Dr. Arin N. Reeves has recently released her second book with ABA Publishing, entitled One Size Never Fits All: Business Development Strategies Tailored for Women (and Most Men). Dr. Reeves summarizes the book’s purpose:

[It] offers a comprehensive and candid analysis of how women and men develop business in professional service firms differently and what they and the firms in which they work can do to create models for success that recognize these differences and allow equal opportunities for women to thrive.

The following excerpt is from chapter 5, “Superstar Sizes vs. Team Successes,” which explores how the current shape of business development in many professional service firms doesn’t fit men and women, especially when it comes to significant differences in how men and women view competition versus collaboration.

The perspectives on business development as articulated by different leaders of professional service firms are starkly consistent with each other on what successful business development looks like (individual credit/big clients/clients = power), how it is done (independently/visibly/competitively), and who is more likely to succeed at it (assertive men). The following chapters demonstrate how this one size is not compatible with how women (and many men) actually develop business. This one size leads to a firm’s succeeding through the output of a few superstar business developers instead of succeeding as a firm, a cohesive unit that works together to grow together. The individual superstar model may have worked when the supply-and-demand equation for professional

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Communiqué from...

Commission on Hispanic Legal Rights & Responsibilities

By Jesse H. Ruiz, Hispanic Commission Member

Latinos in the Law: Rays of Hope on the Horizon

Last year the ABA’s Commission on Hispanic Legal Rights and Responsibilities issued a comprehensive report, Latinos in the United States: Overcoming Legal Obstacles, Engaging in Civic Life. The very title denotes that the Latino community in the United States, including Latino lawyers, faces a myriad of challenges. As a member of the Commission, I have reflected on the extent to which we are making progress on addressing some of the issues noted in the report, including immigration reform, educational opportunities, and diversity in the legal profession, to name a few.

As our country faces a refugee crisis on our southern border, as Latinos continue to be underrepresented in all facets of the legal profession, and as Latino students across the country continue to struggle for equity in educational opportunities, it’s at times difficult to recognize any progress, or be optimistic about the future. Nevertheless, I see beacons of hope on the horizon.

It’s a fact that Latinos are underrepresented in the legal profession, and we are not where we need to be in terms of important positions across the legal profession spectrum. However, if we try to look for signs of hope, they do exist. The number of Latino students enrolled in law school

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The ABA Constitution requires a decennial review of three of its main bodies:

- The House of Delegates
- Board of Governors
- The Nominating Committee

The decennial review is conducted by the Association’s Commission on Governance, and is essential to the ABA’s ongoing efforts to remain strong, effective and forward-thinking to meet the future needs of the Association. Under the Constitution, the review of each body must include an examination of its size and composition to ensure appropriate representation of constituencies.

Under Article 6.2 of the ABA Constitution, the House of Delegates is composed of members of the Association. Those members are:

- one State Delegate from each state, the District of Columbia, Puerto Rico, and territories;
- at least one state bar association delegate;
- at least one delegate from eligible local bar associations;
- Delegates-at-Large elected by members of the Association registered at the Annual Meeting;
- delegates representing the respective sections and divisions of the Association;
- delegates representing the conferences of the Judicial Division, Appellate Judges, National Conference of State Trial Judges, National Conference of Specialized Court Judges, National Conference of Federal Trial Judges, and the National Conference of the Administrative Law Judiciary;
- members of the Board of Governors;
- former Presidents of the ABA and former Chairs of the House of Delegates;
- the Attorney General of the United States, or at his or her option, the Deputy Attorney General, Associate Attorney General, or the Solicitor General;
- the Director of the Administrative Office of the U.S. Courts, or at his or her option, the Assistant Director for Congressional External and Public Affairs; and
- delegates from affiliated organizations.

The Board of Governors, in turn, is composed, under Article 7.2, of 38 members of the Association, one member from each of the eighteen districts, six section members-at-large, one judicial member-at-large, two young lawyer members-at-large, and until the conclusion of the Annual Meeting in 2015, two women members-at-large, and two minority members-at-large. Finally, Article 9.2 of the ABA Constitution provides that the Nominating Committee of the House of Delegates shall consist of the State Delegates, seven Section delegates, one Judicial Division Delegate, one Young Lawyers Division member who need not be a delegate when named to the Committee but who becomes a delegate while serving on the Nominating Committee, and, until the conclusion of the Annual Meeting in 2015, six members-at-large who need not be delegates in the House of Delegates when selected, but who become delegates while serving on the Nominating Committee. The Section Officers Conference selects the seven Section Delegates. The Judicial Division Council shall select the Judicial Division Delegate, and the Young Lawyers Division Assembly shall select the Young Lawyers Division Delegate. The members-at-large are appointed by the President, three from nominations submitted by the Commission on Racial and Ethnic Diversity in the Profession and three nominations from the Commission on Women in the Profession. No more than five members may be from the same state at any one time. The review of the Board of Governors and the Nominating Committee conducted by the Governance Commission must include:

- A consideration of whether at-large representation of women and minorities should be continued.
- The review of the Board of Governors must also include a review of the issue of districting in terms of Association membership.

The Commission has met in person several times and thrice by conference call. We will be meeting again at the Annual Meeting and will hold an open meeting on Saturday, August 9th. We are seeking input from each entity and each of you as a leader of the profession and the Association concerning the issues that should be examined by the Commission consistent with our mandate under the Constitution.

**Governance Website**

A Governance Commission website has been created. You may access it at http://www.americanbar.org/groups/leadership/commission-on-governance.html. To date, various materials have been uploaded, including the Summary of the discussion at our December, 2013 and February, 2014 meetings; the House debate concerning the 2005 decennial review; and other relevant data.

