The Genesis of Resolution 113

PAULETTE BROWN

For many years corporations with a strong interest in diversity and inclusion and in particular those that wanted to elevate the profile of diverse attorneys have used a variety of methods to ensure that more of their legal dollars were spent on women and lawyers of color. Importantly, they also wanted the firms of these attorneys to give them “credit” for generating new business and/or maintaining and increasing existing business.

Despite valiant efforts, purchasers of legal services, recognizing the value of having diverse lawyers working on their matters were not seeing the results hoped for. In some instances, some very large companies made a decision to spend more of their legal dollars with “minority” and women owned law firms.

In planning for the 2015-2016 ABA Presidential year, several thoughts came into play. I first harkened back to the the 1970’s and the founding of the Commercial Law Section of the National Bar Association and the vision of Cora Walker. The words, “diversity and inclusion “ had not been coined at that time, but Cora had a vision to financially empower “minority” law firms through retention for legal services by major corporations. That idea blossomed and corporations began to use diverse lawyers in ways not used before.

Enter the 80’s when Dennis Archer thought even more could be done and the “Minority Counsel Demonstration Program” was born. Following those two ground breaking initiatives, we saw the emergence of “The Call to Action”, the MCCA and the LCLD. All of these programs yielded positive results and yet the type of progress expected was still wanting.

Something more sustainable was needed. With all of the great programs and initiatives by legal organizations, bar associations, corporations and law firms, the missing element appeared to be accountability, so said those who came to the table who were known leaders and stakeholders of diversity and inclusion at all levels.

The goal of the 360 Commission, co-chaired by Eileen Letts and David Wolfe, when it was formed was to develop sustainable action plans that would advance diversity and inclusion in the legal profession, the judicial system and within the ABA itself. We wanted to be pragmatic and forward looking in our approach. To achieve this goal, four working groups were created, one of which was the Economic Working Group. It was important to have has
From the Chair

Dear Friends and Colleagues,

I welcome you to the latest edition of The Innovator, the newsletter of the ABA Commission on Racial and Ethnic Diversity in the Profession. This edition points to the ubiquitous nature of the legal profession in American society and the importance of racial and ethnic diversity within the profession. Because American society is built on the core value of the rule of law, it is critical that all citizens feel that the legal profession safeguards and reflects their interests.

One article in this edition discusses the importance of eliminating bias in the criminal justice system. In addition, former ABA President Paulette Brown discusses the genesis of ABA Resolution 113, which urges providers of legal services, including corporations and law firms, to create and enhance opportunities for diverse attorneys by devoting a greater portion of their spending to diverse attorneys. The ABA’s Model Diversity Survey, which the Commission rolled out during this bar year, is a tool that makes it easier for corporations to hold law firms accountable in this regard. Another article highlights how diversity is an issue in all phases of the lives of legal practitioners, from the youngest lawyers to the most senior attorneys. Another article discusses the U.S. Supreme Court’s Matell v. Tam decision, which allowed an Asian band to use a trademark that the U.S. Patent and Trademark Office had determined, was a disparaging term.

I applaud our editor, Daiquiri Steele, and thank all of our contributors. Collectively, they demonstrate that we have a long way to go before we can claim victory in achieving ABA Goal III—“promoting full and equal participation in the association, our profession, and the justice system by all persons” and eliminating bias in the profession and in the justice system.

Will A. Gunn
Chairman
The Supreme Court’s Tam Decision

Redskins, Slants, Trademarks, and Free Speech

MAKALIKA NAHOLOWA’A

Since 1992, Native American activists have fought to have the term “Redskins” removed from the U.S. trademark register. At the outset of this battle, the legal grounds seemed straightforward. The R-word is a dictionary-defined racial slur for Native Americans. The history of its use is not only derogatory, but inextricably woven within the violent colonization and genocide suffered by America’s indigenous peoples by Euro-American settlers over the last several centuries. The word embodies violence in ways very similar to some of this country’s other most pernicious, historic racial slurs. Federal trademark law has long prohibited federal trademark registration of such terms. Since its enactment in 1946, the Lanham Act (the federal trademark act) has included a provision stating a trademark which “...may disparage...persons, living or dead...” cannot be federally registered. Applying the provision to the R-word seemed clear-cut.

