Without Peer
PAULETTE BROWN

Rachel Patrick and Sharon Tindal, stalwarts of diversity and inclusion, having left an indelible mark on the legal profession and who have more than paid their dues have retired. Most of us who have known them since we were young lawyers in the ABA thought this time would never come. But, alas, they too are entitled to think of themselves for a change and enjoy life.

Most know Rachel as being the first Director of the Commission on Racial and Ethnic Diversity in the Profession (then known as the Commission on Minorities in the Profession) and first chaired by former Michigan Supreme Court Justice and Past ABA President, Dennis Archer. Past President Archer would almost always say, “Did you talk to Rachel?” when someone asked a diversity question in connection with the ABA. He would go further to say, “You have to talk to Rachel first. She is the best and most knowledgeable.”

Some of us are lucky enough to have known Rachel since the time she staffed the Young Lawyers Division. I am one of the lucky ones. She began to guide me and others in ways too numerous to mention. Because Rachel has always been a visionary she knew from the 1970’s when she first joined the ABA how important it was to have diverse young lawyers actively involved, pushing them to various leadership positions in the ABA. She was instrumental in building an important network of diverse attorneys. Rachel was the consummate connector.

Both Rachel and Sharon have lived and breathed diversity and inclusion for their entire careers. They have unselfishly devoted their lives to ensuring that our noble profession becomes more diverse and inclusive. Sharon understands in ways that are difficult to explain, how we cannot talk about diversifying our profession without looking far upstream, tapping into the potential of young people beginning in elementary school. Sharon recognized many years ago that you cannot diversify the profession if diverse students are unable to realize the opportunities they have if given the necessary tools and resources to complete high school and college.

Sharon has been very persuasive in getting others to understand the importance of building a strong pipeline to the legal profession. To do this, she knew she had to be well versed in ABA entities.
From the Chair

Greetings Colleagues,

Welcome to the INNOVATOR, a publication the ABA Commission on Racial and Ethnic Diversity in the Profession uses to keep members of the Bar aware of our activities and developments with respect to diversity and inclusion in the legal profession. I invite you to read and enjoy the articles and updates included in this edition. The first article celebrates the careers and contributions of two people who have played critical roles in the Commission’s work and history. Rachel Patrick and Sharon Tindall both retired earlier this year after devoting their careers to advancing diversity and inclusion in the profession through their work for the ABA. Rachel was the Commission’s first staff director and remains the only ABA staff member to be honored with the Spirit of Excellence Award. Sharon was no less important as she worked behind the scenes to ensure that programs succeeded, and things got done. Please join me in thanking them for their devotion to the profession and in wishing them each a happy retirement!

We are pleased to include an article highlighting the creative efforts of the ABA Law Practice Division in using technology to promote diversity and inclusion. The Division serves as a model for the many ways an entity can address diversity and inclusion. This edition also features articles submitted by the Center for Professional Responsibility and the South Asian Bar Association of North America. These articles highlight initiatives and activities undertaken by each of these entities and I applaud their efforts.

Since our last publication, the Commission hosted two of our signature programs. In February, during the ABA’s Midyear Meeting, we hosted the 23rd Annual Spirit of Excellence Luncheon in Vancouver, Canada and in June, we co-hosted the Collaborative Bar Leadership Academy (CBLA) in Miami, Florida. The CBLA launched in 2013 and is a joint initiative of the ABA, the Hispanic National Bar Association, National Asian Pacific American Bar Association, National Bar Association, National LGBT Bar Association and National Native American Bar Association. The program fosters cooperation between these organizations and strengthens the pipeline of diverse bar leaders by providing leadership and professional development programming for emerging bar leaders. In addition, in April, the ABA Council for Diversity in the Educational Pipeline hosted the Judicial Clerkship Program in Chicago. The program introduces diverse law students from around the country to judges and law clerks. We’ve included a few pictures of these events to highlight some of the ABA’s important diversity and inclusion efforts.

It has been a pleasure to serve as Chair of the Commission on Racial and Ethnic Diversity in the Profession these past three years. I wish the Commission all the best as it pursues its mission of fulfilling the Association’s Goal III. While much work remains to be done, I’ve convinced the best is yet to come!

Will A. Gunn
Chair

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The INNOVATOR is published twice a year by the American Bar Association Commission on Racial & Ethnic Diversity in the Profession, 321 North Clark Street, 17th Floor, Chicago, IL 60654-7598. The opinions expressed in the articles presented in the INNOVATOR are those of the authors and shall not be construed to represent the policies of the American Bar Association or the Commission on Racial & Ethnic Diversity in the Profession.

Editor’s Note
I am pleased to bring you Volume 03|02 of the INNOVATOR, a publication of the American Bar Association Commission on Racial & Ethnic Diversity in the Profession. I hope that you find the INNOVATOR is a source of information, inspiration, and collaboration. Thank you to all of the writers, contributors, and ABA staff who have provided their time and talents towards this publication. Editing the two most recent issues of the INNOVATOR has been incredibly rewarding. I appreciate the Commission and the ABA for providing the opportunity and I look forward to reading future editions of the INNOVATOR.

