

**American Bar Association  
Judicial Division**

**Diversity Action Plan  
(approved by Judicial Division at Annual Meeting 2012)**

**Introduction**

The Judicial Division of the American Bar Association ('ABA') is committed to the principles of diversity set forth in the ABA's Goal III: to eliminate bias and enhance diversity. The Judiciary is unique within the legal system. Judges are charged to comply with standards that look to their actions both professionally and within their personal lives. Judges have a responsibility to "maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence" as embodied in the Model Code of Judicial Conduct.

The Judicial Division and each of its six judicial conferences: National Conference of Federal Trial Judges, Appellate Judges Conference, National Conference of State Trial Judges, National Conference of Administrative Law Judiciary, National Conference of Specialized Court Judges and the Lawyers Conference ("Judicial Conference") enthusiastically embrace the concept of diversity. Its diversity goals are not temporary or static goals. These concerns are vital to the future success of the Judicial Division and a manifestation of those who are appointed and elected as Judges. Members of the Judiciary are governed by a Code of Conduct that provides: A judge's public manifestation of approval of invidious discrimination on any basis gives rise to the appearance of impropriety and diminishes public confidence in the integrity and impartiality of the judiciary. Thus, recruiting and developing a diverse membership across the spectrum of race, age, religion, sexual orientation, gender identity, and disability status will be an important part of all Judicial Division activities and functions. A diverse membership ensures that the Division will continue to grow and be an integral contributor to the legal profession and a partner in promoting public confidence in the independence, integrity and impartiality of the judiciary.

To make great strides in achieving diversity, we must focus on our leadership as well as our membership. The support and participation of the Judicial Division's leadership and that of each respective Judicial Division Conference, as well as with the individual commitment of each active member is a must to achieve the level of diversity the Judicial Division deserves.

The Judicial Division created the Standing Committee on Diversity in the Judiciary (SCDJ) to build diversity within the Division and its Conferences. The SCDJ is committed to diversity by promoting full and equal participation of lawyers and judges across the spectrum of race, gender, sexual orientation, gender identity, religious

affiliations and disability status and encourages the Judicial Division leadership, its six conferences, and active members to:

- actively recruit judges and lawyers of color, women judges and lawyers, judges and lawyers with disabilities, judges and lawyers of various religious affiliations, lesbian, gay, bisexual, and transgender ["LGBT"] judges and lawyers, and young lawyers (as defined as admitted to practice for five years or less or under 36 years old);
- actively recruit judges, lawyers, and advocates (including lay judges and lay advocates) working in the judicial systems of American Indian and Alaskan Native Nations;
- foster an atmosphere of inclusion to assist in retaining judges and lawyers of color, judges and lawyers of various religious affiliations, women judges and lawyers, judges and lawyers with disabilities, LGBT judges and lawyers, senior and young lawyers once they have become members of the Division;
- seek the participation of judges and lawyers of color, women judges and lawyers, judges and lawyers with disabilities, judges and lawyers of various religious affiliations, LGBT judges and lawyers, and young lawyers on panels, task forces, and working groups; and
- provide judges and lawyers of color, women judges and lawyers, judges and lawyers with disabilities, judges and lawyers of various religious affiliations, LGBT judges and lawyers, and newer judges and lawyers with opportunities and training to take on leadership roles at both the Conference and Division levels.

It is with these goals in mind that the Judicial Division has adopted this Diversity Action Plan. The Diversity Action Plan is a road map to assist and encourage the members and leaders of the Judicial Division to ensure full and equal participation for judges and lawyers of color, women judges and lawyers, judges and lawyers of various religious affiliations, LGBT judges and lawyers, judges and lawyers with disabilities and young lawyers as we move forward.

### **LONG RANGE GOALS AND ACTION PLAN**

#### **I. MAINTAIN AND INCREASE DIVERSITY IN JUDICIAL DIVISION LEADERSHIP AND EACH JUDICIAL CONFERENCE**

- A. The Judicial Division requires each of its six conferences to adopt and use this Diversity Action Plan as a tool to achieve ABA Goal III and Judicial Division Goal One.*
- B. The Judicial Division requires the support and participation of its leadership in implementing the Diversity Action Plan.*

