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The Center for Racial and Ethnic Diversity – American Bar Association Volume 4, Number 2
Summer 2013

Communiqué from...
Coalition on Racial and Ethnic Justice (COREJ)

By Justice Michael B. Hyman, COREJ Chair

Why the Stand Your Ground Laws Task Force Is So Important

Sometimes a law which appears just on its face becomes unjust in practice. If this is suspected, the proper course is not to ignore the concerns, but determine if a problem actually exists and address it. Few organizations are better suited to accomplish

this than the ABA. Yet, at least regarding the Stand Your Ground (SYG) laws, there are lawyers who would prefer the ABA make like an ostrich. What started as a variation on the common law principle that a home is akin to a castle

and there is no duty to retreat from illegal trespass of one’s home, has morphed into something entirely different with the proliferation of Stand Your Ground laws. These laws, which come in various forms,

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Communiqué from...
Center for Racial & Ethnic Diversity

By Effie D. Silva

Collaborating to Cultivate Diverse Bar Leaders

Chair’s Note: *In Spring 2012, then ABA President-Elect Laurel Bellows convened a meeting of incoming Presidents from the four national bars of color. The meeting participants identified a shared objective: to build a “talent pool” of diverse leaders and committed to a collaborative initiative to fulfill that objective. The ABA turned to the Diversity Center and Bar Services Division to lead the initiative. We worked closely with leadership of the bars of color to develop the Collaborative Bar Leadership Academy (CBLA). From the feedback we have received, the inaugural CBLA was a hit, and will return next year for CBLA 2.0. We invited one of the ABA CBLA participants, Effie D. Silva, to summarize her experience. (Mary T. Torres, 2012-13 ABA Diversity Center Chair)*

Focused on correcting the abhorrent absence of diverse bar association leaders, five national bar associations—American Bar Association (ABA), Hispanic National Bar Association (HNBA), National Asian Pacific American Bar Association (NAPABA), National Bar Association (NBA), and National Native American Bar Association (NNABA)—came together and created the Collaborative Bar Leadership Academy (CBLA) that would provide leadership training and unique, professional development opportunities to diverse attorneys who demonstrated leadership promise within their own bar associations. The two-day intensive June 2013 workshop at Target Headquarters in Minneapolis featured inspiring and practical programs taught by the sponsoring bar presidents, a

federal judge, a member of congress, and other diversity leaders. The message was simple: We are invested in you, and these are the tools you need to succeed. Almost instantly, the group of nearly 100 became one and gelled together in a multi-ethnic and racial tone that set the pace of the Academy. In an Instagram minute, participants were challenging instructors and each other to refine their leadership skills necessary to better organize, operate and lead their local and national bar associations. One of the very first lessons, taught by Heidi M. Wilson, Vice President at Tennant Corporation, was to “be authentic” in your leadership style. The encouragement to remain true to yourself, your culture, your

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Communiqué from...

Commission on Racial & Ethnic Diversity in the Profession

By Paulette Brown

Standing on the Shoulders of Giants

In May 2013, the Diversity Commission celebrated the 25th Anniversary of the ABA Minority Counsel Program (MCP). The following is an excerpt from remarks made by one of the founding MCP members.

It is great to celebrate this most auspicious occasion: the 25th Anniversary of the ABA Minority Counsel Program (MCP).

The inimitable Rachel Patrick, the Commission's founding staff member, suggested that my theme today should be, "Standing on the Shoulders of Giants." It is a phrase that we see and hear often. What is its origin?

Bernard of Chartres, a 12th-century French Neo-Platonist philosopher, scholar, and administrator, spoke of his generation:

"We are like dwarfs [the moderns] sitting on the shoulders of giants [the ancients]. Our glance can thus take in more things and reach farther than theirs. It is not because our sight is sharper nor our height greater than theirs; it is that we are carried and elevated by the high stature of the giants."

Likewise, our accomplishments are not entirely our own. We walk a road that was paved and illuminated by those who were just as concerned with the success of our ventures as they were with their own.