—Thomasina Real Bird, Editor, the INNOVATOR
The Collaborative Bar Leadership Academy

The Collaborative Bar Leadership Academy is a joint initiative of the American Bar Association, Hispanic National Bar Association, National Asian Pacific Bar Association, National Bar Association, National LGBT Bar Association, and the National Native American Bar Association to strengthen the pipeline of diverse bar association leaders by providing leadership training and professional development programs which will benefit current and future leaders, the bar association community, and legal professional overall. It was held on June 24-26, 2018 in Miami, Florida, and was hosted by Greenberg Traurig.
CBLA Class of 2018

ABA President Bass Addresses CBLA as she heads to Texas to see how lawyers can help: “We have a humanitarian crisis.”

ABA President Elect Robert Carlson, NBA President Juan Thomas, and NNABA President Joel West Williams sharing how they work together to move the needle in the legal profession.

Past ABA President Paulette Brown, NAPABA President Pankit Doshi, and NNABA President Joel West Williams drop knowledge on how to be a good ambassador for your bar association.

Past NBA President & Trayvon Martin’s Attorney Ben Crump challenging and inspiring current and emerging bar leaders: “We have an obligation to oppose injustice.”

Past ABA President Stephen R. Zack, ABA Managing Diversity Director Pedro Windsor Jr., and Senior Chairman of Greenberg Traurig Cesar Alvarez talks to participants on creating a vision and strategy for themselves and respective bar associations.

Past HNBA President and Minnesota Court of Appeals Judge Peter Reyes speaks to participants on creating a vision and strategy for themselves and respective bar associations.
The ABA Center for Professional Responsibility’s Diversity and Inclusion Committee

LINDSEY DRAPER AND JANET GREEN MARBLEY

In 1986, the American Bar Association (ABA) adopted what was then Goal IX, supporting the full and equal participation of minorities, women, persons with disabilities, and persons with different sexual and gender identities in the legal profession. In 2008, Goal IX became Goal III-to eliminate bias and enhance diversity in the legal profession.

In 2013, The ABA Center for Professional Responsibility (CPR) created its Diversity and Inclusion Committee. The Center seeks to foster an environment of inclusion and to identify and remove barriers to the participation of lawyers of color, women lawyers, lawyers with disabilities, and lesbian, gay, bisexual and transgendered (LGBT) lawyers in the achievement of the Center’s mission. The Committee began its work by drafting a Diversity and Inclusion Plan to serve as a guide for the Center’s efforts to eliminate bias and enhance diversity consistent with Goal III of the Association.

The Diversity and Inclusion Committee is currently in the process of updating and revising its Three Year Plan. In its current (August 2015 – August 2018) plan, the Diversity and Inclusion Committee established goals under which the committee would:

- Raise awareness that ABA Goal III: Eliminate Bias and Enhance Diversity is Critical to the Effectiveness of the Center;
- Increase and Maintain Diversity in Center Leadership and Membership; and
- Increase and Maintain Diverse Participation in Center Educational Programs, Publications and other Initiatives.

To track the progress of the initiatives of the Center and the Committee, an Annual Report Card was developed to ensure that the Committee not only identified specific steps to take in furthering its mission, but also tracked what was accomplished by those efforts. Among the areas examined in creating the Report Card were improvements in diverse membership in Center Membership and Leadership; education and outreach to bar membership on the varied aspects of diversity and inclusion issues; and outreach to state and local diverse bar associations.

Cited in the first Annual Report Card of the Three Year Plan as examples of the Committee’s education efforts were the development by then-committee Chair Janet Green Marbley and October 2015 presentation (by Marbley and DIOC member Susan Carle) of an ABA-sponsored CLE Webinar, “Diversity and Discrimination as Legal Ethics Issues”. The Annual Report Card also cited participation in a June 2016 panel by Marbley and committee member Lindsey Draper on “Diversity and Inclusion in the 21st Century” during the State Bar of Wisconsin Annual Meeting in Green Bay, WI.

As part of the commitment to increase and maintain diversity in the leadership and membership of the Center, the Diversity and Inclusion Committee has relied on both its members and the Center staff to identify potential nominees and applicants for appointment to presidentially-appointed entities. In that same vein, the Committee works to assist ABA entities seeking diverse presenters and experts and promotes the CPR Professional Responsibility Speakers Bureau.

An example of the outreach effort of the CPR Diversity and Inclusion Committee is the 2014 creation of the Jeanne P. Gray Diversity Scholarship program. Believing that expanding collaboration between the Center for Professional Responsibility and national diverse bar associations would be facilitated by ensuring that diverse bar members know of the work of the Committee and are proactively invited to participate in that work, the Diversity Committee annually selects a new bar association and extends a complimentary membership to that association. The rotating basis of the awarding of the memberships allows the Committee the opportunity to develop additional relationships with national diverse bars, while working with the new members to cultivate their participation.