Our goal remains to be very transparent and collaborative and to obtain as broad a perspective of views as possible. We want to hear from everyone, and we will continue to make ourselves available to interested parties to discuss our work and receive comments.

The decennial review by the Commission affords a valuable opportunity to discuss issues concerning ABA governance. This collaborative and transparent process will serve to further strengthen the ABA and redounds to the benefit of all ABA entities and members. The ABA, like other professional associations, faces many significant challenges, including membership retention and recruitment, the ability to continue as an effective national

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The ABA Judicial Clerkship Program (JCP) that encourages minority law students to seek judicial clerkships upon their graduation will celebrate its 15th anniversary in February, 2015. The program, a signature collaboration between the ABA Council for Racial and Ethnic Diversity in the Educational Pipeline (Council) and the ABA Judicial Division (JD), with strong support from LEXIS-NEXIS, has put clerking on the radar screen of hundreds of minority law students, dozens of whom have successfully pursued clerkships.

The genesis of JCP was a controversy that erupted in 1998 when the President of the NAACP and 18 others were arrested that fall after they peacefully crossed a police line at the high court in an attempt to deliver resumes of minority law students to Chief Justice William Rehnquist. The attention given to the small number of minority lawyers clerking for United States Supreme Court justices in 1998 contributed to the ABA and the National Association of Legal Career Professionals (NALP) commissioning a comprehensive study of the clerkship situation. The “study found that minority representation in clerkships was generally lower than in law school populations, although this did vary somewhat by ethnic group. However, this was the key finding, “this discrepancy did not result from a difference in the success of their applications, but rather a lower application rate of the minority students.”

The insight from these findings was that if more minority lawyers were to get clerkships, then more minority law students needed to be encouraged to apply for clerkships. Informed by this study, the ABA's Commission on Racial and Ethnic Diversity, the JD, and LEXIS-NEXIS set out to try to increase the number of minority lawyers serving as judicial clerks by launching the first JCP at the ABA Midyear Meeting in San Diego in February, 2001. In 2007, the Council assumed the responsibilities initially undertaken by the Commission.

In the ensuing years, the President and other top officials of the ABA have welcomed dozens of students and judges from around the country who then have worked closely together for two days through panel discussions, an extensive research exercise, and an appellate oral argument in an effort to introduce and then reinforce reasons for pursuing a judicial clerkship:

(1) Allowing a new lawyer to develop a close personal working relationship with a judge;
(2) Improving a new lawyer’s legal research, analytical, and writing skills;
(3) Enhancing a new lawyer’s career opportunities; and
(4) Allowing a new lawyer to participate directly in the process of shaping the law.

The most ambitious part of JCP is a "research exercise" structured to replicate the judge-clerk working relationship. Small groups of students and judges work together to develop an outline of an opinion deciding a closely-watched case then-pending before the Supreme Court. For example, in 2002, the research exercise was based on Zelman v. Simmons-Harris: whether a state’s school “voucher” program violates the Establishment Clause; in 2008, on Crawford v. Marion County Election Bd.: whether a state law that requires voters to show photo identification issued by the government before they may vote violates the First and Fourteenth Amendments; and in 2011, on Brown v. Entertainment Merchants Ass'n: whether banning the sale or rental of violent video games to minors violates the First Amendment of the U.S. Constitution.

In doing their research, the students use the computers and software provided by LEXIS.

David P. Avila says that “had I never participated in the ABA Judicial Clerkship Program, I would never have clerked. [W]hen I was a third-year student at the University of Michigan Law School, clerking was far from my mind. . . . Clerking has helped me to understand how some judges think about and approach legal issues, it has given me a common bond with colleagues who have clerked, and I now have a lifetime friend and mentor in the judiciary. Without a doubt, the ABA Judicial Clerkship Program launched my legal career and for this I am truly thankful.” Avila now works for the U.S. Department of Justice.

Robyn N. Carr, a graduate of the Indiana University Maurer School of Law—Bloomington, says “When I finally began to interview with judges for a position, I never felt nervous – in part because I had interacted with several during the Judicial Clerkship Program. I knew what to expect completely and I credit the program for that preparation. I now work at a large firm in Washington, D.C. after finishing a two-year clerkship on the federal district court.
**Communiqué from...**

**Coalition on Racial & Ethnic Justice**

By Sarah Redfield, Co-Chair of COREJ’s School-to-Prison Pipeline Program

Can New Thinking Help Reverse the School-to-Prison Pipeline?

“He who opens a school door, closes a prison.” attributed to Victor Hugo

“Ultimately, full-scale change … means ensuring that students are not victims of the kind of stereotyping or racial bias that results in unfair punishments. As a nation, we need to embrace the reforms, both large and small, that keep kids in school learning rather than out of school misbehaving. New York Times Editorial Feb. 17, 2014.

“Guarantee that all violence-exposed children accused of a crime have legal representation.” Recommendations of the Attorney General’s National Task Force on Children Exposed to Violence (2012)

The previous issue of this publication, **ABA Diversity Voice** (Winter 2014), outlined COREJ’s work to convene a national series of Town Halls that focuses on issues of what is now commonly referred to as the school-to-prison pipeline. This refers to when young people are pushed or drop out of school and then find themselves caught in the juvenile justice or prison systems. Consistent with the opening quotes, old and new, the Town Halls are drawing particular attention to two areas: The significance of emerging research on implicit bias to understanding how individual decisions contribute to the school-to-prison pipeline; and the role that the legal community can play in reversing its direction.