We are grateful to those giants. They led us to today. They opened doors for us. They connected us with in-house counsel. They put the very thought into the minds of decision makers that *lawyers of color are extraordinarily capable of doing great things*... and it is not an anomaly when one does. It is the shoulders of these giants upon which we stand; shoulders upon which I continue to stand.

We are grateful to ABA Past Presidents Dennis Archer and Robert Grey, Judge Bernice Donald, and of course, Rachel Patrick. I am personally and will always be grateful. We must thank them for having broad enough shoulders to create opportunities for others that they did not necessarily have for themselves. These

four individuals are among our modern civil rights giants. They created paths for leadership and for economic freedom.

As we celebrate this anniversary, let us keep in mind the adage, "Those who ignore their history are doomed to repeat it." For it is as though, 25 years ago, this moment, this intersection with history had been planned. How else could it be that the Commission would reach this milestone during the same year as the 150th anniversary of the Emancipation Proclamation, and the equally important 50th Anniversary of the March on Washington which culminated in Dr. Martin Luther King's seminal, "I Have a Dream" speech? That speech had much to do with economic justice and freedom. So too, the Commission was founded to give power to lawyers of color and ultimately, through MCP, to provide that economic freedom.

When it was created, in 1986, the Commission's stated mission was to, "provide full and equal participation" in the legal profession. Dennis Archer became the first Chair, which was appropriate because, but for him, there would have been no Commission. He along with others, such as Jane Barrett, had created and served on precursor entities, such as the ABA Committee on Minorities and the ABA Task Force on Minorities in the Profession.

Simultaneous with the creation of the Commission, the ABA adopted and implemented GOAL IX (now GOAL III), the purpose of which is to drive the ABA's diversity efforts, as well as to measure the Association's diversity successes and failures. The National Bar Association, which was formed by African American lawyers at a time when the ABA denied them admission into the Association, had been granted a seat in the ABA House of Delegates in 1971. Now, as a result of GOAL IX, the National Asian Pacific

American Bar Association and the National Native American Bar Association were each also granted a seat. Elaine Jones became the first African American woman to serve on the ABA Board of Governors.

In 1988, the Commission on Minorities in the Profession established the Minority Counsel Demonstration Program, which is the precursor to MCP. Real change was afoot. Dennis Archer and his broad shoulders had laid the groundwork. In 1989, the Multicultural Women Attorneys Network (MWAN), a joint initiative of the Commission on Minorities and the Commission on Women, which was Chaired by Hillary Rodham Clinton, was created.

In 1991, Robert Grey took over as Commission Chair and did not miss a beat. He unveiled the Model National Minority Clerkship Program Guidelines. He also orchestrated the 2nd Regional Conference of MWAN, which was stunning; 350 women of color assembled in one room! Robert expanded the Minority Bar Outreach Program and published the first GOAL IX newsletter. During his tenure the ABA Annual Meeting was dedicated to Justice Thurgood Marshall, who also received the ABA Medal, and the ABA celebrated the 150th Anniversary of the African American lawyer. In 1992 the Council on Racial and Ethnic Justice was created and Judge Nathaniel Jones was the Chair.

Judge Bernice Donald became Commission Chair in 1994. The Board of Governors received diversity training. The first GOAL IX report card was issued. Under Judge Donald, the Commission hosted a national conference on "The Power of Diversity: Leveraging the Challenge of Change." Under Judge Donald's leadership, the Commission also created the Spirit of

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Communiqué from...

Commission on Hispanic Legal Rights & Responsibilities (CHLRR)

By Thomas A. Saenz

Shelby County: Threat to Latino Voting Rights

In one of its final decisions of the term, the Supreme Court rendered unusable one of the most powerful tools to promote civil rights ever incorporated in federal law. In a 5-4 decision in *Shelby County v. Holder*, the Court struck down the coverage formula used to determine which jurisdictions must receive prior approval under section 5 of the Voting Rights Act of 1965 (VRA) before implementing any voting changes.