The creation of this scholarship and naming of it for Jeanne P. Gray, the longtime Director of the Center for Professional Responsibility, was, in many ways, a tribute to the forging of relationships that characterized Gray’s thirty-three years of service to the American Bar Association.

In 2015, the Diversity Committee selected now President-Elect Robert Saunooke of the National Native American Bar Association as the recipient of the Jeanne P. Gray scholarship, and the 2016 recipient, Judy Man-Ling Lam was a previous Co-chair of the convention of the National Asian Pacific American Bar Association (NAPABA). The 2017 recipient, Cynthia D. Mares is a former President of the Hispanic National Bar Association.

The 2018 recipient, Lindsey Draper, is the current Chair of the Diversity Committee and one of the authors of this article. She is also a Co-chair of the Commission on Racial and Ethnic Diversity in the Profession (CPRD). The CPRD is an advisory committee of the CPR, charged with making recommendations to the CPR regarding the work of the Center.

Jeanne Gray

THE COMMISSION ON RACIAL AND ETHNIC DIVERSITY IN THE PROFESSION • THE INNOVATOR • VOL 03/ISSUE 02 • AUGUST 2018
Association and the Colorado Hispanic Bar Association. The Center extended Mares’ tenure through 2018, and included as one of her duties liaison to the Standing Committee on Professionalism.

Recognizing that a number of entities throughout the legal profession have undertaken the tasks of educating the profession as to the obligations to and benefits of ensuring that the profession be inclusive and supportive of diverse members, the Diversity Committee, through the efforts of current Committee Chair Russell S. Roeca, has attempted to make members—and through them affiliated entities working to address issues relating to diversity and inclusion—aware of the excellent Walk the Walk film and Facilitator Discussion Guide and Materials created in 2014 by the California State Bar. At the 43rd National Conference on Professional Responsibility in St. Louis, MO, committee member German Gomez served as a panelist as part of the presentation on Implicit Bias in the Legal Workplace: Moving from “Who is Biased?” to “What Can We Do About It?”

Throughout U.S. history, the legal profession has played a key role in promoting equality and inclusion. Members of the legal profession must continue to promote diversity and inclusion, not just as a matter of law, but also as a matter of ethics and professionalism.

Janet Green Marbly, a past-president of the National Client Protection Organization (NCPO) and past chair of the ABA Standing Committee on Client Protection, is a member of the Center for Professional Responsibility (CPR) Diversity and Inclusion Committee and is the Administrator of the Supreme Court of Ohio’s Lawyer’s Fund for Client Protection. She was the recipient of the 2012 Isaac Hecht Client Protection Award. Attorney Lindsey D. Draper, also a past chair of the Standing Committee on Client Protection and a member of the CPR Diversity and Inclusion Committee, is currently a Director-at-Large of the NCPO.

Center for Professional Responsibility

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with an interest in diversifying the profession and through them built invaluable alliances. Because of Sharon, there is a much greater focus within the ABA of building that necessary pipeline.

From Rodney King to Tulia, Texas to Travon Martin, Rachel has been on the front lines. When she was told such headline stories may not be good for the ABA, Rachel knew better and marched down a road many of us would dare not tread. Fairness in the justice system was her only concern. Her steadfastness resulted in ground breaking reports used as a reference for many, including members of Congress.

So unselfish are Rachel and Sharon. They gave everything to the ABA and every inch of their might to ensure that Goal IX/Goal III lived up to its promise. It was nothing for them to work 14-16 hour days because diversity and inclusion was a part of the fabric of their lives. They did it with joy and zeal. I would joke with Rachel, telling her that just because she arrived at the office every morning before 5 a.m., seven days a week, everyone else was not necessarily prepared at that hour to have an intense discussion about how to right a wrong in the justice system. Rachel is one of a kind.

On the flip side, I did not joke with Sharon when she continued to work, getting the pipeline work done, responding to inquiries engaging new stakeholders, knowing she had not recovered from serious injuries sustained in an accident. I knew not to admonish her because it would have been an exercise in futility.

Sharon would literally take the clothes off of herself to keep someone else warm and Rachel would take her last penny to feed someone other than herself. They have both worked through personal losses and tragedies, always putting the work of diversity and inclusion in the forefront and always ahead of themselves. We like to talk about the big picture—where is the greatest impact, who would be most affected. While we pondered over this, no one ever had to explain the “big picture” to Rachel and Sharon.

As so often is the case, Rachel and Sharon never sought recognition for any of their great deeds and for going far above and beyond the call of duty. But, Rachel and Sharon have left such an incredible and beautiful irrevocable mark, not only on the Profession and the ABA, but also in the hearts of us all. They have been mentors, aunts, sisters, friends and yes, sometimes “Mama”. We love you for all you have done to help us develop and grow in and outside of the ABA and no one will ever be able to surpass what you have done for our profession. Words are inadequate to thank you for all you have done above and beyond the call of duty. But, Rachel and Sharon YOU are truly Without Peer.