1. Provide a copy of the Diversity Action Plan to each existing and incoming Judicial Division leadership member and Judicial Conference member.
  2. Encourage each Judicial Conference to pursue diversity in selecting their leadership.
  3. All Judicial Conference Nominating Committees should reflect such diversity in their membership.
  4. All Judicial Conferences' Nominating Committees should be guided by the principles of excellence, commitment and diversity when nominating persons for elective office.
  5. The goal of each Judicial Conference shall be to fill leadership vacancies from a pool of nominees that include a diverse group of candidates.
  6. All Judicial Conferences' Nominating Committees should be proactive in seeking to draw from a candidate base that includes highly qualified diverse persons.
- C. Provide Diversity Training to Judicial Division and Judicial Conference Committee Chairs and Chairs-Elect regarding diversity, its importance to the Judicial Division and its necessity to the legal profession.*
1. Each Committee should conduct a transition meeting to include a discussion of diversity and materials to include a progress report on the Committees' activities on diversity for the preceding year.
- D. Provide diversity training for Judicial Division Leadership, Council Members, Committee Chairs and Chairs-Elect at the Spring Planning Meeting.*
- E. Ensure Judicial Division and Judicial Conference Committees are Accountable to Diversity Through the Use of Activity Reports.*
- F. Evaluate annually the Judicial Division Diversity Action Plan, in conjunction with ABA Goal III.*
1. Assess which initiatives are successful and which ones are not working and incorporate new ideas and resources.
  2. Circulate the Judicial Division Diversity Action Plan to the ABA Commission on Women in the Profession, Commission on Mental and Physical Disability Law, Commission on Racial and Ethnic Diversity in the Profession, and other ABA entities with a similar focus for additional input, guidance and resource information.

3. Annually assess diversity plans of other ABA entities to obtain new ideas, information, resources and contacts.
4. Report recommended changes to the SCDJ and seek and obtain approval from Judicial Division Leadership members each year at the Midyear Meeting.

**II. MAINTAIN AND INCREASE DIVERSITY IN JUDICIAL DIVISION LEADERSHIP AND ITS COMMITTEES AND JUDICIAL CONFERENCES' LEADERSHIP AND COMMITTEES**

- A. *Judicial Division leadership will demonstrate its commitment to diversity when appointing Committee Chairs, Co-Chairs and Vice-Chairs.*
- B. *The Judicial Division Chair will ensure that all Conference leaders are familiar with and committed to the Diversity Plan.*
- C. *The SCDJ will provide guidance to the committee chairs with respect to diversity issues.*
- D. *The Judicial Division Chair and Chair Elect will ensure implementation of the Diversity Action Plan by assigning responsibility for monitoring each of its goals and initiatives to a specific Judicial Division officer or committee.*
  1. Committee activities should include matters of concern to diverse members.
  2. Committee chairs should actively seek out diverse members to serve on the committees.
  3. A Chair's list should be established to acknowledge exceptional efforts to diversify at the committee level.

**III. FOSTER DIVERSITY WITHIN THE JD MEMBERSHIP**

- A. *The Judicial Division recognizes the value of diversity in its membership and will utilize the Annual and Midyear Meetings as a means of fostering diversity within the Conferences and its committees.*
  1. The Judicial Division and its membership committee should be proactive in efforts to attract and retain diverse members.
  2. The Membership Committee should periodically request and receive reports identifying diverse judges who are ABA members but not members of the Judicial Division.

3. The Membership Committee should strive to have one or more diverse committee members capable of serving as role models for new and potential members.
4. The Judicial Division should strive to facilitate a mentoring program for new members.
5. The Judicial Division will foster the spirit of inclusiveness in all Judicial Division activities by inviting any non-members to become members and encouraging non-committee members to attend committee meetings.

#### **IV. UTILIZE EDUCATIONAL PROGRAMS TO PROMOTE DIVERSITY**

- A. *The Judicial Division recognizes the value of diversity in its educational programs and will stress the importance of diversity through Division CLE and non-CLE programs.*
1. The Judicial Division leadership will assure that educational program chairs are mindful of the value of having diverse speakers and presenters to promote public confidence in the judiciary and to demonstrate the importance of avoiding the appearance of impartiality and impropriety.
  2. The Judicial Division Leadership should assure that educational program chairs are mindful of the value of diversifying program content to interest a wide audience and to avoid the appearance of partiality and impropriety.
  3. The Educational Program Committee should consider resources such as the Judicial Division Standing Committee on Diversity in the Judiciary, Tribal Courts Council, Commission on Racial and Ethnic Diversity in the Profession, Commission on Women in the Profession, Commission on Sexual Orientation and Gender Identity, the Commission on Disability Rights, Senior Lawyers Division, and Young Lawyers Division to identify both diverse presenters and presenters capable of addressing diversity related issues.
  4. The Educational Program Chair(s) shall solicit racial and ethnically diverse judges and lawyers, religiously diverse judges and lawyers, women judges and lawyers, judges and lawyers with disabilities, LGBT judges and lawyers, and senior and young judges and lawyers from bar associations located in the host cities to speak at and/or participate in Committee meetings and CLE programs.
  5. The Educational Program Committee Chair(s) should personally invite members and leaders of specialty bar associations in the host city to programs and social events, consider waiving fees for the leaders of the