One way to understand the issue is to look at disproportionalities, i.e., the over- or under- representation of a particular group in comparison to its presence in the population. At each juncture along the pipeline from a failed education (including special education) to referral to law enforcement or arrest and points thereafter, these differences manifest themselves in lesser or harsher treatment based on race or ethnicity or other status. These differences have been well-documented for a long time. One must question why the pattern has not yet yielded change, despite decades of study, reports, and initiatives (e.g., Coleman Report, National Research Council, National Coalition of State Juvenile Justice Advisory Groups). For example—taken at the juncture between schools and entry into the juvenile justice system—the Civil Rights Data Collection (CRDC) shows that Black students are 16% of the population reported in the CRDC sample, but they are 27% of students referred to law enforcement and 31% of students subject to school-related arrest. American Indian-Alaskan Native numbers are also out of proportion: less than 1% of the student population, but they are 3% of students referred to law enforcement and 2% of students subject to school-related arrest. For White students, their referred to law enforcement numbers are 41% and 39% subject to school-related arrest; both lower than their 53% portion of the juvenile population (Census, CRDC).

Looking at the broad sweep of this kind of data—and there are analogous numbers at other points along the education pipeline (Redfield, NCES) and at virtually every point in the criminal justice system (OJJDP)—it is sometimes hard to remember that these numbers represent decision after decision point in an individual young life. That is, most of the critical decisions impacting young people along the educational pipeline are discretionary individual decisions. For the most part, these are made by people acting in good faith—the teacher who considers a student capable of advanced Spanish (or not), the principal who decides a young person should be suspended for insubordination (or not), the special education team that classifies a child as emotionally disturbed (or not) (Sheets, Rosenthal, Harry & Klingner, Fabelo). Analogous decisions are made in juvenile justice, whether a young person is arrested (or not), detained (or not), locked up (or not), and so on (OJJDJ).

While decision makers may well be acting in good faith, and may well sincerely believe they are acting without bias, when the decisions are viewed cumulatively, it is hard to deny the serious disproportionalities and biases those decisions represent. To change this requires us to question what causes the dissonance between individuals’ honestly held beliefs that their decisions are not biased and the cumulative biased results (Nosek & Riskind).

**Mind Science Answers**

Answers from emerging mind science (both social science and neuroscience) suggest that attention need be paid to unintended unconscious implicit biases (Greenwald). Implicit bias is defined as an unconscious association or preference that operates outside of our awareness (Marsh). Implicit attitudes reflect learned associations that can exist outside of conscious awareness or control and affect our decisions (Banaji & Greenwald). The mind science research increasingly shows that all humans are influenced by these biases (NJC). Here, then is a possible explanation for how it is that so many decisions by so many acting in good faith can cumulate to biased results. Attention to this research can change the results. With training, critical discretionary decision points can be revamped to show more individuation and less bias (Dasgupta).

Sarah Redfield is Professor Emeritus at the University of New Hampshire School of Law and Affiliate Professor at the University of New Hampshire. To request a copy of her “Ten Tips for Debiasing,” contact Prof. Redfield at sarah.redfield@gmail.com. A full list of citations for this article is available upon request to Prof. Redfield.
Cybersecurity: What Are We Mere Mortals Supposed to Do?

In May 2014, the Diversity Commission hosted the Spring ABA Minority Counsel Program (MCP) in Washington, DC. MCP serves as a showcase event bringing racially diverse lawyers who are experts in varied practice areas to make CLE presentations to a broad, national legal audience ranging from in-house counsel and large firms to specialty boutique firms and government attorneys. This annual event also includes discussions of the most current and pressing legal issues in our communities and society. The Spring 2014 MCP featured a CLE panel on “Cybersecurity and 21st Century Legal Practices.” Below is an excerpt adapted from materials presented by panelist Judge Herbert B. Dixon.

There are thousands of reported instances where the computer systems of major businesses have been hacked. There are also thousands of instances of computer hacking of major businesses that have not been reported, due to either embarrassment or ignorance that hacking has occurred. The instances of cyberattacks are neither rare nor benign. They are persistent and potentially destructive. They include unexpected e-mail attachments from unknown individuals containing malware designed to steal or destroy your digital files and destructive e-mail attachments and Internet links that appear to be from trusted friends.

Cyberattacks have been waged against every type of institution in the United States, e.g., federal agencies (including the CIA and the FBI), cybersecurity companies, defense and intelligence contractors, the United Nations, banks and other financial institutions (including Nasdaq, VISA, Mastercard, and Paypal), social media sites (including Facebook and LinkedIn), and law firms (which are particularly valuable targets because of the client information contained in the law firms’ files).

This article is not intended to enlighten government agencies or major businesses. I am writing for mortal individuals like myself and readers of this article. To the extent that I have gained your attention, let me be the first to advise that achieving cyber-safety in today’s world by totally disengaging from e-mail and the Internet is not a practical solution. So, the next best thing is to adopt cybersecurity practices that will enhance your chances of avoiding cyber-victim status. Some of the practices are commonsense, some are easy to implement, and others will be a nuisance. Here are a few suggestions:

- Don’t use the same password on multiple accounts, services, and devices. Once the hacker has obtained that password, it will be among the first to be attempted with future hacking attempts directed at you.
- Install antivirus software. Hasn’t everyone done this? And download the latest virus definitions frequently.
- Establish answers to password retrieval questions that are likely unknown to a hacker or anyone who has conducted research about you.
- Use complex passwords with numbers, symbols, and uppercase and lowercase letters. For example, we have learned from a review of more than 6 million leaked LinkedIn passwords that the four most common passwords in that database were “password,” “123456,” “12345678,” and “1234.” According to the Web site https://howsecureismypassword.net/, any of these passwords could be cracked almost instantly by a knowledgeable professional or novice with the correct tools. The same goes for any password that is a mere series of numbers (including telephone numbers, dates, house numbers, etc.), a series of letters, or a word from a dictionary.