Paulette Brown is a Partner and CDIO of Locke Lord LLP and is a Past President of the American Bar Association.
FRIDAY, AUGUST 3, 2018

8:30 AM – 12:30 PM
Business Meeting
Sponsor: Commission on Women in the Profession
Location: Hyatt Regency Chicago, Ballroom C

8:30 AM – 1:00 PM
Business Meeting
Sponsor: Commission for Racial and Ethnic Diversity in the Profession
Location: Hyatt Regency Chicago, West Tower 3rd Floor

10:00 AM – 11:30 AM
CLE Program
Sponsor: Commission on Hispanic Rights and Responsibilities
Location: Radisson Blu Aqua Hotel, 2nd Floor Pacific Ballroom 2

11:00 AM – 12:00 PM
Stonewall Selection Meeting *Commissioners Only*
Sponsor: Commission on Sexual Orientation and Gender Identity
Location: Hyatt Regency Chicago, DuSable Room

12:00 PM – 3:00 PM
Business Meeting
Sponsor: Commission on Sexual Orientation and Gender Identity
Location: Hyatt Regency Chicago, DuSable Room

2:30 PM – 3:45 PM
CLE Program—Long-Term Careers for the Women in Law: What’s Pushing Women Out and What Can We Do to Keep Them in the Profession?
Sponsor: Office of the President, Co-sponsored Commission on Women in the Profession
Location: Fairmont Millennium Park, Crystal Room

2:45 PM – 3:45 PM
An Interview with Fred Gray: An Original Game Changer
Sponsor: National Conference of Bar Presidents, Co-Sponsors: ABA Commission on Disability Rights, ABA Commission on Sexual Orientation and Gender Identity
Location: Hyatt Regency Chicago, Ballroom A/B (West Tower, Ballroom Level)

3:00 PM – 5:00 PM
Stakeholders Program
Sponsor: Council for Diversity and Educational Pipeline
Location: Radisson Blu Aqua Hotel, 2nd Floor Pacific Ballroom 1

SUNDAY, AUGUST 5, 2018

8:30 AM – 11:30 AM
Business Meeting
Sponsor: Coalition on Racial and Ethnic Justice
Location: Hyatt Regency Chicago, Skyway Level Gallery Boardroom 5 (West Tower)

12:00 PM – 2:00 PM
Margaret Brent Awards Luncheon
Sponsor: Commission on Women in the Profession
Location: Hyatt Regency Chicago, Grand Ballroom

12:00 PM – 4:00 PM
Diversity Business Meeting
Sponsor: Diversity and Inclusion Center
Location: Hyatt Regency Hotel, Skyway level, Suite 272, East Tower

3:00 PM – 5:00 PM
LGBT Caucus
Sponsor: Commission on Sexual Orientation and Gender Identity
Location: Hyatt Regency Chicago, Regency Ballroom C (Ballroom Level, West Tower)

3:00 PM – 5:00 PM
Minority Caucus of the ABA House of Delegates
Sponsor: Diversity and Inclusion Center
Location: Hyatt Regency Chicago, Regency Ballroom C (Ballroom Level, West Tower)

4:30 PM – 6:30 PM
Law Society of England and Wales Roundtable
Sponsor: Law Society of England and Wales, Co-Sponsored by Commission on Women in the Profession
Location: Hyatt Regency Chicago, Regency Ballroom B

MONDAY, AUGUST 6, 2018

5:00 PM – 7:00 PM
Lawyers with Disabilities Reception—Paul G. Hearne Award for Disability Rights and Champions for Disability Inclusion in the Legal Profession Award
Sponsor: Commission on Disability Rights
Location: Hyatt Regency Chicago, Columbus GH (Ballroom Level, East Tower)
2018 Spirit of Excellence Awards
February 3, 2018 | Vancouver, British Columbia

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The Law Practice Division
Diversity and Inclusion Through Innovation

BOB FURNIER

The Law Practice Division helps ABA members improve their practice, focusing on finance, management, marketing, and—today more than ever before—technology. As technology transforms the world, it likewise transforms the practice of law. In a surprise TED Talk last year, Pope Francis asked us, “How wonderful would it be if the growth of scientific and technological innovation would come along with more equality and social inclusion?” In fact, in recent years, the Division has embraced technology to promote diversity and inclusion in the legal profession.

Diversity and inclusion are first among the core values that define the Division’s mission statement. Over the past decade, more than half of the Division’s leadership chain has been minorities and women. Along with its Diversity and Inclusion Committee, the Division has been home to ABA Women Rainmakers, for many years helping female attorneys through educational, mentoring, and networking programs. Meanwhile, the Division has been a leader in technology and innovation within the Association through, among other initiatives, ABA TECHSHOW, the Legal Technology Resource Center, Law Technology Today, the ABA Legal Technology Buyer’s Guide, and the eLawyering Task Force.

Lately, the Division has relied upon its technology expertise to advance its strong commitment to diversity and inclusion. Concentrating on technology, the Division has tackled challenges facing minorities, individuals with disabilities, and women in the profession. In the past two years, the Division has spearheaded three programs—Talk2Ten, Access Success, and Legal XX—with a technology theme. Each has enjoyed widespread success beyond the Division.