invited associations, and appoint Committee members to serve as hosts to such attendees.

6. The Educational Program Committee Chair(s) shall encourage joint programming with specialty bar associations.
7. The Educational Program Committee Chair(s) will arrange to have a report summarizing each program and the committee's efforts to address diversity in its programming consistent with the Judicial Division 's diversity goals at the Midyear and Annual Meetings and present the report during the Judicial Division Council Meetings.

## **V. JD PUBLICATIONS AND WEBSITE**

A. *The Judicial Division will stress the importance of diversity through its publications.*

1. The Judges' Journal Editorial Board should assure that articles selected for publication reflect the Judicial Division's commitment to diversity; artwork and images used should reflect a cross-section of a diverse community; and language in articles should be neutral (in terms of race, ethnicity, color, national origin, religion, gender, sexual orientation, age or disability) unless the subject matter requires otherwise.
2. The Editor of the Judicial Division Record should encourage the publication of newsworthy articles on diversity issues and programs.

B. *All membership pamphlets should contain a statement similar to:*

“The Judicial Division of the American Bar Association encourages, and recognizes the value of, diversity in all of its publications, programs and outreach efforts”.

Or

“The Judicial Division of the American Bar Association does not discriminate on the basis of race, ethnicity, color, national origin, religion, gender, sexual orientation or disability”

C. *The Judicial Division's web site home page should prominently identify its commitment to diversity in all of its activities.*

1. The Judicial Division's web site should be continually updated in a way that will attract new members, including diverse members.

2. The Judicial Division leadership should be readily available to answer questions by the public and the media on diversity in the Judicial Division, the judicial system and the legal profession.
3. The Judicial Division shall advertise to judges and lawyers of color, women judges and lawyers, judges and lawyers with disabilities, judges and lawyers of differing religious affiliations, LGBT judges and lawyers, and senior and young judges and lawyers through their respective bar associations in the host cities to participate in Judicial Division meetings, social events, and CLE programs.
4. The Judicial Division shall advertise the many opportunities available for joint programming with specialty bar associations.

## **VI. THE JUDICIAL DIVISION'S COMMITMENT TO A DIVERSE JUDICIARY**

- A. *The Judicial Division recognizes that diversity in the judiciary in racial and ethnic, gender identity, sexual orientation, age, disabilities and religion is essential to maintaining public trust and confidence in the legal system.*
1. The Judicial Division affirmatively supports the appointment and election of highly qualified judges in a manner that reflects the diversity of the community.
  2. The Judicial Division affirmatively supports the availability of effective judicial education programs to all judges.

## **VII. UTILIZE OUTREACH EFFORTS AS MEANS OF FOSTERING DIVERSITY**

- A. *Create and strengthen its ties with persons and groups of diverse origin.*
1. The Judicial Division encourages member participation in the annual Judicial Clerkship Program, a joint project between the Judicial Division and the ABA Council for Racial and Ethnic Diversity in the Educational Pipeline which is held during the Midyear Meeting.
  2. The Judicial Division encourages its members to identify and participate in outreach activities both in their own community and in diverse communities where Judicial Division meetings are held.

## **VIII. MONITOR THE JUDICIAL DIVISION'S DIVERSITY ACTIONS AND GOALS**

- A. *Publish an Annual Judicial Division Diversity Report to monitor activities covered by the Diversity Action Plan.*

1. Judicial Division Staff will collect and report on diversity in Judicial Division leadership, programming and publications in the Annual ABA Goal III Report and in the Annual Judicial Division Diversity Report.
2. Diversity initiatives in the Judicial Division should be continuously monitored by staff and the Judicial Division Chair by reviewing and reaffirming the Diversity Action Plan at every Judicial Division and Judicial Division Conference Planning Meeting, and Midyear and Annual Meeting.