Of course, anyone who has followed this highly publicized, 25-year legal dispute knows it’s been anything but straightforward. Dan Snyder, owner of the NFL football team in Washington, D.C. that uses the R-word brand, has taken a hard line against Native American opposition to the team name and fiercely defended against any reduction of intellectual property rights. As a result, Native Americans have faced every legal obstacle in their journey, including dismissal of their original legal case on laches grounds, because the Native Americans involved didn’t bring their case soon enough after reaching adulthood. They’d essentially aged out of the ability to bring a claim. That meant the Native American community had to find younger Native Americans and restart their litigation, which they did. The dispute that started with lead plaintiff Suzan Harjo shifted to a subsequent second litigation with a younger lead plaintiff, Amanda Blackhorse.

Once Native Americans found sufficiently “young” and offended Native plaintiffs, Native activists were told by the football team that they were wrong about the term being offensive. Snyder’s legal team argued that most Indians don’t mind the R-word, and that in fact, its roots were honorific. Snyder also argued that no meaningful percentage of the population, not even a meaningful percentage of Indians, thinks about the term as a racial epithet. The historical use of the term to spew hate at Indians while dragging them off ancestral lands is ancient history; no meaningful number of Natives thinks about that history when they hear the word. The relevance of the term today is to the football team. It’s dual reference to an ethnic group by its skin color is not hurtful and does not perpetuate racial stereotyping. In a nutshell, it is not offensive. Those arguments were not successful.

The dispute then turned to whether the now 71-year old provision of the Lanham Act is constitutional. The football team asked, can the government deny intellectual property rights to content based on the viewpoint the content expresses? Almost in parallel, a different trademark case asked essentially the same question. In 2006, a group of Asian Americans on the west coast formed a rock band called “The Slants.” The US Patent and Trademark Office refused to register the band’s name. The agency found the term a disparaging reference to Asian Americans. The band’s stated intent was to disrupt the offensive meaning of the term by “re-appropriating” it for positive use by Asian Americans. The band argued that the Lanham Act infringed upon it’s free speech right to do so by denying trademark protection to the name. While the R-word case was being briefed at the 4th Circuit, the band successfully made these arguments to the Federal Circuit, and the government appealed to the Supreme Court.

The Supreme Court granted cert to The Slants case, In Matel v. Tam, 582 U.S. ___ (2017). Oral arguments were held in January, and the decision was released in June. The Court declined the Washington NFL team’s request to join the case. Looking only at the facts presented in Tam, the Court unanimously decided in an 8-0 opinion (without Justice Neil Gorsuch) that the disparagement bar of the Lanham Act is unconstitutional. In doing so, the Court disagreed with arguments made by the government and numerous amici, including all four national bar associations of color (the National Native American Bar Association, National Asian Pacific American Bar Association, Hispanic National Bar Association, and National Bar Association) that stood together in support of the government. The Court disagreed that trademark registration constitutes government speech and that the federal registrar is akin to a subsidy program which government has in the past had wide discretion to regulate with
members of the working group true stakeholders. The group was led by Wendy Shiba, a former general counsel and law firm practitioner and Alan Bryan, who is responsible for outside counsel at Walmart. The other members are true innovative luminaries.

The Economic Case Working Group knew it was critical, in order to come up with a viable plan, to collaborate with key organizations including the diverse bar associations and organizations that are dedicated to diversity and inclusion in the legal profession. It was also important to have the perspective of both corporations and law firms.

This Working Group wanted to create an implementable plan that would motivate law firms to ensure that diverse attorneys (defined as members of racial and ethnic groups, women, attorneys with disabilities and lawyers who are members of LGBT groups) within their firms would receive meaningful opportunities which would ensure their growth, develop and increase their client base with an eye toward the diverse attorneys becoming leaders, including having management roles within their law firms.

Devising a plan that was different than those employed in the past was no easy feat, but the members of the Economic Working Group were creative, and thus Resolution 113 was born. As has been written, Resolution 113 urges law firms to focus on diversity and inclusion practices in more meaningful ways. It also urges clients of law firms to use their purchasing power to increase economic opportunities for diverse attorneys, recognizing that economic growth is a key element to achieving higher levels of retention and leadership roles within the firms.

To ensure that there is accountability and a means by which to determine whether Resolution 113 will have the intended impact, a Model Diversity Survey has been created to use in conjunction with Resolution 113. As of this date, 75 General Counsels have committed themselves to this Resolution and requiring their outside counsel to complete the Model Diversity Survey. Law Firms have also been asked to upload their completed surveys to a secure ABA site. To date 130 law firms of all sizes have uploaded their surveys. Many more law firms have completed the Model Diversity Survey and it is hoped that all of them will upload their surveys so that data can be properly analyzed.