Held three times since 2016, the Division’s Talk2Ten Online Networking Event has introduced the legal profession to the diversity-rich law schools of our Historically Black Colleges and Universities (HBCUs) using live video chat and other online tools hosted by LexVita.com, an online network for legal professionals. Students met online with potential mentors and employers, while law firms and law departments tapped a goldmine of diverse talent. Talk2Ten has connected hundreds of HBCU law students with practicing attorneys from Fortune 500 legal departments (including The Walt Disney Company, Microsoft, Allstate, Scripps Networks Interactive, Adobe, and Shell Oil); large and small private law firms (including Armstrong Teasdale, Littler Mendelson, and Knobbe Martens); and governmental entities (including the FDIC, Freddie Mac and Department of Justice).

Talk2Ten used the internet to remove geography as an obstacle to organizations without the time or resources to search for talent everywhere. In the meantime, students were given an opportunity, previously not possible without technology, to interact with some of the best and brightest attorneys practicing around the country. In short, by leveraging new technology, the Division created an innovative way to tackle the diversity problem that continues to vex our profession.

Building on Talk2Ten, the Division collaborated with the Chicago Bar Association’s Young Lawyers Section last year to launch Access Success, a program that combined Talk2Ten’s online networking approach with a live networking event that included continuing legal education sessions about web accessibility for lawyers and law students with disabilities. Access Success won the 2017 ABA Young Lawyer Division’s Embracing Diversity Challenge sponsored by Walmart. By removing the barriers that sometimes accompany travel for those with disabilities, the online event...
allowed participants to search and find others with similar interests or backgrounds, and to connect face-to-face without having to leave home or the office. As with Talk2Ten, major companies and law firms met online with attorneys with disabilities, providing those attorneys with networking opportunities otherwise not available, while allowing the participating employers to expand their networks of counsel with disabilities.

The Division recognizes that technology is only beneficial if it reflects the diversity of everyone, accessible and usable for people of all abilities. Thus, as part of TECHSHOW 2016, the Division surveyed legal tech vendors about the accessibility of their products. Most technology companies follow the World Wide Web Consortium’s Web Content Accessibility Guidelines (WCAG) 2.0 AA accessibility guidelines. Unfortunately, not even a handful of the nearly 80 respondents had products that complied with the WCAG guidelines. Consequently, at ABA TECHSHOW 2017, as part of last year’s Access Success program, the Division held a workshop for legal tech companies on the benefits of, and the path to, becoming accessible.

Hosting Access Success again to kick off ABA TECHSHOW 2018 in March, the Division also held Legal XX: Women-Law-Technology at Chicago-Kent College of Law, a one-day symposium on closing the gender gap in tech sponsored by the Lunsford Academy at NKU Chase College of Law. Women are woefully underrepresented in the tech field, often facing sexism and harassment. As startup founders, investors, or tech employees, men often outnumber women many times over. If women play a diminished role within the tech field, then female lawyers interested in representing tech companies, as in-house or outside counsel, or in creating tech or legal tech companies, face a high bar to success.

To help increase opportunities for women lawyers in tech and legal tech, Legal XX involved a series of Ignites, fast and fun five-minute presentations from female attorneys. A design thinking workshop followed, with participants breaking into small groups led by a design thinking facilitator to develop then propose solutions to some aspect of the challenges women face in breaking into the legal technology space. The Division plans to greatly expand Legal XX for TECHSHOW 2019, including, among other things, adding a luncheon to announce LTRC’s annual Women of Legal Tech honorees.

Aside from its technology-themed programming, the Division promotes diversity and inclusion through more traditional means. To advance this goal, the Division has published books and articles; organized workshops, webinars, CLE’s, and other events; and advocated change within the profession. For example, Wednesday Rainmaking by the ABA Women Rainmakers continues this year with quarterly webinars to help female attorneys make their business soars. Also, ABA Women Rainmakers hosts Rainmaking Circles around the nation, forums for small groups of women to confidentially discuss issues pertaining to marketing and business development. Moreover, Law Practice Today—the Division’s monthly webzine, among the ABA’s most widely circulated publications—devotes a special edition each February on women in law and each July on diversity and inclusion.

Finally, the Division has served as a staunch advocate for diversity and inclusion within the profession. It was a strong supporter of the ABA House of Delegate’s 2016 adoption of the new Rule 8.4(g) in its Model Rules of Professional Conduct, which makes lawyers guilty of an ethical violation for harassing or discriminating another person because of “race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law.”

The Division also fought the House of Delegates’ approval of a new bar passage accreditation rule that would have had a devastating impact upon HBCU law schools and other schools with strong diversity admission programs. Most recently, the Division’s Diversity and Inclusion Committee joined with the ABA Commission on Disability Rights to advance a new House of Delegates’ resolution, Resolution 116C, that would encourage the courts to interpret the Americans with Disabilities Act to increase access to technology and urge legal services providers to innovate for everyone, including individuals with disabilities, when designing technology to improve access to, or the delivery of, legal services.