Also, merely adding your initials to a set of numbers would extend the cracking effort from nearly instantaneous cracking to about 19 seconds of effort. On the other hand, if you use numbers, symbols, and uppercase and lowercase letters, something like “1234hBd$#@!” (“1234,” followed by my initials “hBd” with one letter capitalized, followed by “$#@!,” which is 1234 in reverse holding the shift key), it would take a desktop PC about 4,000 years to crack the password. If my initials were all lowercase or uppercase, that would drop the time to crack the password down to 48 years. And, yes, a longer password with similar variations is more secure. If I merely add an additional four digits (year, house number, last four digits of a telephone number, etc.) to establish a password of “1234hd$#@!2012,” the Web site https://howsecureismypassword.net/ advised me that it would take a desktop PC 157 billion years to crack the password (if only I should live so long).

- Enable two-step verification, if available. Google offers this option whereby you enter your password and a second verification code is sent to your cell phone or generated by an app on your smartphone. Dropbox offers a similar option.
- If you think you will have difficulty keeping up with all those complex passwords, install a password keeper app or program. Some basic programs can be obtained free. And they are much more secure than writing the passwords on sticky notes that you put on your desk or computer monitor.
- Ignore e-mails from banks and other financial institutions that tell you your

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services favored professional service firms, and it may even continue to work if you want to merely survive. However, in this global hypercompetitive market where the supply-demand equation no longer favors professional service firms, dependence on a few superstars without teams is not a good strategy for any firm’s long-term success, especially if you want to transcend survival and thrive in a sustainable way.

Lisa
Lisa is a senior partner in a firm where she is the only female partner of color. The firm has a women’s leadership initiative and a diversity initiative, and she is active in both, though she feels like she really doesn’t fit in very well with either group.

When I’m with the women, they look at me with some confusion because I’m a woman but they can’t really relate to me. They have no idea what my life is like when I leave here, what my home is like, what I do on the weekends, and they don’t ask me these questions like they ask each other. The other partners of color are all men, so when we get together, they say all sorts of sexist stuff and don’t realize it. Every single one of them has children, and none of them has work-life balance issues like I do. This is the context in which I have to live and breathe my client development efforts.

Lisa was recruited from another firm because a client of her current firm had recommended her highly when this firm was thinking about recruiting new people at a more senior level. That client, a white male, has put Lisa’s name up for consideration many times for positions ranging from civic boards to high-profile political appointments.

I jokingly told [the client] that he was the strongest advocate for diversity that I had ever met the way that he throws my name around. He responded by saying that he wished that I was not a minority because he hated that he constantly had to explain to people that he wasn’t recommending me because I was a woman or a minority but because I was smart and the hardest worker he had ever met. That took me a second to digest. . . he wished that I was not a minority. I didn’t know how to respond because I understood . . . I think I did . . . what he was saying, but it was still difficult to process.

Lisa has a few clients, but all her clients, according to her, are “not really clients I pitched.” She has been a part of a few client pitches that other partners have organized, and she laughingly calls herself the “two for one diversity token.” “I would invite me if I were them . . . our clients are asking for diversity, and I am as diverse as diverse gets. But, I don’t get treated as an equal on the pitch team. The diversity role is never quite as profound or powerful as the best in class role.”

The head of the firm approached her a few months ago and told her that he wanted to start grooming her for a leadership position. He told her that they had to start with getting her business generation numbers up. She asked him how he thought she should do that, and he told her that she was not aggressive enough, and that she needed to focus on “getting in there and getting the kill” because he knew she had it in her.

‘Get in there and get the kill.’ Could he have said anything that I connected with less? I like to compete, but for me, it’s about competing against an ideal . . . being better than I was before or competing as a member of a team because I want to see my team win, but competing against my other partners . . . that doesn’t turn me on. ‘I don’t want to kill. I don’t want to fight to kill. This doesn’t make sense. We are in a field that is about innovation and creativity, and fighting to kill isn’t anything that I know how to do . . . or want to do. But, it’s hard to say that, right, because he is saying it like it’s a compliment. He also uses the phrase ‘hunger in the belly’ often, and all that makes me think of is indigestion. Hunger in the belly sounds like what you get after you fight to kill.

Dr. Arin Reeves is President of Nextions LLC, a Management Consulting firm in Chicago (www.nextions.com). For more info and to order the new book scheduled for release in August 2014, go to: http://shop.americanbar.org/eBus/Store/ProductDetails.aspx?productId=213271, or call 1-800-285-2221.

ABA Governance: Your Input Matters
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voice on behalf of its members, and its role in an ever-changing legal marketplace. Please take a few minutes of your time and let the Commission know how you feel about the House of Delegates, the Board of Governors, and the Nominating Committee. Our continuing representation in these bodies is important. Make your views known. You may do so by writing me directly, at crodriguez-vidal@gaclaw.om, or contacting any of the Commission members, as listed on the Commission’s website: http://www.americanbar.org/groups/leadership/commission-on-governance.html.

Carlos A. Rodríguez-Vidal is Chair of the ABA Center for Racial and Ethnic Diversity, and a member of the ABA Commission on Governance. He is also a Managing Member at Goldman Antonetti & Córdova, LLC.
D&I Focus on a Firm

Diversity & Inclusion Initiatives at ABA Full Firms

Focus: Ogletree Deakins

Ogletree Deakins prides itself on its ability to provide premier service to its clients by continuing to recruit, retain, develop, and promote top-talented attorneys regardless of race, gender, disability, orientation, and expression.

Ogletree Deakins is one of the largest labor and employment law firms representing management in the United States, London, and Berlin. Ogletree Deakins employs over 700 attorneys firm-wide, which include 43% women; 17% minorities; 2% Lesbian, Gay, Bi-sexual, and Transgendered (LGBT); and 1% with a disability. Because of the firm’s strong representation of diversity, and the excellent programs and initiatives that help to retain and advance its attorneys, the firm continues to exceed the national percentages for women and minority attorneys (as published by NALP). The firm continues to receive both local and national recognition for our unwavering commitment to diversity and inclusion year over year.