Achieving success in creating economic opportunities is critical for diverse attorneys. Ultimately, when diverse attorneys succeed, law firms and their clients succeed as well.

Paulette Brown is a member of the labor & employment practice group of Locke Lord LLP and is the Immediate Past President of the American Bar Association.
5th Annual Collaborative Bar Leadership Academy Held in Minneapolis, Minnesota

The 5th Annual Collaborative Bar Leadership Academy (CBLA) was held June 25-27, 2017 in Minneapolis, Minnesota. CBLA is a collaboration between the American Bar Association, Hispanic National Bar Association (HNBA), National Asian Pacific American Bar Association (NAPABA), National Bar Association (NBA), National LGBT Bar Association (LGBT Bar), and National Native American Bar Association (NNABA). The initiative’s mission is to strengthen the pipeline of diverse bar association leaders through professional development and leadership training. Topics at the 2017 CBLA included bar association governance, vision & strategy, engaging allies, and transitioning from state & local to national leadership.

1 National affinity bar leaders at CBLA. From left to right: Cyndie Chang, NAPABA President; Pedro Torres-Diaz, HNBA President; Jennifer Weddle, NNABA Immediate Past President; Juan Thomas, NBA President-Elect; and Eduardo Juarez, LGBT Bar Immediate Past President.
2 HNBA President-Elect Erica Mason and ABA President Linda Klein.
3 CBLA Speakers. From left to right: Former HNBA President Judge Peter Reyes; Diversity Consultant Ellie Krug; LGBT Bar President Eduardo Juarez; and NAPABA Immediate Past President Jin Hwang.
4 ABA Immediate Past President Paulette Brown discusses generational leadership with CBLA attendees.
5 CBLA alumni discuss life after CBLA. From left to right: Tacie Yoon, NAPABA Vice-President of Membership; Brandon Vaughan, NBA YLD Secretary; Gregory Schwartz, NAPABA Alternate Central Regional Governor; Bryan Browning, NBA Region XI Deputy Regional President; Karl Riley, NBA Region IX Director and Former NBA YLD Chair; and Eduardo Juarez, LGBT Bar Immediate Past President.
6 CBLA speakers discuss diversity in the judiciary. From left to right: Irene Kao, Co-Chair of the NAPABA Public Sector Committee; Judge Margaret Chutich, Minnesota Supreme Court Associate JUSTice; Lola Velazquez-Aguilu, Assistant U.S. Attorney; and Judge Peter Reyes, Minnesota Court of Appeals Judge and Former HNBA President.
7 ABA President-Elect Hilarie Bass addresses CBLA attendees.
8 CBLA participants attend a Minnesota Saints game together.
Eliminating Racial Bias From the U.S. Criminal Justice System

TAMARA NASH, CHLOE WOODS, AND EDWIN WU

There has been extensive scholarship surrounding the racial disparity that pervades the American criminal justice system. The source of this disparity runs deep into American history. It implicates politics, criminal justice policies and practices, and education. The source can also be attributed to systematic and explicit racial discrimination. America, in effect, operates two distinct criminal justice systems: one for the wealthy and another for the American poor, which, by effect has historically implicated people of color. This dual system is not always, of course, explicitly discriminatory. Of course, America has stepped away from the days of de jure discrimination. In theory, our criminal justice system is color-blind and class-blind. Yet, those touched by the criminal justice system know this mantra is not always true. In fact, ignoring the flaws in our criminal justice system may be allowing the problem to fester even further. The rhetoric celebrating the fundamental fairness of the criminal justice system indicates that our society carefully and equally protects everyone’s constitutional rights. However, in practice, the application of justice is not even-handed. This article summarizes the discussion that took place during the “Diversity Dialogue” hosted by the ABA Young Lawyers Division at the ABA Midyear Meeting in Miami, Florida.

Given the substantial scientific literature on implicit bias, the time has now come to answer a critical question: How do we combat implicit bias in the American criminal justice context? When confronted with the negative impact on persons of color and the poor — how do we challenge our assumptions and their validity? Implicit bias relates to our prejudices and preferences, or put differently, our mental shortcuts. We all use these shortcuts and sometimes have our ideas “confirmed” through our dealings with people. Implicit bias pertaining to race exists; it corrodes every stage of the American criminal justice system, from arrest to trial to sentencing. Once racial minorities enter the system, they may be subject to racial bias at every stage of litigation and from any of the major actors in a criminal system: defense counsel, prosecutors, judges, and juries.