“Those words from the report supporting Resolution 116C echo Pope Francis’ hopeful message in his TED Talk: As the world evolves through technology, no one in the profession—or the public it serves—should be left behind. The Law Practice Division will continue to leverage technology to make our profession more inclusive for everyone. The essence of innovation is trying new ways to solve problems that persevere. Perhaps, innovation—especially innovation focusing on technology—can be the means to achieve diversity and inclusion in a profession that has long failed to reflect the public it serves.”

Bob Furnier moonlights as Chair of the Diversity and Inclusion Committee of the Law Practice Division, a member of the ABA Women Rainmakers Board, and a Commissioner on the ABA Commission on Racial and Ethnic Diversity in the Profession, and has a stint as Vice Chair of ABA TECHSHOW. For his day job, he serves as Director of the Lunsford Academy for Law Business + Technology and the Director of the Small Business and Nonprofit Clinic at Chase College of Law, Northern Kentucky University, and as an adjunct faculty member at Southern University Law Center, an HBCU law school in Baton Rouge, Louisiana, teaching courses on developing legal applications to solve social and criminal justice problems.
This year, the South Asian Bar Association of North America (SABA) celebrates its 15th anniversary. As we mark this important milestone in SABA’s history, we often look back to what led to our founding. In the months following the September 11, 2001 terrorist attacks, the South Asian community was increasingly targeted for violence, discrimination, and harassment due to their faith, skin color, origin, and immigration status. Our founders recognized the need for our community’s lawyers to lead in the defense against this backlash and organized a national network of South Asian lawyers and bar associations to found SABA. The origin of our organization and our commitment to serving both the South Asian and other immigrant communities still informs all that we do.

 Violence against and negative stereotyping of South Asians has ebbed and flowed but has never been eliminated. SABA regularly speaks out against the racial profiling inherent in such stereotypes and stands up for the civil rights of South Asians and all minorities. We do this through advocacy, collaboration with community-based organizations, and direct support to the victims of such incidents. Such actions have remained a cornerstone of SABA’s mission and our activities.

 To work more proactively for the benefit of our community, we have established a Lobby Day on the Hill and a Naturalization Drive. During Lobby Day, we speak with members of Congress and policy experts about issues that affect South Asians and the legal community. We have focused on changes to the immigration system, as well as the protection of immigrants in the U.S.; access to justice and equal treatment under the law for people who are dealing with the U.S. judicial system; and diversity and inclusion on the bench, as judges who reflect the community will be better placed to judge the community.

 Our Naturalization Drive assists citizenship-eligible residents to take that final step to full participation in American life. Immigrants are some of the most productive members of society, and citizenship will only enhance their abilities to contribute at their fullest. For new citizens, the ability to vote, to run for office, or to apply for federal jobs strengthens their ties to their new country.

 Alongside our “big picture” goals, we also focus on the more pragmatic issues of professional development and diversity and inclusion in the legal profession. We do this through the Annual SABA Conference, CLE offerings throughout the year, and individual outreach. As a smaller, but growing minority in the legal profession, we know how important it is for our members to have speaking and networking opportunities and have access to other routes for professional growth. We strive to provide opportunities for each and to emphasize and celebrate the achievements of our members throughout the year.

 We look to the future not only in our own programming and events, but by supporting our sister organization NA-SALSA (North American South Asian Law Student Association). The law students of today will be the leaders not only of SABA, but the ABA and their communities.

 In fifteen years, SABA has watched the South Asian legal community grow beyond urban centers to having a presence across the United States and Canada. Today, we have expanded from eight chapters to 26, and have nearly 8,000 members representing every part of the legal landscape. Our members include state and federal judges, General Counsels, law firm partners, and elected officials. Our growth and our members’ achievements show that diversity and inclusion represent more than simply numbers, it provides access, pathways, and inspiration for others.

 Rishi Bagga is the current president of the South Asian Bar Association of North America. When not traveling on behalf of SABA, Rishi has his own firm in Orlando, FL. He has a J.D. and LL.M. from the Washington College of Law at American University and a B.A. from the University of Central Florida.
Judicial Clerkship Program
Held April 19-21, 2018, in Chicago

The ABA Judicial Clerkship Program (JCP) is a joint effort of the ABA Council for Racial and Ethnic Diversity in the Educational Pipeline and the ABA Judicial Division with the generous support of LexisNexis®.

The program is designed to bring judges and minority law students together through structured networking and educational activities that encourage them to apply for judicial clerkships.

Judges, volunteers, and students gather for a group photo for the 2018 Judicial Clerkship Program in Chicago.

ABA President-Elect Robert Carlson welcoming JCP Participants and encouraging vibrant discussion, learning, and networking during the Program.

Judge Frank Sullivan moderating an open, unscripted, and engaging discussion between law students and judges from across the country on becoming a successful judicial clerk and life as an advocate for the law.