Most recently, Ogletree Deakins has been recognized by American Lawyer Media as the #1 Am Law 200 firm for African American attorneys. The firm has been identified by Law 360 as a 2014 “Ceiling Smasher,” which means that the firm has been placed among the top 25 U.S.-based law firms out of 400 that have the highest percentage of female partners. In a recent report published by Vault, the firm has been ranked among the top 25 law firms for Diversity. The Vault ranking was decided after Vault collected the thoughts and opinions of over 17,000 associates around the world.

In short, Ogletree Deakins continues to receive well-deserved accolades for our commitment to diversity and inclusion. Here are some of the reasons why:

• In 2011 the firm’s leadership made a goal to create a senior management position for someone who could focus on inclusion and professional development 100% of the time. This goal was accomplished in September, 2011 when the firm hired a 5-member, full-time Professional Development and Inclusion team whose primary focus is to establish programming and initiatives that help sustain a productive and all-inclusive work environment in every office location. This type of commitment to employees and clients is rarely seen among Am Law 200 firms.

• Our firm leadership felt it necessary to hire a team of professionals and combine the two functions of professional development and inclusion into one department because we view diversity and inclusion as a leadership skill vital to individual development, career advancement, and overall success at the firm.

By approaching the firm’s professional development initiatives in this innovative way, Ogletree Deakins has successfully distinguished itself from its competitors, and has found an effective way to develop all levels of talent regardless of how they identify in terms of race, gender, sexual orientation, gender identity and expression, and disability.

This practice of professional development and inclusion places the firm in the best position to offer a premier environment that supports authenticity to its new and existing attorneys, while simultaneously offering premier service to its diverse client base. This is especially vital in today’s ever-changing global marketplace. This practice also allows practicing attorneys to focus on practicing law, while the firm’s professional development and inclusion experts focus on strategic initiatives that aid in the recruitment, retention, and advancement of diverse attorneys at every level.

Among other initiatives, the Professional Development and Inclusion team, together with the direction of the Professional Development Steering Committee (PDSC), the Diversity and Inclusion Steering Committee, and the approval of the Board of Directors, launched its first Professional Development and Inclusion Needs Assessment in the first quarter of 2012. The Needs Assessment surveyed the opinions of attorneys at every level in the firm. This Assessment provided the Professional Development and Inclusion team with vital information on the firm’s strengths and areas of development including: recruiting, on-boarding/orientation, mentoring, evaluation/feedback, training, work-life integration, work allocation and diversity. The firm then used this information to establish its strategic action plan. Since 2012, Ogletree Deakins has been strategically focused on becoming the number one law firm in terms of diversity and inclusion, and it shows.

Recent G D&I Goals Accomplished

• Establishing speaking and publishing opportunities for minority, women,
LGBT and disabled attorneys throughout the firm.
- Establishing memberships and encouraging attorneys to participate in minority bar associations and diverse legal organizations like the Leadership Council on Legal Diversity (LCLD), Minority Corporate Counsel Association (MCCA), and the National Association of Women Lawyers (NAWL).
- Establishing a formal Women’s Initiative whose main focus is to empower women with the skills they need to advance within the firm. After conducting a firm-wide survey of all women shareholders in the firm, it was decided that the Ogletree Deakins Women Initiative (ODWIN) would consist of four key areas: Talent Development, Alumnae Relations, Flexibility/Awareness, and Business Development/Client Relations.
- Working with the Diversity and Flexibility Alliance (DFA) to identify flex-time/reduced-hours best practices the firm could adopt. This collaboration ultimately resulted in a revised reduced-hours policy that made it possible for reduced-hours attorneys to be eligible for equity shareholder starting in 2013 and helped to create and establish two new Reduced Hours Advisor positions at the firm.
- Establishing formal affinity groups for African-American and LGBT attorneys.
- Hosting a Diversity Retreat for attorneys of color, LGBT, and disabled attorneys.

Also, as a result of the successful implementation of the stated goals in the firm’s Strategic Action Plan, Ogletree Deakins has seen an increase in its ability to recruit, retain and promote its women and attorneys of color. Some examples of these successes are below:
- The firm added a female to the compensation committee, increasing its diversity from 0% to 20%.
- Added three minorities to the Board of Directors’ Advisory Group, increasing its diversity from 0% to 33%.
- Increased the number of diverse practice group leaders from 20% in 2011 to 35% in 2014.
- In January 2014, the firm voted to expand the Board of Directors to nine persons. Two diverse shareholders were elected to the Board, thereby increasing the diversity from 0% to 22%.

It is now no secret Ogletree Deakins is an innovative leader in the area of diversity and inclusion. In a short amount of time, the firm has been able to accomplish much and has the commitment, momentum, and team to accomplish. Ogletree Deakins understands the importance of diversity and prides itself on its ability to offer premier service to its clients. This understanding and pride, in and of itself, is the fuel to the fire that leads the firm’s diversity and inclusion charge. The firm is not only talking the talk, but helping to light the way for other law firms and diversity leaders in the profession.

For more information on Ogletree Deakins’ diversity and inclusion initiatives, please visit www.ogletreedeakins.com/diversity

Acclaimed Judicial Clerkship Program Eyes 15th Anniversary

in Houston, Texas. The program was the impetus for it all and I am grateful to have had the opportunity to participate.”