Implicit bias within the system and its players

While it is true that implicit bias can also influence many of the most important decisions we make in our personal, professional, and social lives,1 in the realm of criminal justice — its impact can be devastating and permanent.2 Once racial minorities enter the system, they may be subject to racial bias at every stage of litigation, from charging to sentencing, and parole. They may also be subject to implicit bias from every major actor in the criminal system: including: the judge, court services workers, jail personal, prosecutors, jurors and even their own counsel. Often times, once a person has made contact with the criminal justice system it is as too late to save them from the consequence of whatever bias may lay ahead of them. Truly, it may be too late to confront a bias and interrupt it for the benefit of the person experiencing it. The solution may be involved in addressing the built-in implicit biases within the criminal justice system and examining how it is maintained by the players within the system.

Implicit bias has been shown to have significant influence in the outcomes of interactions between police and citizens.3 For example, studies suggest that implicit bias contributes to “shooter bias,” — the tendency for police to shoot unarmed black suspects more often than white counterparts—as well as the frequency of police stops for members of minority groups.4

Another substantial contributor to the disproportionalities of our criminal justice system is the crippled state of indigent defense services in the America. The insufficient access to legal aid affects the poor and racial minorities because African Americans and Hispanic defendants are more likely to need the services of a public defender than their white counterparts. The median income for African American and Hispanic Americans is roughly $20,000 less than the median income for white Americans.5 The poverty rate is roughly 25% for both African American and Hispanic Americans, compared to 9% for their white counterparts.6 In the criminal justice context, this may suggest that African American and Hispanic defendants are more likely than to rely on an indigent defense system, which is notoriously comprised of overworked, underpaid attorneys — therefore increasing their chances of being convicted or routinely pled.

The chronic overburdening of public defenders also creates an opportunity for implicit racial bias to influence the decisions of counsel. Because public defenders are responsible for high-volume caseloads, which are often not supported by appropriate resources — they must decide which cases will receive limited resources and attention — a process called “triage” because of its similarity to that of emergency room. This reality leaves the most vulnerable and the less educated susceptible to the inadequacies of the criminal justice system.

The office of prosecutor is regarded by many as the most powerful position in the American criminal justice system.7 Prosecutors are vested with a monumental amount of discretion. Prosecutors often times, with the assistance of law enforcement, decide which cases to investigate, suspects to charge, charges to be filed, and which penalties to pursue upon conviction. However, as the criminal jus-
The many killings of persons of color by the BLM is that more awareness about racial bias in the justice system is needed. The justice system is not aware of the evidence presented at trial. The BLM movement raised more cases toward guilty verdicts regardless of the presumption of innocence objectively, skewing their judgments. African American suspects are more likely than whites to be presented in a non-individualized and threatening way. In法庭上走过的courtroom—especially, those who carry the burden of recognizing any unfairness, and to leave the defendant, his experiences, acknowledge his power to identify and to demand change. The BLM has highlighted the need for policy makers to become involved in the conversation. Whether acting on their own implicit bias or bowing to political exigency, policymakers have frequently married the topics of race and crime in their statements and initiatives. Often times, these public statements have stoked the public's heightened concern about crime and exaggerated associations of crime with racial minorities. It is not uncommon to see politicians crafting harsh statements against BLM or similar social justice movements, in one swoop. While taking the appearance of being “tough on crime” the voices of many are marginalized. There is a fundamental failure of those in power to listen to all and then act. This can be seen as collateral consequences, which can lead to recidivism and produces harsh and disparate outcomes.

The BLM has forced community engagement or dialogue. While the conversation has not always been singular or positive it has been occurring. Many conversations are taking place in our American criminal justice system is profound. In many ways, attorneys can direct the course of the case through negotiations, trial strategy, proper research, and zealous advocacy. However, the grander of the American criminal justice system is that by design—some issues are out of control of counsel. For example, counsel is not the finder of fact, that role falls to the jury or the trial judge—depending on the jurisdiction and the case. Additionally, counsel cannot control the beliefs, ideals, and prejudices that walk into the courtroom with the judge or the jury. One of the most celebrated hallmarks of the American criminal justice system is the presumption of innocence, the concept that defendants are innocent and must be treated as such until they are proven guilty, beyond a reasonable doubt, in a court of law. However, can we trust that presumption to truly attach to every defendant and remain intact knowing what we know about implicit bias? Maybe, at best. A growing body of research suggests that implicit racial bias affects trial judges and jury members’ ability to evaluate guilt and innocence objectively, skewing their judgment of African American defendants’ cases toward guilty verdicts regardless of the evidence presented at trial.