Bipartisan supermajorities in both houses of Congress had reauthorized the VRA in 2006, including the coverage formula, which relies on historical patterns of voter exclusion and low voter participation in subjecting specific jurisdictions to a “pre-clearance” obligation for voting changes. A failure to satisfy the pre-clearance standard—that the proposed change has neither a discriminatory purpose nor the effect of diminishing the ability of minorities to elect their preferred candidates—has in recent years prevented the implementation of such electoral changes as discriminatory redistricting maps, voter identification provisions, and precinct consolidations.

In short, the pre-clearance requirement has prevented—and likely deterred even more—a significant number of discriminatory electoral changes in covered jurisdictions. Yet, the deterrent effect has extended beyond the states and counties reached by the coverage formula, as other

jurisdictions have undoubtedly abandoned plans to replicate changes from covered jurisdictions when those changes have been determined to run afoul of the VRA. Thus, the Court’s decision to strike the coverage formula is a loss for voting rights nationwide, and a danger to preserving those rights in the future.

Of course, the basic idea that jurisdictions with a history of minority voter exclusion might continue to adopt changes— with or without an express discriminatory purpose—with a discriminatory effect is an unexceptionable one. As lawyers, we often predict future conduct based on the past—whether of courts, where precedent is a logical and time-honored predictor, or of individual people or corporations. Indeed, a demonstrated opposite pattern would generally be expected before abandoning predictions based on history. And, in fact, the VRA provides for any covered jurisdiction to seek bail-out from the pre-clearance obligation by demonstrating a clean record of ten years duration. A number of smaller jurisdictions have successfully bailed out in recent years.

The Court majority’s rejection of the coverage formula, despite the availability of bail-out, comes at a particularly inauspicious time for the Latino community. Although much of the media attention around *Shelby County* has understandably focused on

the African American community—both the VRA and the coverage formula are rooted in the historic voting rights battles of the South—the VRA was extended to protect Latinos in 1975, and nearly a third of the nation’s Latino population lives in a covered jurisdiction. And two states with a significant and growing Latino population—Arizona and Texas—were among the covered jurisdictions released from pre-clearance obligations by the Court’s decision.

Yet, in Arizona and Texas, the growth of the Latino vote presents a perceived threat to established political interests, with strong indications that the future increase in Latino voters could cause a significant change. It is at precisely such significant times that those threatened by potential change might be tempted to take steps to slow down or impede growth in Latino voting, and precisely when a pre-clearance obligation would seem most useful and appropriate.

Fortunately, pre-clearance can be restored with a new and constitutional coverage formula. The Latino community has a strong interest in seeing Congress restore this powerful voting rights protection.

Thomas A. Saenz is a member of the ABA Commission on Hispanic Legal Rights and Responsibilities. He is also President and General Counsel for the Mexican American Legal Defense and Educational Fund.

Collaborating to Cultivate Diverse Bar Leaders

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upbringing, in a legal world riddled with implicit bias was reassuring and encouraging. Echoing the importance of authenticity, ABA President, Laurel Bellows, in an Oprah-esque manner, engaged the crowd in a dynamic discussion about how to draw out your strengths as a leader, and the strengths of your team, to turn thoughts into action.

NAPABA President, Wendy C. Shiba, provided a practical discussion on

best practices in governance, fiduciary responsibilities, and what it takes to be an effective board member. John E. Page, President of the NBA, focused on the importance of being strategic in both your individual and organizational leadership roles.

Incoming national bar presidents then joined with immediate past bar presidents and other notable leaders, such as Hon. Melisa Lopez

Franzen, Minnesota State Senator, to provide hands-on, breakout workshops that offered insightful guidance on how to communicate with those outside the organization to make the most impact in the community. The day concluded with networking receptions and dinners, where participants were able to share their backgrounds, interests, and ambitious goals for their respective organizations.

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Communiqué from...

Council for Racial & Ethnic Diversity in the Educational Pipeline

By Artika Tyner

Pipeline Initiatives: Build a Critical Mass of Diverse Lawyers

Pipeline diversity initiatives—or, “pipelining”—are important tools to increasing racial and ethnic diversity in the legal profession. They help to build a critical mass of diverse students in law schools, foster a robust exchange of ideas in the classroom, and achieve a compelling interest by promoting diversity in our profession. The work of the ABA Council for Racial and Ethnic Diversity in Educational Pipeline (Pipeline Council), which focuses on these issues, is especially important as fewer institutions support pipeline diversity programs, an after-effect of the tightening of affirmative action initiatives..