The point these lawyers make is clear: students who participate in the JCP program have significant, face-to-face contact with a substantial number of judges. More broadly, JCP is a remarkable networking experience. In addition to meeting the judges, students come into contact with fellow students from all across the country. As mentioned at the outset, ABA top leadership, and leadership from both the ABA Law Student Division and the Young Lawyers Section attend sections of the program. And the students themselves are given the opportunity to participate in other aspects of the ABA Midyear Meeting.

Annual student participation has ranged between approximately 60 and 100 in recent years; judicial participation between 40 and 60. A concerted push is being made to increase student participation for the 15th anniversary program next year. Readers of this article are encouraged to contact their law schools and urge them to participate in JCP. Enrollment information is available from the ABA Center for Racial and Ethnic Diversity.

Given the value placed on clerking by judges, clerks, and the legal community at large, the opportunity to clerk must be available to all. The ABA is committed to this end as part of its goal to “promote full and equal participation in the association, our profession, and the justice system by all persons.” The ABA Judicial Clerkship Program is a celebrated and successful illustration of that commitment at work.

Frank Sullivan, Jr., is Professor of Practice at the Indiana University Robert H. McKinney School of Law. He was a Justice on the Indiana Supreme Court from 1993-2012 and has been a leader of JCP since its inception.
Implicit Bias & Micro-Inequities: A Clear Connection

By Natalie Holder-Winfield

The following excerpt is adapted from a new ABA book, Exclusion: Strategies for Improving Diversity in Recruitment, Retention and Promotion. Author Natalie Holder-Winfield examines the common biases that negatively impact individuals and organizations. She presents best practices and strategies for eliminating micro-inequities to build an inclusive environment.

Some have argued that to focus on unconscious bias is to lose sight of the real issues that will help society achieve its justice goals. In a 2009 Emory Law Review article, Ralph Richard Banks and Richard Thompson Ford argued that “Despite its ostensible political benefits, the unconscious bias discourse is as likely to subvert as to further the cause of racial justice . . . The unconscious bias discourse reinforces a misguided preoccupation with mental state, and perpetuates an obsession with antidiscrimination law, rather than policy reform, as a means of realizing racial justice goals.”

The argument continues that we know our racist attitudes and beliefs, but we hide them from researchers. The contention with unconscious bias is that it allows us to supplant the covert racial bias that still exists with a more palatable notion of unconscious bias, which “levels neither accusation nor blame.”

Whether acts of exclusion occur consciously or unconsciously is inconsequential. The aim of this book is to make clear the connections between bias—in any form—and the impact it has on the success of individuals and organizations. What complicates the narrative and makes this book so critical is that the nature of bias is changing. We can no longer predict or assume who will demonstrate bias or where or when we will encounter it. And yet, the social, political, and economic consequences are as relevant as ever.

Throughout this book, I will create the trifecta connection between inclusion, engagement, and retention for organizations that will help erase any reason or excuse for not being able to advance their diversity initiatives. Instead of wondering whether exclusion occurs consciously or unconsciously, I want to get at the objective heart of the retention dilemma: the ten most common micro-inequities.

“Micro-inequities” is a term coined by MIT professor Mary Rowe, who explained, “Discriminatory micro-inequities are tiny, damaging characteristics of an environment, as these characteristics affect a person not indigenous to that environment. They are distinguished by the fact that for all practical purposes one cannot do anything about them; one cannot take them to court or file a grievance.”

They are the gestures, tone of voice, or other behaviors that subtly tell you whether you are valued and accepted or deficient and an outsider. Based on hundreds of hours of interviews with junior to seasoned professionals, I found that there are ten reoccurring micro-inequities:

1) informal mentoring
2) misperceptions about their performance
3) the quality of their work assignments
4) insensitivity
5) dual identity
6) bullying
7) the ability to recover from mistakes
8) first generation hurdles
9) isolation
10) assumptions, slights, and other annoyances

There are probably millions of other subtle actions that communicate inclusion and exclusion. However, I found that these ten micro-inequities occurred with a frequency that created identifiable categories. While any person can be on the receiving end of micro-inequities, my research comports with that of other researchers who have found that the likelihood of encountering micro-inequities increases the further you are from the dominant in-group. That is, women, people of color, people with non-American accents, people with disabilities, the LGBT (lesbian, gay, bisexual, and transgender) community, and non-Christians are more likely to encounter micro-inequities.

Through the book, you will read examples of how these micro-inequities manifest themselves in organizations.

Natalie Holder-Winfield is an employment lawyer who proactively works with organizations to meet their diversity, compliance and overall workforce training needs. For more info on her book, visit http://shop.americanbar.org/eBus/Store.aspx or call 1-800-285-2221 and request Product Code: 1620556.
Latinos in the Law: Rays of Hope on the Horizon

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has increased in the past three years, at a time when overall law school enrollment has dropped. I have recruited a number of Latino law students to my law firm over the years, and I am torn when they leave to join the in-house legal staffs of large public company clients. I have to remind myself that these Latino/a lawyers are climbing the corporate ladder and are now in positions to hire Latino lawyers like me as their outside counsel, and hopefully one day join the ranks of Latino/a public company general counsel, such as Gloria Santona at McDonald’s (a company also headed by an African-American CEO, Don Thompson). A phrase I’ve often heard is, “you can’t be what you can’t see.” Young Latinos can see more Latinos on the bench, in law firms, in corporate law departments, as judicial clerks, as public interest lawyers, and in other critical legal roles, and their possibilities are expanding. I am very happy my niece will begin law school this fall. She gives me hope.

As president of the Hispanic Law Students Association at the University of Chicago Law School in 1994, I was very proud to host a reception in honor of the appointment of the first Latino federal judge in Illinois history, Ruben Castillo. Last summer I was even more proud to attend the installation of Ruben Castillo as the first Latino ever to serve as the Chief Judge of the U.S. District Court for the Northern District of Illinois. While Latinos continue to be underrepresented in the judiciary, Judge Castillo’s achievement has cast a new focus on the need for more Latinos on the bench in Illinois. He has served as a catalyst for Latino lawyers to mobilize on this issue, to more actively identify and promote qualified Latino lawyers to judicial selection and slating committees. Judge Castillo gives us hope.

