



## **DIVERSITY PLAN**

### **I. ABA Commitment to Diversity**

The ABA's Goal III (one of only four Association Goals<sup>1</sup>), adopted by the House of Delegates in 2008, provides:

#### **GOAL III: ELIMINATE BIAS AND ENHANCE DIVERSITY**

##### *Objectives:*

- 1. Promote full and equal participation in the Association, our profession, and the justice system by all persons.*
- 2. Eliminate bias in the legal profession and the Justice System.*

Goal III builds on the earlier Goal IX, which was adopted in 1986. In the last few decades, the ABA has undertaken a wide range of diversity efforts in furtherance of Goal IX and Goal III. Those efforts have principally occurred through the work of four ABA entities: the Center for Racial and Ethnic Diversity (and its constituent entities: Commission on Racial and Ethnic Diversity in the Profession; Coalition on Racial and Ethnic Justice; and Council on Racial and Ethnic Diversity in the Educational Pipeline), the Commission on Women in the Profession, the Commission on Mental and Physical Disability Law, and the Commission on Sexual Orientation and Gender Identity. In addition to these efforts, many of the ABA's Sections, Divisions, Forums, Committees and Commissions have actively pursued diversity goals, implemented diversity plans or objectives, made diversity a priority and otherwise served the objectives of Goal III. Each year, the Goal III Commissions survey the Sections, Divisions,

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<sup>1</sup> The other ABA Goals are: Goal I: Serve Our Members; Goal II: Improve Our Profession; and Goal IV: Advance the Rule of Law.

Forums and other ABA entities for information about their progress towards achieving diversity in leadership, membership, programming activities and other objectives.

In April 2010, the ABA President released a major report with recommendations on *Diversity in the Legal Profession: The Next Steps*. The report recommended that the ABA “establish an Association-wide diversity plan and urge each pertinent entity (e.g., Section, Division, or Forum) to have its own functional diversity plan that assigns responsibility for diversity directly to entity leadership.” This Diversity Plan strives to fulfill that recommendation and address several other proposals in the report that are directed to bar associations.

## **II. Purposes of the Diversity Plan**

This Diversity Plan is intended to lead the ABA to achievement of Goal III as it applies to the Association itself, and thereby to ensure full and equal participation in the Association by all eligible persons (including attorneys and law students) and the elimination of bias in the ABA. When implemented effectively, the Diversity Plan will foster the recruitment and retention of diverse lawyers and law students in the ABA, and their advancement through its leadership; enhance opportunities for diverse individuals to participate in ABA activities and programs, including the provision of accommodations to persons with disabilities; promote a culture of inclusion that attracts diverse members of the profession to the ABA; educate Association members and leaders about the benefits and importance of diversity; and, by building diversity within the Association, support the ABA’s efforts to promote diversity in academia, the judiciary, and public and private legal workplaces.

For the purposes of this Diversity Plan, the term “diversity” generally represents both diversity and inclusion. In the diversity management field, the distinction between the terms has been characterized as “Diversity is the mix. Inclusion is making the mix work.<sup>TM</sup>” (*Andrés T. Tapia*) Diversity often pertains to the numbers – insuring sufficient numbers of targeted populations are represented. Inclusion addresses how well the diverse individuals are included in all aspects of the organization. Diversity is often associated with recruitment; inclusion plays a pivotal role in retention. In summary, this Diversity Plan is designed to achieve not just

diversity – the presence of lawyers and law students from all backgrounds – but inclusion as well – their full and equal participation in the Association.

### **III. Objectives of the Diversity Plan**

The Diversity Plan sets forth numerous objectives and broad goals. In addition, certain implementation recommendations are set forth as specific actions the ABA is urged to undertake in the immediate future.

- A. Require wide dissemination of the Diversity Plan within the ABA, and public availability of the Diversity Plan, including:
  - 1. Membership-wide dissemination of the Diversity Plan after adoption, with a cover letter or email from the ABA President.
  - 2. Continuous availability of the Diversity Plan through pertinent pages on the ABA website.
  - 3. Distribution of the Diversity Plan, or emailing a link to the Diversity Plan, to all new ABA members.
  - 4. Reference to the Diversity Plan in member solicitation materials.
  - 5. Ensuring accessibility of the Diversity Plan to members with visual or other disabilities.
  
- B. Promote and track diversity within the ABA's leadership, including:
  - 1. The Association's Officers (President, President-Elect, etc.).
  - 2. Board of Governors, including the Committees of the Board of Governors.
  - 3. Standing Committees, Administrative Committees, Special Committees, Task Forces, Commissions, and other presidentially appointed positions.
  - 4. House of Delegates.
    - a. Committees of the House.
    - b. Special emphasis on diversity among the Nominating Committee membership (see "C" below).

5. Sections, Divisions, Forums and their components (Officers, Councils, Committee leadership, etc.).

**Implementation Recommendation 1: That the Association designate the Executive Director or other senior staff person with Chief Diversity Officer responsibilities, principally to include oversight of the implementation of this Diversity Plan. Each year, that person will develop and secure approval of specific annual implementation steps with a corresponding timeline, budget and assessment procedure.**

- C. Promote and track diversity in the ABA's and its entities' leadership nominations and leadership development processes.
  - I. Require diversity as an emphasis in all leadership nominations processes, including diversity among the nominations decision-makers.