As a direct beneficiary of many pipelining initiatives, I can attest that pipelining efforts establish a strong foundation for not only the realization of the goals of affirmative action, but also to promote the common good. The American Civil Liberties Union describes affirmative action as, “one of the most effective tools for redressing the injustices caused by our nation’s historic discrimination against people of color and women, and for leveling what has long been an uneven playing field.”

This definition acknowledges that for people of color educational opportunities have not always been readily available. Many of us stand on the shoulders of the late Charles Hamilton Houston and Justice Thurgood Marshall who fought for the right for children of color to have equal access to a quality education. Nearly 60 years later, we must still challenge ourselves to monitor our progress on the goal of ensuring access to educational opportunities for historically marginalized populations.

For example, consider the racial disparities in K-12 education, which for many students create barriers to pursuing a college degree. A recent report of the Children’s Defense Fund (CDF), *Cradle to Prison Pipeline Report*, notes that, “among fourth graders, 41% of Whites are reading at grade level compared to 16% of Latinos and 13% of

Blacks.” CDF advocates for comprehensive educational reform to improve the educational outcomes experienced by students of color. Their recommendations include investing additional resources in early childhood education programs such as Head Start and developing summer enrichment opportunities.

In addition to racial disparities, unequal distribution of school resources also creates barriers. For instance, in 2006–07,

In addition to racial disparities, unequal distribution of school resources also creates barriers.

approximately 16% of all elementary and secondary public school students (or 7.7 million students) attended high-poverty schools. The overwhelming majority of these students were children of color. Studies have shown that high-poverty schools tend to have fewer resources and less qualified teachers, which can negatively impact learning.

Beyond primary education, almost half of students of color do not graduate from high school. For example, only 59% of African American, 61% of Latino and 62% of Native American students graduate high school. This is a critical leak in the pipeline to higher education.

Overall, these statistics demonstrate that we need to invest our resources and time strategically to ensure that all children, from all backgrounds, can effectively compete academically. We often end our analysis by assessing each individual child’s achievement, but we must take a more in-depth look at some of the related systemic issues. This is essential for creating a pipeline from the cradle to college and later to law school for students of color. The pipeline should include mentoring, mental health support, and individualized academic support.

It is within this context that the ABA Pipeline Council operates. It seeks to promote opportunities for diverse students and support their academic achievement thorough a variety of means, but among the most important are its efforts to raise awareness about barriers to access to higher education for racially and ethnically diverse students, and preparing diverse students to thrive in rigorous academic settings.

Most recently, the Pipeline Council is developing tools to educate students about stereotype threat and how to mitigate its effects. Stereotype threat occurs when low performance expectations are communicated to students of color by educators and this in turn results in low performance. A recent study from the Laurel School found that when stereotype threat is effectively managed, test performance improves significantly. For example, students who are taught in a “growth mindset”—which emphasizes learning as improving ability rather than proving ability—are able to improve their performance. As a part of this effort, the ABA Pipeline Council is working with the Just Beginning Foundation to develop a comprehensive approach for training diverse students to manage stereotype threat and overcome related challenges.

The late Senator Paul Wellstone remarked, “We all do better, when we all do better.” Pipelining provides an opportunity for students of color to do better by creating an educational route to academic success and professional development. As they follow this pipeline to law school, societal benefits—such as a robust, diverse legal profession and judiciary that reflect our greater society—will grow.

Dr. Artika Tyner is a member of the ABA Council for Racial & Ethnic Diversity in the Educational Pipeline and is the Director of Diversity at the University of St. Thomas School of Law.

Understand the Isms: Habit #1 for Culturally Effective People

By Verna Myers'

International diversity consultant Vernā Myers' new book—What If I Say The Wrong Thing? 25 Habits for Culturally Effective People—is a companion piece to her 2011 ABA bestseller, Moving Diversity Forward: How To Go From Well-Meaning To Well-Doing. Her “tip book” offers—in a bite-size and accessible format—innovative ways to keep your diversity journey moving forward. Below is an excerpt adapted from Ms. Myers new book, which is jointly published by the ABA Center for Racial & Ethnic Diversity and ABA Publishing.