In addition to being a corporate and securities partner at Drinker Biddle & Reath, I also serve as the vice president of the Chicago Board of Education. At last month’s school board meeting, a group of high school students and recent graduates came to express their concern that all students in the district didn’t have access to the educational opportunities they were fortunate to have. While I didn’t agree with all their criticisms and claims, I believe that part of my job as a school board member is to discern the insight and wisdom that is often times wrapped inside harsh criticism. Accordingly, I later met with some of the students to hopefully engage in a more productive conversation. One of the students was a young Latino who had attended Chicago public schools and had just completed his freshman year in college. While he was a bit harsh with me in his initial approach to discussing the difficult issue of educational opportunity equity, after the meeting we spent time talking and getting to know each other better. The harsh tone softened, and I learned that the young Latino is an aspiring lawyer. It gave me great hope that this young Latino student activist, who is already advocating for the rights of others, will one day join me as a member of the Latino bar and be an ally in our shared struggle for greater educational opportunity equity in Chicago, and in every school district in America. This young Latino came to last month’s school board meeting to give me a piece of his mind, but he ended up giving me hope.

Hope is a powerful emotion. It picks us up when we falter, and prods us to continue in the face of daunting obstacles. The struggles facing the Latino community, and Latino lawyers, are not easily solved, and may not be conquered as quickly as they should, or as quickly as we would all like. We won’t mistake effort for results, and we won’t be daunted or deterred, but we will have hope.

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Cybersecurity: What Are We Mere Mortals Supposed to Do?

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account has been frozen because, when you click the link, you will be directed to a fake Website, which will capture and use your ID and password once you try to sign in. If you want to satisfy yourself whether the e-mail is a scam, pay a personal visit to your financial representative (or, at a minimum, make a telephone call to them to ask about the e-mail you received).

The same advice goes for e-mail attachments or Internet links in an e-mail from folks you don’t know. Also, be sure to exercise caution with e-mails from people who you do know, especially when the e-mail is not typical of the type they have sent you in the past. If you are the least bit suspicious, reply to the e-mail or call the friend to see if he or she actually sent you the e-mail. Your contact with the friend about the suspicious e-mail you received may be the friend’s first notice he or she has been hacked.

Lastly, back up your digital files. You’ve heard this before. Mat Honan, the technologically astute hacking victim discussed earlier, embarrassingly admitted that he failed to make a backup copy of many of his treasured personal files. Now, after his experience as a victim of malicious hacking, he backs up his digital files in multiple locations.

A hint to the wise is sufficient.

Judge Herbert B. Dixon Jr. is the technology columnist for ABA Judges’ Journal, where the full version of this article was published in its Fall 2012 issue. He sits on the Superior Court of the District of Columbia. Follow Judge Dixon on Twitter @Jhbdixon.
ABA Legal Career Development Expo

By Dr. Valeria Stokes, ABA Chief Diversity Officer & Chief Human Resources Officer

The employment and career challenges facing those just entering the profession of law continue to make headlines in the legal media. Young diverse lawyers generally face even more obstacles to successfully enter and navigate the profession. Consider: The American Bar Foundation’s *After the JD* study found that three years after passing the bar exam, 84% of White young lawyers were employed, compared to only 16% of racially/ethnically diverse young lawyers comparably employed. According to a recent Microsoft report, between 2003 and 2012, the percentage of underrepresented minorities employed in the legal profession grew only 0.8%. Associates with disabilities account for just 0.26% of associates in law firms, up slightly from 0.24% in 2012, according to NALP.

To address these issues, the ABA launched its first annual Legal Career Development Expo on May 14, 2014, at the ABA Washington, DC, headquarters. The ABA Office of Diversity & Inclusion—in conjunction with the Goal III entities—developed the Career Expo to help law students and young lawyers as they begin their job search or transition to a new area of law. The Expo also provided the ideal setting to introduce law students and young lawyers to the value of ABA membership. Expo attendees heard directly from representatives of the ABA Sections, Divisions, and Forums that hosted exhibits in the Expo.

This inaugural Career Expo produced strong outcomes. The Expo garnered 166 registrants, 21 PEP Coaches, 22 panelists, 11 ABA supporting entities, and 20 external exhibitors. The Expo also had the financial support of valued sponsors and contributors, including State Farm Insurance and the law firms Sidley Austin LLP and BakerHostetler. Courtesy of the Expo’s Resource Sponsor, U.S. Army JAG Corps, all Expo attendees received an ABA membership for 2014-15. The Expo attendees expressed their appreciation in the comments received after the event, such as:

- I thoroughly enjoyed the career expo, it was very positive. I would hope more first year law students would attend ...
- It would afford them the opportunity to make contacts early, so that when they are on summer breaks or graduates seeking employment they would have a pool of resources. Hope to see more of these expos in the very near future.

- I refined my resume. I also have a positive outlook on the job market. I now look at different ways I can market myself.

The next Expo will be held at the ABA Chicago headquarters on November 7, 2014. For more information—including how you can participate as a sponsor, contributor, or coach—visit ambar.org/ODIEexpo.

Building Bridges – Strengthening Relationships

By Lynn White, CBLA Alumni

As many of you may recall, in 2013 the ABA joined with Hispanic National Bar Association, National Asian Pacific American Bar Association, National Bar Association, and National Native American Bar Association to create the Collaborative Bar Leadership Academy (CBLA). CBLA is a program designed to develop a cadre of diverse future leaders for bar associations across the country. The program began with a two-day workshop in June 2013 at Target Headquarters in Minneapolis, with almost 100 aspiring bar leaders. In June 2014, the second cohort and some 2013 alumni returned to Target Headquarters and Faegre Baker Daniels LLP to build upon the inaugural session’s success.