**Implementation Recommendation 2: That the ABA review the composition of the House of Delegates and its Nominating Committee, including the number of positions reserved for women, minorities, lesbian, gay, bisexual and transgender individuals, and persons with disabilities, and the manner of selecting the individuals for those positions, to ensure that the purpose of this Diversity Plan is being served in the nominations process.**

2. Require diversity as an emphasis in the Presidential appointments process, including diversity among the appointments committee members (such diversity to be measured, at least in part, by consideration of data that indicates the diversity of Association membership).
3. Urge entities to emphasize diversity in leadership training and development programs.
4. Build diversity-related sessions into Section Officers Conference (SOC) leadership training efforts and annual SOC meetings.

- D. Urge adoption by Sections, Divisions, Forums, Committees, Commissions and other pertinent ABA entities of entity-specific diversity plans that are consistent with the objectives of this Diversity Plan, or their review and appropriate modification of existing diversity plans.
1. Strongly encourage periodic review and updating of entity diversity plans.
  2. Recommend designation of an officer or other entity leader with responsibility for ensuring implementation of diversity plans.
  3. Advocate wide dissemination of entity diversity plans, as with the ABA Diversity Plan.
  4. Urge the compiling of uniform statistics and information on diversity participation by each entity.
- E. Promote diversity in ABA membership.
1. Marketing and membership solicitation materials should be welcoming to diverse populations.
  2. The ABA should compile and disseminate uniform statistics and other information on lawyers and law students – both ABA members and non-members – for each of the major diversity categories, and target the non-ABA members for membership solicitations.
  3. ABA entities are urged to engage in active marketing, recruitment and outreach efforts to affinity bars and other professional organizations, legal communities, and law schools to promote diversity.
  4. ABA entities are urged to have formal or informal liaison relationships with the diversity-focused entities of the ABA (e.g., the Goal III entities), and appoint persons who will be active liaisons.
  5. The ABA should continue its discounted joint dues campaigns with affinity and specialty bar associations and explore additional membership campaigns designed to enhance diversity.

**Implementation Recommendation 3: That the ABA consider creating an event, award or other form of recognition to honor on an annual basis the ABA entity that has shown outstanding leadership in diversity-related membership initiatives and other diversity efforts.**

- F. Promote diversity in CLE and other programming, both live and virtual.
1. Implement strategic actions to improve diversity among speakers, moderators, and attendees.
  2. Ensure program content appeals to diverse communities, consistent with the sponsoring entities' subject matter specialties, if any.
  3. Urge ABA entities to explore partnering or co-sponsoring opportunities with affinity bars and other organizations that can contribute to diversity.
  4. Ensure program venues and materials are accessible to participants with disabilities.
  5. Urge ABA entities to use program locations and venues, as well as social media, to enhance opportunities for participation by diverse lawyers and law students (e.g., locations that may minimize cost barriers; venues that may increase diverse community participation, like HBCU law schools, affinity bar association locations; and social networking sites that may increase marketing efforts to diverse communities).

**Implementation Recommendation 4: That the ABA present at least one Presidential Showcase CLE program focused on diversity at each Annual Meeting.**

- G. Promote diversity in ABA publications (hard copy and electronic).
1. Implement strategic actions to increase diversity in ABA members responsible for editorial policy and content of publications.
  2. Ensure content of publications appeals to diverse communities, consistent with the sponsoring entities' subject matter specialties, if any.

3. Ensure content of publications are accessible to persons with disabilities.
- H. Promote diversity in ABA entities' "marquee" events (e.g., annual awards dinners, luncheons, receptions), including:
1. Diversity of speakers.
  2. Diversity of award recipients.
  3. Diversity of planning and award nominations committees.
- I. Enhance the current tracking and reporting of progress in diversity efforts, including:
1. Continue the annual Goal III reporting process, but urge more robust participation and tracking by ABA entities; encourage greater promotion of the reporting process by ABA leadership and accountability for entities that require significant improvement in their diversity efforts.
  2. Ensure widespread dissemination of the annual Goal III diversity report among ABA leadership and throughout ABA entities, including in accessible formats for persons with disabilities and through posting on website.

**Implementation Recommendation 5: That the ABA explore the preparation of a Diversity Impact Statement as recommended in the 2010 ABA Presidential "Next Steps" Report (recommendation E.2. for Bar Associations).**

**Implementation Recommendation 6: That the ABA coordinate a centralized data collection and reporting center for diversity information, combining data from the Goal III reports and national and regional affinity bars, as recommended in the 2010 ABA Presidential "Next Steps" Report (recommendation E.3. for Bar Associations).**

- J. Urge ABA entities to develop or enhance mentoring programs that target young lawyers and law students, and are designed to advance diversity within the Association.
- K. Promote ABA's diversity accomplishments, including the following:
  - 1. Develop and prominently post on the ABA website information about successful diversity programs and activities of the Association and its Sections, Divisions, Forums, and other entities.
  - 2. Invest in a regular presence in pertinent legal and diversity publications to showcase ABA diversity accomplishments.
  - 3. Urge ABA members and staff with an expertise in diversity areas to regularly write and speak on behalf of the ABA.