In what ways has the "Black Lives Matter" movement raised awareness about racial bias in the justice system?

An interesting addition about the Black Lives Matter Movement (BLM) is that it has highlighted the media’s influence through coverage. The coverage of the many killings of persons of color—armed and unarmed—as well as the public responses following the killings has shown that media crime coverage fuels racial perceptions of crime—despite where the truth lies. Specifically, many media outlets reinforce the public’s racial misconceptions about crime by presenting African Americans and Latinos differently than whites—both quantitatively and qualitatively. Television news programs and newspapers over-represent racial minorities as crime suspects and whites as crime victims. African Americans and Latino suspects are also more likely than whites to be presented in a non-individualized and threatening way. This presentation has sparked a fundamental clash between members of the BLM and others.

One of the most dynamic trends the BLM has highlighted is the social media justice movement. Aside from news consumption, there has been a resurgence of the grassroots movement and demands for social justice—not only by community leaders, but by teens with an iPhone in hand, passersby, moms concerned for their children, and witnesses to these tragic events. In the modern world—everyonewith a smartphone and a social media account now has a platform to demand change.

This movement has also highlighted the need for policy makers to become involved in the conversation. Whether acting on their own implicit bias or bowing to political exigency, policymakers have frequently married the topics of race and crime in their statements and initiatives. Often times, these public statements have stoked the public’s heightened concern about crime and exaggerated associations of crime with racial minorities. It is not uncommon to see politicians crafting harsh statements against BLM or similar social justice movements, in one swoop. While taking the appearance of being “tough on crime” the voices of many are marginalized. There is a fundamental failure of those in power to listen to all and then act. This can be seen as collateral consequences, which can add to recidivism and produces harsh and disparate outcomes.

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In what ways can we engage with judges and/or prosecutors who we feel are engaging in a form of racial basis?

It was emphasized through the panel and in discussion the importance of different actors in the justice system to “govern” their own attitudes and affirmatively ensuring that everyone is respected. The role of the judge is critical in identifying, addressing, and eliminating bias. A judge, requiring fundamental respect and curbing your attitude helps encourage people to curb their biases. It is also important for all actors to recognize your own power in a courtroom; an example was shared by one of our panelists who formerly served as a prosecutor. The panelist told a story of a young African American defendant who, upon walking into a courtroom, noticed that everyone, but one person, the prosecutor, was white. In that situation—in his story, the power of the prosecutor was profound. The prosecutor had the ability to relate, instantly recognize the feelings of the defendant, his experiences, acknowledge his own ability to ensure fairness, acknowledge his power to identify and eliminate any unfairness, and to leave the defendant with a more confident feeling of the justice system. This example, while powerful, is unexceptional—meaning it is common that the defendants do not often see people who look like them in the courtroom—especially, those who carry the responsibility of judge or prosecutor. A first and productive step in eliminating the bias in our criminal justice system would be to stop ignoring these injustices. Further, we must normalize conversations addressing these concerns. Instead, we must stop and honestly assess where we are—only then can we work toward identifying issues and working through them together. While
looking at the system as a whole, it is also critical that we begin by educating ourselves, identifying our own bias, and seeking to eliminate them.

How do we move the system from being focused on arrest, punishment, and social control of communities of color to one that focuses on healing and restoration?

Early and quality intervention married with education is the key to directing people away the punitive criminal justice system and toward a more holistic and restorative approach. Community action teams who are built upon networks of communication and common resources would benefit the community in countless ways. Most notably, the community would be able to collectively identify those at risk and intervene before they enter the system. It is also critical that actors in the system, especially prosecutors engage in the community building. Prosecutors uniquely can get involved in educating the communities through town halls and forums by explaining the system. Prosecutors can listen to members of the community, learn about their circumstances, concerns, lives, and understand the dynamics of the community. These small steps are essential in building community trust within and without. Additionally, prosecutors can work to keep their officers accountable through education, honest dialogue, and interaction. Early exposure and often exposure destroys the negative un-founded ideas we hold about people.