ABA Secretary Mary Smith presenting to the JPC Participants; Mary Smith, NNABA President-Elect Rob Saunooke, and Council for Diversity in the Education Pipeline Chair Matthew Archer-Beck engaging in discussion with JPC Participants.
Webinar

The Role of In-House Counsel in Promoting Law Firm Diversity

JO ANN ENGELHARDT

Have you ever wondered how In-House counsel can promote diversity and inclusion not only in their workplace but across the board at private law firms as well? On Tuesday, August 28, 2018 from 1:00 – 2:30 EST, the ABA Section of Real Property Trust & Estate Law will present a stimulating and practical webinar: The Role of In-House Counsel in Promoting Law Firm Diversity.

Participants will gain valuable insight from a panel that comprises senior in-house counsel for an automotive manufacturer; general counsel for a residential and commercial real estate company; a shareholder in a major national law firm who helps guide the firm’s diversity and inclusion initiative; and a senior in-house counsel for government agencies in infrastructure development.

Fostering and increasing diversity and inclusion has been shown to lead to better financial results for companies. To compete domestically and globally, corporate legal departments know that they must increase diversity and inclusion not only internally, but for their external teams at the law firms they employ. To date, law firms have lagged behind in-house groups within corporate America. For example, while the percentage of racially diverse general counsel of the Fortune 500 was approximately 11% in 2017, it is was only 6.1% for equity partners in law firms. What can we do to improve these results, and what, specifically, can in-house counsel do to ensure that the law firms they hire are making a genuine and measurable effort to increase their diversity across the board?

The program will cover topics including how to craft interviewing policies to limit bias and encourage diversity; the secrets of successful In-house diversity hiring programs and practices; the role of the public and private sector in encouraging law firm diversity; and how to move beyond tokenism to include diverse professionals in (i) client development, (ii) staffing matters, and (iii) managing or leading matters in a meaningful way. The panel will also discuss ABA Resolution 113 which urges legal service providers to expand and create opportunities for diverse lawyers and also encourages them to, as buyers of legal services, to direct a greater percentage of legal spend towards diverse attorneys. Part of that discussion includes the Model Diversity Survey, a rigorously developed uniform (and free!) survey that over 90 national corporations have already pledged to use to measure and evaluate the diversity efforts of the law firms the corporations engage. Corporations that have already signed on include AstraZeneca, Bloomberg, LP, McDonald’s, State Farm, TIAA, U.S. Bancorp, and Walmart.

The panel will provide resources and practical suggestions for effective diversity and inclusion practices for attracting, hiring, and retaining legal professionals. Panelists are Eric Mathis, MAHLE Industries, Incorporated; Crystal Patterson, Gulfstream Commercial Services, LLC; Nikki Simon, Greenberg Traurig; and Minming Wu, Federal Transit Administration. The program will be moderated by Jo Ann Engelhardt, Bessemer Trust, who is a Commissioner on the Commission on Racial and Ethnic Diversity in the Profession.

For more information about the program and to register, please visit: https://www.americanbar.org/groups/real_property_trust_estate/events_cle.html.

Registration for the webinar will open in July.

Jo Ann Engelhardt is a Commissioner on the Commission for Racial and Ethnic Diversity in the Profession of the American Bar Association ("ABA") and also serves as a Delegate to the ABA House of Delegates. She serves on the Executive Committee and as past Finance Chair of the ABA Section of Real Property Trust & Estate Law; she was also Co-Chair of the Section’s Standing Committee on Diversity and Inclusion and the Standing Committee on Membership. Jo Ann is a Managing Director of Bessemer Trust Company of Florida, a firm with which she has been associated since 2000.
Commissioner Spotlight

Meet the Commissioners! Be sure to check out the “Commissioner Spotlight” section in each issue of The Innovator and read about the ABA members who service as Commissioners on the ABA Commission on Racial and Ethnic Diversity in the Profession.

Marvin S.C. Dang

Small Firm, and General Practice Division, and now the Senior Lawyers Division.

During the upcoming 2018-2019 bar year (which starts after the August 2018 Annual Meeting), I’ll be the first Asian-American attorney to be Chair of the 60,000 member ABA Senior Lawyers Division. Currently, I’m the Chair-elect of the SLD, Co-Chair of its Diversity Committee, and Chair of the SLD’s Opioid Summit (which was in May 2018).

I’ve been fortunate to have been appointed by ABA Presidents to nearly a dozen standing and special committees, commissions, and entities since 1979. Before my current service on the Commission on Racial and Ethnic Diversity in the Profession, I served for three years on the Council of the Fund for Justice and Education.

ABA President-elect Robert Carlson appointed me to the ABA Nominating Committee (as Minority Member-at-Large) for a 3 year term commencing in August, 2018 for the 2018-2021 bar years. As a member of the Nominating Committee, I will also serve in the ABA House of Delegates for 3 years during the 2018-2021 bar years.

What advice would you give to a firm/organization looking to increase diversity and inclusion among its attorneys?

