

**AMERICAN BAR ASSOCIATION  
LAW PRACTICE MANAGEMENT SECTION  
POLICY REGARDING MEMBERSHIP IN A DISCRIMINATORY CLUB**

**1. Statement of Purpose**

While it is not the intention of the Section of Law Practice Management to restrict the personal, professional or proprietary activities of Section members or to preclude or restrict participation in Section affairs solely by reason of such activities, it is the sense of LPM that it is inappropriate that an LPM member who is a member of a Discriminatory Club be eligible to hold an elected or reimbursable position in the Section.

**2. Definitions**

Discriminatory Club shall be defined as a club where business is conducted that by policy or practice intentionally discriminates on the basis of race, color, sex, religion, sexual orientation, disability or national origin. (Club also includes organized groups without facilities.) To be considered a club where business is conducted a club must have one of the following characteristics (as defined by the Committee Resolution adopted by the Committee of the Judiciary of the Senate of the United States of America on August 2, 1990):

- (a) club members bring business clients or professional associates to the club for conferences, meetings, meals, or use of the facilities;
- (b) club members or their employers deduct dues, fees or payments as business expenses on tax returns;
- (c) the club is one where contacts valuable for business purposes, employment and professional advancement are formed; or
- (d) the club receives payments from non-members for meals or services provided by the club;

except that country clubs and clubs where meals are served shall be presumed to be clubs where business is conducted.

The definition of a Discriminatory Club shall not include fraternal, sororal, religious or ethnic heritage organizations, unless such organization has, as one of its purposes, the systematic discrimination of other un-included groups of people.

### **3. Statement of Policy**

- (a) No Law Practice Management member or associate member who is a member of a Discriminatory Club shall be eligible to hold an elected or reimbursed position in the Section.
- (b) Law Practice Management shall require each person holding or seeking to hold an elected or reimbursable position to certify, and recertify on an annual basis, that such person is not a member of a Discriminatory Club.
- (c) The burden of certification and recertification shall be on the Section member or associate member.
- (d) The Executive Committee of Law Practice Management shall make available a suggested certification and recertification form for use by participating Section members (as defined). The following individuals shall make written certification and recertification to the LPM through the Executive Committee:
  - (1) Nominees for Section officer positions and for membership on the Law Practice Council must certify and recertify within 30 days after nomination or, in any event, prior to election, whichever is sooner.
  - (2) Appointees to positions as chair or vice chair of a division, task force, committee or interest group of Law Practice, the Law Practice Management Publishing Board, Law Practice Management Editorial Board and other Section boards within 30 days after notification of election or appointment.
  - (3) All persons appointed to committees or activities on behalf of Law Practice Management pursuant to any election or appointment within 30 days after notification of election or appointment.

### **4. Procedures**

- (a) Section staff will distribute the Policy Regarding Membership in Discriminatory Clubs form with all letters of election or appointment and at such other times as elections are conducted or appointments are made. Completion and return of the Certifications and Recertifications will be a condition of any election or appointment.
- (b) Section staff will maintain a record of Certifications and Recertifications received and will follow up with nominees and appointees as necessary to obtain them.

- (c) The Section Director will conduct the initial review of the Certifications and Recertifications and will promptly report receipt of all certifications and recertifications to the Chair or the Chair-Elect, whoever is making the appointments.
- (d) In advance of the Annual Meeting, the Section Director will prepare and present to the Executive Committee a list of certifications and recertifications together with the names of any nominees or appointees who have not returned the certifications and recertifications.
- (e) The Executive Committee will determine what action, if any, will be taken in each case where the member who is seeking to an elected or reimbursable position has failed to return the certification or recertification, and a record will be maintained of each such determination. The Executive Committee will present a summary report to the Section Council at the Annual Meeting and at such other times as it deems appropriate or as the Council may request.
- (f) Certifications and recertifications will be open to inspection by any Section member at any time.