continuous pool of talented and experienced diverse membership to become future leaders of the entity.

B. Fund and sponsor academic and entity scholarships, fellowships and ambassadorships for attendance at the entity's annual meeting for diverse lawyers and law students:

1. The entity's EDPIC will recommend, and entity leadership will approve, a scholarship program for diverse law students to attend its annual entity meeting. The EDPIC shall also ensure that the entity staff advertises its meeting attendance scholarships available to all ABA-accredited law schools within a 500-mile geographic radius of its annual entity meeting.
2. The entity's EDPIC will recommend and entity leadership will approve a Diversity Ambassador program for diverse young lawyers to attend its annual entity meeting. The EDPIC shall also ensure that the entity staff advertises its meeting attendance scholarships available to all attorneys and bar associations within a 500-mile geographic radius of its annual entity meeting.
3. The entity's EDPIC will recommend and entity leadership will approve a Diversity Fellowship program for diverse lawyers to attend its annual entity meeting. The EDPIC shall also ensure that the entity staff advertises its meeting attendance scholarships available to all attorneys and bar associations within a 500-mile geographic radius of its annual entity meeting.

C. The entity's EPDIC will insure entity committees are accountable for diversity and inclusion practices and results through use of activity reports:

1. EPDIC will circulate committee activity reports and gather results on an annual basis, with improvements noted, and awards given at an awards ceremony during the ABA Annual Meeting.
2. EPDIC will establish an effective means of monitoring committee efforts towards diversity and inclusion, including increased efforts between committee chairs and EPDIC in providing activity reports.

3. EPDIC will provide resources to committees for seeking out diverse speakers, members and projects.
4. EPDIC will report committee findings to EDPIC and as an agenda item at the entity leadership meetings.
5. If any entity committee chair does not complete activity reports within the designated annual time frame, EDPIC's chair shall contact the non-participatory committee chair, and EDPIC's staff member shall facilitate and ensure that the late report is completed no later than 30 days of its original due date.
6. EPDIC will request committee chairs and/or chair-elects to remind the entity's committee members that they take diversity and inclusion efforts including reminding members of the diversity and inclusion annual awards selected by its EDPIC at the ABA's annual meeting or other designated time by the entity.
7. EPDIC will publish committee activity reports on the entity's website, emphasizing the progress the entity's committees are making.

D. Evaluate annually the entity's Diversity and Inclusion Plan, in conjunction with Goal III:

1. The EDPIC will assess annually which initiatives are successful and which are not, and determine the reasons the unsuccessful are not working; incorporate new ideas and resources; incorporate potential needs for change to the entity chair and leadership.
2. The EDPIC will circulate the draft entity Diversity and Inclusion Plan to the ABA Diversity Center, ABA Commission on Women in the Profession, the ABA Commission on Ethnic and Racial Diversity, the ABA Commission on Disability Rights, and the ABA Commission on Sexual Orientation and Gender Identity for additional input, guidance, and resource information.
3. The EDPIC will biannually assess diversity plans of other bar associations and legal entities to obtain new ideas, information, resources, and contacts.
4. The EDPIC annual assessment report will recommend changes, if any, to the entity's Diversity and Inclusion Plan, and seek and obtain approval from the entity's leadership every year at the ABA Midyear Meeting.