Culturally Ineffective: “I’m not racist; I’m a good person”

We start the conversation on moving diversity forward with two fundamental awarenesses. The first is that even if you are a “good person,” all people, including “good people,” have been influenced and shaped not only by racism, but by all of the *isms* on the accompanying chart (see p.7). The second awareness is that even if you did nothing, the *isms* would still exist. Systemic oppression of various groups does not need your intentional or unintentional involvement in order to be alive and operational in our institutions. It is already embedded therein and is self-perpetuating. And it will continue until “good people”

become the culturally effective people, and even then it will take big changes to dismantle.

As you take time to look at the chart, you can find yourself in either a “one-up” or “one-down” group depending on each category. One-up means the particular group has been identified by our American society in a way that gives the people in that group a leg up from the beginning whether they want it or not.

Not all our biases are conscious or intentional, so even when we don’t want to behave in accordance with the antiquated and misguided beliefs about one group of people being inferior to another, we nevertheless sometimes do.

Tips for Practicing This Culturally Effective Habit: Understand the Isms

- Get out of the need to deny the *isms* or make a declaration about how “good a person” you are or how you love everyone. When people from a one-down group hear these things, they have a hard time seeing you as an ally. Start saying things like, “Well, as a straight person, I am sure I have some misinformation about gay people, but I am willing to unlearn it.”
- Learn more about the disparities in employment, justice, housing, education, and health care—critical factors that

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Standing On The Shoulders Of Giants

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Excellence Award. Two minority-at-large seats were added to the Board of Governors, and three were added to the ABA Nominating Committee.

It should come as no surprise that each of these three giants have become leaders in our Association. Judge Donald was the first African American ABA Secretary. Robert Grey was the first African American Chair of the House of Delegates and the second African American ABA President. Dennis Archer, of course, was the first person of color to serve as ABA President. These giants illuminated the path for us. They are primarily responsible for many of the diversity and inclusion efforts employed today by the ABA.

What will you and I do for those to come after us? This is a critical challenge. Sadly, we are now seeing evidence that African American lawyers are losing ground. The percentage of Black 2L students and of

African American lateral and first year associates has fallen. Attrition of African American junior associates has increased.

Why? We have been privileged to have a way that was paved. Are those of us who stood on those broad shoulders not extending our own? Those of us who benefitted from the work of others must actively, purposely, and conscientiously extend ourselves, our knowledge, our experiences and our expertise to secure a place for those who will stand on our shoulders. Let us commit to working for the success of others as we work for our own. Imagine the possibilities!

We have inherited an incredible legacy that we cannot let slip away. We cannot be complacent. We must continue the work of those who came before us. Every one of us can be a part of continuing this legacy. All we have to do is stand together, with our shoulders aligned, and lift as we rise.

As I close, consider this poem, “A Bag of Tools” by R.L. Sharpe.

*Isn't it strange
that princes and kings,
And clowns that caper
In sawdust rings,
And common people
Like you and me
Are builders for eternity?
Each is given a bag of tools,
A shapeless mass,
A book of rules;
And each must make-
Ere life is flown-
A stumbling block
Or a stepping stone.*

If you want to become a giant, labor to become a stepping stone: someone else’s future is depending on it.

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Importance of Stand Your Ground Laws Task Force

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generally seek to immunize the shooter from criminal prosecution and civil liability by allowing the use of deadly force for self-protection beyond the home and expanding the circumstances that justify the use of deadly force including, in some states, eliminating the duty to retreat even if it can be accomplished safely.

First, some background. The ABA Coalition on Racial & Ethnic Justice (COREJ) works with ABA and non-ABA entities on social justice issues involving equality, inclusion, and tolerance. Our major effort this year has been the formation and facilitation of the ABA's National Task Force on Stand Your Ground laws. The Task Force came about following the national conversation about potential adverse effects of SYG laws including concerns about their effect on law enforcement, exploitation by cunning criminals and overzealous vigilantes, and disproportionate impact on black defendants and black victims, among other perceived problems. Whether the problems are real or perceived, prudence dictates some level of scrutiny.