Diversity and inclusion among a firm’s or organization’s attorneys involve demographics such as race, ethnicity, gender, LGBT, and disability. To increase diversity and inclusion, the firm’s or the organization’s management must be committed to those initiatives. Their diversity and inclusion plan should include: establishing goals; updating existing policies and creating new policies as appropriate; training all team members; recruiting and retaining diverse attorneys; and measuring the outcomes. The firm or the organization should reach out to the ABA and to diversity bar associations for assistance, advice, and recommendations.

What is your dream vacation?

My dream vacation would occur when I don’t have to check and respond to my e-mails throughout the day. I know that for many people, the venue of their dream vacation would be visiting my home state of Hawaii. While I travel outside Hawaii about 15 times a year, my dream vacation would be a “staycation” on any of the islands in Hawaii.

What is your favorite midnight snack?

While I don’t eat midnight snacks, if I did, the snacks could be ice cream (Kona coffee or green tea flavor) or a coconut turnover pastry.

What is one of your hidden talents?

I play the piano. After my parents bought a piano in the mid-1960s, they enrolled me in piano lessons. I performed at music recitals when I attended Punahou High School in Honolulu.
Will Gunn

CLE panels and have spoken at several ABA events. Also, in 1992, I became an inaugural member of the first-ever Council of the Government and Public Sector Lawyers Division. Around the same time, I got involved in the YLD where I chaired the Military Services Committee and the Minorities in the Profession Committee. I also chaired a YLD Task Force on Minority Bar Passage Rates. After "ageing out" of the YLD, I served on the Standing Committee on Membership and the Standing Committee on Armed Forces Law. I also had the honor of chairing the Youth at Risk Commission shortly after that group was formed and I served on former President Linda Klein’s Presidential Appointments Committee.

WHAT ADVICE WOULD YOU GIVE TO A FIRM/ORGANIZATION LOOKING TO INCREASE DIVERSITY AND INCLUSION AMONG ITS ATTORNEYS?
Increasing diversity and inclusion is a leadership issue. It is absolutely critical for top leaders to demonstrate their commitment to the cause. Also, the path to increasing diversity and inclusion is made much easier when organizations measure how they’re doing and hold leaders at every level accountable for obtaining results.

WHAT IS YOUR DREAM VACATION?
I would like to go on a round-the-world cruise.

WHAT IS YOUR FAVORITE MIDNIGHT SNACK?
Mixed nuts—especially cashews and almonds.

WHAT IS ONE OF YOUR HIDDEN TALENTS?
One of my greatest gifts is an ability to see things from the perspective of others. I try to use this gift to build bridges and bring people together.

HOW LONG HAVE YOU BEEN ON THE COMMISSION?
I’ve been a commissioner since August 2015 when former ABA President Paulette Brown appointed me as Chair.

IN WHAT OTHER ABA ENTITIES ARE YOU INVOLVED?
Currently, my ABA involvement is limited to the Commission. However, my participation has been varied over the past 26 years. For example, I’ve served on a number of

WHAT IS ONE OF YOUR FAVORITE THINGS ABOUT SERVING ON THE COMMISSION?
I have thoroughly enjoyed the opportunity I’ve had to serve with many amazing leaders on the Commission. These leaders have included former presidents of each of the major national ethnic minority bar associations (the NBA, HNBA, NPABA, and the NNABA), a former state bar president, the former president of the D.C. Bar, and several other distinguished leaders. It’s been an honor to serve with these leaders and with so many other commissioners who are absolutely passionate about our mission of promoting diversity and inclusion in the legal profession.

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Racial & Ethnic Diversity
Calendar of Events

National Native American Bar Association

April 10, 2019
2019 NNABA Annual Meeting
Sandia Resort & Casino
Albuquerque, NM

National Bar Association

July 28 – August 3, 2018
93rd Annual Convention & Exhibits
Hilton New Orleans Riverside Hotel
New Orleans, LA

National Hispanic Bar Association

September 5 – 8, 2018
2018 HNBA Annual Convention
Marriott Philadelphia Downtown Hotel
1201 Market St
Philadelphia, PA 19107

March 20 – 23, 2019
2019 HNBA Corporate Counsel Conference & Moot Court Competition
Albuquerque, NM

September 26 – 29, 2019
2019 HNBA Annual Convention
New York, NY

March 1, 2019
2020 HNBA Corporate Counsel Conference
Phoenix, AZ

National Asian Pacific American Bar Association

August 3, 2018
2018 August Board & Member Dinner

August 16 – 17, 2018
2018 Western Regional Conference
Sheraton Grand Chicago, IL

November 8 – 11, 2018
2018 NAPABA Convention
JW Marriott Austin, TX

November 5 – 8, 2020
2020 NAPABA Convention
JW Marriott Los Angeles LA Live, CA

South Asian Bar Association of North America

July 26 – July 29, 2018
National Conference of Lesbian, Gay, Bisexual, Transgender and Queer Asian Americans, South Asians, Southeast Asians, and Pacific Islanders National Conference
Hilton Financial District in Chinatown
750 Kearny St.
San Francisco, CA 94108

November 15, 2018
SABA Greater Boston—14th Annual Gala & Awards Dinner
Taj Boston
15 Arlington Street
Boston, MA 02116