I am honored to be one of the inaugural CBLA class members and have the opportunity to learn so much about the challenges facing bar associations and individuals who are striving to strengthen their leadership skills. The CBLA workshops included a wide-range of instruction on practical leadership skills—like communication skills and networking abilities. But the real benefit of CBLA, and programs like it, comes long after everyone has flown home, safely tucked away presentation materials, and settled back into their daily routines.

The real work of CBLA has taken place the year between the June programs. It could start with a LinkedIn request or maybe a Twitter follow between two CBLA participants or presenters. Then you start trading e-mails on a variety of topics of common interest. Someone might start a discussion on LinkedIn that engages the group. A CBLA Alumni group in the same city may organize a reunion event with speakers who are leaders in the bar. Then there is a follow-up personal lunch or maybe a Facebook friend request. Next thing you know, when you reconnect again, there are hugs instead of awkward handshakes.

Warmth, instead of the natural nervousness we all feel in new settings.

My friends, this is the beauty of the CBLA program. The bar associations did the tough work of building the bridge for us, but we now have to walk over it. The CBLA Alumni will take the time to connect with their fellow program participants, and strengthen their relationships. We will take advantage of the many resources that are available to create an amazing network of like-minded attorneys. It will make the CBLA 2015 experience extra special!

Lynn White is an EEO Associate at The George Washington University. She is active in the ABA Section of Environment, Energy and Resources Membership Diversity Enhancement Program, and regularly contributes to ABA Section of Administrative Law and Regulatory Practice’s blog (http://regulatorypractice.blogspot.com/).
**Q1: The Section recently updated its Diversity Plan. Describe why the Section decided to update the Plan and the process the Section undertook to update the plan and secure its successful adoption.**

A1: The Section’s mission is to become the most open and inviting Section of the ABA for everyone, without regard to racial or ethnic background, sexual orientation or disability. The Section seeks to accomplish this by building upon the excellent work accomplished by prior leaders. Its strategic plan to accomplish this mission, however, is not static. In the Fall of 2013, the vice-chairs of the Section’s Diversity Committee, Amy Hess and Dianne Coscarelli, as part of a subcommittee, undertook review and revision of our strategic plan. The subcommittee reviewed the earlier plan’s goals to see what had been achieved and what needed more work. One area that drove a refocusing was our Section’s conclusion that we had achieved significant success in participation by members of the diverse communities in leadership and in the Section’s CLE activities, but our overall membership was far less diverse than the ABA overall membership.

This and other findings enabled the subcommittee to identify achievable goals and ways to monitor their achievement. With this hindsight, it crafted a substantial revision to the Section’s existing Strategic Plan, focusing on a limited number of goals. After review and input from the Diversity Committee, the plan was sent to Section leadership for approval. The new plan focuses on objectives and places emphasis on responsibility, performance criteria and action planning. The adoption of the plan was a critical step, and the Committee and Section are working to continue its implementation.

**Q2: RPTE’s Fellows Program serves to increase the participation of diverse lawyers and young lawyers in the Section. For other ABA groups considering starting or enhancing a comparable leadership program, please offer a few words of wisdom based on your Section’s experience with the RPTE Fellows Program.**

A2: Initiated about 10 years ago, the RPTE Fellows Program has resulted in energetic new leaders, committed to furthering all of the goals and objectives of the entire Section. Expenses for these fellows are covered for two years. After that, the majority of the fellows continue to participate in Section activities and many former fellows now hold leadership positions as committee chairs and on the Section Council. Our Community Outreach Program has resulted in energetic new leaders, committed to furthering all of the goals and objectives of the entire Section. Expenses for these fellows are covered for two years. After that, the majority of the fellows continue to participate in Section activities and many former fellows now hold leadership positions as committee chairs and on the Section Council.

**Q3: The Section has an impressive Community Outreach Program that offers a series of CLE programs to diverse lawyers and students. Briefly describe how that program supports the Section’s diversity goals and its effectiveness in achieving those objectives.**

A3: Our Community Outreach Program has two compatible objectives, one for the internal benefit of the Section; and the other for the benefit of underrepresented communities. Using quality legal education materials and presenters, our Section partners with minority and other affinity bar organizations in a number of major cities to produce a series of live programs focusing on basic real property and estate planning skills. These programs help train many attorneys who serve the underserved and, at the same time, introduce the ABA and its RPTE Section to all who attend the Community Outreach Programs. In that regard, we are striving to let attorneys who identify with diverse communities know that our Section serves the needs of all communities.

An added benefit of having very active outreach efforts, and publicizing them broadly to Section members, is that it reinforces our efforts to shape the culture within the Section and let it be known that the RPTE diversity goals are paramount among all of the Section’s goals.

When it comes to discussing our Community Outreach Programs, we’re compelled to mention a brand new initiative. Our Section is finishing up production of a video program teaching basic estate planning skills for lawyers. It is in Spanish and will be distributed on tangible media and over the internet.

**Q4: What is the greatest challenge your Section faces in achieving its goal of being the most open and inviting group within the ABA?**

A4: Strangely, our greatest challenge is knowing whether we are achieving that goal. We need to get information about the overall diversity of the attorney population practicing real estate, trust and estate law. We also need to know which of our Substantive Committees are more successful than others in achieving our diversity goals. More work needs to be done to monitor the diversity make-up of incoming members and, more importantly, to understand the diversity make-up of those who drop out of the ABA and the RPTE Section. We realize that we have...