Task Force Hearings on SYG Laws

To begin its assessment, the Task Force sought, through a series of public hearings, to gather testimony on the impact and public perception of SYG laws. Three highly successful hearings have been completed—first in Dallas, followed by Chicago and Philadelphia. The fourth and final hearing is scheduled in August during the San Francisco ABA Annual Meeting.

The hearings solicited voices from all sides to ensure critical examination of

perspectives without regard to political ideology. The dedicated co-chairs of the Task Force, Leigh-Ann A. Buchanan of Miami and Jack B. Middleton of Manchester, NH, have done everything they can to draw an array of viewpoints and attract speakers of various backgrounds including legislators, public officials, legal organization officers, church and community leaders, victims and victim advocates, and local lawyers.

The hearings generated coverage on the ABA website. And it is in the comment section to these reports that one finds unsettling remarks and threads. The tone and content of some comments are at best misinformed, and at worst, offensive.

Here are examples:

- “Another Stalinian hearing.”
- “This is just more manipulation by a small group of ABA leftists and racists....”
- “Any attempt to reverse SYG by the ABA is evil.”
- “This goes to show the ABA can scrape up enough special guests to stage an anti-gun rally even in Dallas.”

COREJ welcomes critical debate as long as it is honest debate. But instead of simply being negative, these posts sink into an attitude that the leading collective of lawyers in the United States should shun controversial laws. Few national organizations are better suited than the ABA to ensure that laws are responsive to the needs of the public and fair in both substance and implementation.

No Preconceived Result

The members of the Task Force have no preconceived result in mind; no preconceived ideas about what conclusions will ultimately be recommended. Nor has anyone within the leadership of the ABA, volunteer or staff, had (or will have) any role in setting the Task Force's agenda or input in its final report.

All this might disappoint those who hurl stones rather than offer constructive dialogue. They can, and ought to, say

whatever they wish, and say it publicly. Nevertheless, it is disappointing that these comments are from lawyers who should know better than to jump to wild assumptions or break ABA activities into left and right politics as if the organization is a monolith.

COREJ and its fellow ABA Diversity Center entities recognize the need to value diversity in all its manifestations, including diversity of opinion. Diversity must be respected, protected, embraced, and empowered if our nation is to be responsive to the ideals and hopes on which it stands.

For COREJ, this means identifying areas in the legal system where equality, inclusion, and tolerance may be in harm's way. Anyone who believes that these three concepts are not at risk, that we live in a society where these concepts flourish, need only read yesterday's newspapers or this morning's internet headlines. ABA members should be proud that their association gave the green light to COREJ, joined by, among other entities, the Center for Racial and Ethnic Diversity, the Council for Racial and Ethnic Diversity in the Educational Pipeline, the Commission on Racial and Ethnic Diversity in the Profession, the ABA Young Lawyers Division, the ABA Section of Individual Rights and Responsibilities, and the Commission on Youth at Risk.

The members of COREJ like to think that our acronym suggests our charge—a willingness to demonstrate courage. Since its founding in 1992, COREJ has given voice when silence might have offered the safer course. We also have refused to remain indifferent to problems of race and ethnicity in our legal system when others might prefer a different choice.

The national conversation on SYG laws should not stop at the steps of the ABA's headquarters. There are enough questions concerning the application of the SYG laws that the ABA would be remiss to disregard them.

One has to wonder what exactly the naysayers are afraid of.

ABA Diversity Center Group Editorial Board Members

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affect life chances for success. Ask yourself questions like: Why are black and brown people overrepresented in our prisons? Why are there not more people with visible disabilities in the legal profession? Don't stop at the surface explanations either.

- Practice explaining the difference between the “isms” and bias or prejudice. Any group in either column of the chart can be biased for or against another group. Pre-judging is not something reserved for the one-up group. But, biases are not the same as isms. The isms speak to how certain groups have the power and the privilege to act on their biases and prejudices, and to define what is right and good and beautiful and true. It is also about the ability to use that power to maintain dominance and exclude others who are not in that group.
- Support the types of programs, policies, and interventions that organizations are implementing to make up for the disparities and structural impediments to one-down groups, such as scholarships, outreach, mentoring, affinity groups, flexibility, and more time for

advancement or examinations. Be the one who explains to those who complain about these programs being unfair and in violation of the principles of merit, why they are needed and how they help to level the playing field.

- Remember the chart represents a group analysis about larger overarching systems, not about individuals. Individuals can have different outcomes because we have memberships in different groups. Subcultures exist within the bigger U.S. society that can change the dynamic of who is one-up or one-down, but only in that smaller context.

Historically Advantaged and Disadvantaged
A Group Analysis for the United States

Type of Oppression “Ism”	Variable	One-up	One-down
Racism	Race/ethnicity/color	White	People of color: (African, Asian, Native, Latino/a)
Sexism	Gender	Men	Women, transgendered
Homophobia/heterosexism	Sexual Orientation	Heterosexuals	LGBT individuals
Religious oppression/anti-Semitism/Islamophobia	Religion	Protestants	Catholics, Jews, Muslims, Sikhs
Classism	Socioeconomic Class	Owning, upper and middle class, managerial	Poor, working class, wage workers
Elitism	Education level/place in hierarchy	College-educated; top 20-40 schools	Not college-educated; less prestigious schools
Xenophobia	Immigrant status	U.S. born	Immigrants
Linguistic oppression	Language	English speakers	Non-English speakers
Ableism	Physical or mental ability	Able-bodied persons (body/mind)	People with disabilities
Ageism/adultism	Age	Adults	Elders: 40+ by law; children, youth
Militarism	Military status	WWI, WWII, Korean Veterans	Vietnam, Gulf War (I & II) veterans

(Adapted from *Visions, Inc.*)

Ms. Myers is the principal of Verna Myers Consulting Group, LLC. For more information, visit <http://www.vernamyersconsulting.com>; and to order her books, visit www.ababooks.org.

Collaborating to Cultivate Diverse Bar Leaders

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CBLA day-two kicked off with NNABA President Mary L. Smith, who presented a leadership toolbox for effectively managing time. A later session featured HNBA President Peter M. Reyes, Jr., who provided a practical lesson on how to create and effectively execute professional and personal strategic plans.

Other featured CBLA presenters included U.S. Magistrate Judge for the District of Minnesota, Leo I. Brisbois; Valerie Jensen, Executive Director of Twin Cities Diversity in Practice; Jerry W. Blackwell of Blackwell Burke P.A., a leading Minneapolis law firm; James Rowader, Vice President and General Counsel Employee and Labor Relations at Target Corporation; Linda J. Benally, NNABA President-elect; and Artika Tyner, Director of Diversity, Clinical Faculty at the

University of St. Thomas Law School.

With all these lessons in mind, we moved into small groups to develop action plans for the next stage in our leadership journey. The reported action plans called for the development of a CBLA social-media platform, so that participants could form their Sheryl Sandberg-inspired “External Board of Directors” to assist them with the upcoming challenges of their respective bar year.

There is little doubt that the CBLA provided its participants with a rare chance to learn from current bar association leaders how to avoid pitfalls, recognize opportunities, establish productive relationships, build momentum, and form strong teams and alliances to affect positive change in our respective organizations. The CBLA also provided a unique, unbridled opportunity,

for future bar leaders to network with each other and build the relationships necessary to succeed. By infusing their leadership pipelines with diverse talent, the five collaborative bar associations are ensuring their future success and those of their members in the 21st century—an investment worth making.

Effie D. Silva, a commercial litigation and arbitration attorney with extensive experience in international disputes with the Miami office of Baker & McKenzie, LLP, is an active leader in the ABA Council for Racial and Ethnic Diversity in the Educational Pipeline, ABA Section of International Law, ABA Section of Litigation, and the Hispanic National Bar Association.

Section Spotlight

ABA Law Practice Management (LPM) Section

Q&A with John E. Mitchell, LPM Diversity & Inclusion Committee Chair

Q1: *The Section has an impressive Fellows Program that is designed to increase the participation of new and diverse lawyers in LPM activities and membership.*

Summarize the creation of that program and its effectiveness in achieving its objectives.

A1: LPM's Fellows Program is specifically designed to increase the number of new and diverse lawyers who participate in leading the Section into the future. The Section has had two different Fellows program for a number of years. However, two years ago, Tom Bolt, LPM's Membership Development Chair, conceived of a combined program that provides the Section with access to diverse talent and provides new and diverse lawyers with a quick entrée into the Section and an early opportunity to lead projects and "delivery boards." The LPM delivery boards are the groups that actually produce content for the profession and the Association. For example: TechShow, Ed Board (CLE programs-live and webinars), Pub Board (LPM's book publishing group), and *Law Practice* magazine.

The Section embraced the Membership Development Committee's vision and revamped our Fellows Program. To date, the program has been incredibly successful in developing new leaders for the Section. Current fellows serve in a variety of leadership roles on delivery boards and serve in a variety of roles presenting LPM's sought after content in a variety of venues. As the program continues to develop, the Section will benefit from a continuous influx of strong leadership talent.

Q2: *For those ABA Sections considering starting or enhancing a comparable leadership program, please offer a few words of wisdom based on your Section's experience with the LPM Fellows Program.*

A2: Creating the plan is the easiest thing that an entity can do. One of the biggest lessons we have learned is that executing on the plan is the biggest challenge. Our program

has gotten better and better each year since we revamped our program. However, we have learned that we are still not executing the program at the level that we desire.

We have just created a team of LPM Fellow alumni, current Fellows and other LPM members to review our plan and make recommendations to improve it for the future. So far, the recommendations are

We seek to transform all aspects of the Section's business so that we create an inclusive environment.

focused on making sure that the Section fully executes each aspect of our existing plan. We are working to make sure that we consistently focus on each element of our plan, that we consistently seek and obtain feedback from our Fellows and consistently review and tweak our plan. It is easy to talk about developing new leaders. It is much harder to make it happen!

Q3: *Your Section works closely with law firms across the country. What are some of the major diversity and inclusion trends you have seen in the past year?*

A3: Law firms and other organizations are making a transition from diversity as a goal to inclusion as their desired state. This has been a difficult challenge because diversity – measuring the number of diverse lawyers and staff—is easy to measure and relatively easy to create. However, inclusion – measuring the shift in the organizational culture that creates opportunities for diverse lawyers and staff to become engaged, get promoted and make a difference in the organization's business – is much more difficult to do and even more difficult to objectively measure. We are committed to making this transition.

Q4: *What new diversity and inclusion activities have the Section started or have plans to start in this bar year?*

A4: The Section has just started work on a new diversity and inclusion plan. We are focused on creating a comprehensive plan that will impact every aspect of our culture and how we do business. The Diversity & Inclusion Committee is leading the effort. However, each delivery board and entity within the Section will provide insights and ideas that will help shape the plan. Our goal is to create a plan that is simple to execute and monitor and that will slowly reshape the Section's culture so that we become as inclusive as possible.

We seek to transform all aspects of the Section's business so that we create an inclusive environment that creates opportunities and a home for a diverse group of members. We are working to develop the plan during the second half of this calendar year and will move into implementation in early 2014.

Q5: *How do you convince other members of the Section to embrace creating a more inclusive culture?*

A5: Most people try to convince others that creating an inclusive environment makes good sense. The arguments are typically focused on "doing the right thing," taking advantage of "the business case for diversity" or satisfying "client demands." We are learning that the best way to convince other leaders to create an inclusive environment is to show them rather than tell them.

Many of our Section leaders are actively working to create a more inclusive environment within their delivery board and within our Section. They each may have different reasons for pursuing an inclusive environment. However, as they succeed in their efforts, they demonstrate the value of inclusion. Results speak louder than words, and we expect to see significant results in the months and years ahead as our Section leaders and members personally experience the benefits of creating an inclusive environment.