We must interrupt the implicit bias that is corroding our system and rebuild brick by brick. The damage of implicit bias is felt both on the surface and deep at the core of the system. As such, we must restore the public trust in the criminal justice system. This process can begin through: (1) community engagement – everyone needs a seat at the table, they must be present and they must be heard; (2) we must challenge ourselves - challenge our assumptions about the criminal justice system and the views we hold about each other; and (3) we must seek transparency – to truly dismantle the institutional injustices we must begin to fix the problems from the inside out. The people must have access to these resources (including public hearings, investigations, body cameras, etc.) and we must ask for solutions and then listen - truly listen.

While words to paper are easy, action is more difficult – it requires time and patience. One must take to heart Mal-com Gladwell’s words - “All of us have implicit biases to some degree. This does not necessarily mean we will act in an inappropriate or discriminatory manner, only that our first “blink” sends us certain information. Acknowledging and understanding this implicit response and its value and role is critical to informed decision-making and is particularly critical to those whose decisions must embody fairness and justice.” While this implicit bias has been well-documented and discussed. Thus far, a solution has remained elusive. However, the American Bar Association, Young Lawyer Division remains committed to working toward that solution.

We will go beyond the issue of explicit bias to uproot the implicit biases that influence all people. We will look to the actors within the American criminal justice system – prosecutors, judges, and defense, and ask them for acknowledgment and understanding. Then we will ask for action. We will diligently and vigorously act on our responsibility to ensure the protection of freedom and fairness for all.

Tamara P. Nash attended the USD School of Law, where she graduated in 2013. After graduation, Tamara clerked in the Second Judicial Circuit for the State of South Dakota. Following clerking, Tamara achieved her career goal of becoming a prosecutor and currently serves as a Special Assistant United States Attorney. Tamara is active in the South Dakota State Bar, serving as the President-Elect for the Young Lawyers Board and she is also a member of the Law School Committee and the Diversity and Inclusion Committee. In the ABA Young Lawyers Division, Tamara serves as the District Representative for North Dakota and South Dakota and is Division Scholar.

Chloe Woods is a First Lieutenant in the United States Air Force. In addition to serving as a 2016–2017 YLD Scholar, Chloe has served on the ABA Board of Governors, the National Black Law Students Association, and the Executive Board of the ABA Law Student Division. A graduate of Washington University School of Law in St. Louis, she is admitted to practice law in Missouri, having practiced in the areas of employment, governmental immunity, constitutional and administrative law.

Edwin J. Wu is an Assistant Deputy Public Defender in the New Jersey’s Office of the Public Defenders and the 2016–2017 ABA Military & Government Lawyer Scholar. He is also an adjunct professor at Norfolk State University where he teaches business law and federal tax law to undergraduate students. In 2014, Edwin was awarded with the Virginia State Bar’s Young Lawyer of the Year for his pro bono work with the Legal Aid Society of Eastern Virginia, Community Tax Law Project, and Volunteer Income Tax Assistance. He is a graduate of Villanova University School of Law and University of Virginia.

1 Understanding Implicit Bias, Kirwan Institute, 2010
2 For example, research on capital punishment shows that killers of White victims are more likely to be sentenced to death than are killers of Black victims and that Black defendants are more likely than White defendants to receive the death penalty. Understanding Implicit Bias, Kirwan Institute, 2010 (citing (R. Richard Banks, et al., “Discrimination and Implicit Bias in a Racially Unequal Society,” 94 CAL. L. REV. 1169, 1175: 2006). Other research shows that defendants with more Afro-centric facial features are given longer sentences than defendants with fewer Afro-centric features. Understanding Implicit Bias, Kirwan Institute, 2010 (Citing ((William T. Pizzi, Irene V. Blair and Charles M. Judd. “Discrimination in Sentencing on the Basis of Afrocentric Features,” Michigan Journal of Race & Law, Vol. 10, 2005))
3 https://trustandjustice.org/resources/intervention/implicit-bias
4 Id. See also Implicit Bias in the Courtroom, Kang et al., 2012
6 Id. at 15 tbl 14.
The National Asian Pacific American Bar Association

A Strong Voice for Diversity & Inclusion

BRETTE SCHUSTER

The National Asian Pacific American Bar Association (NAPABA) was established in 1988 on the pillars of diversity and inclusion. Since its inception, NAPABA has been at the forefront of national and local activities in the areas of civil rights, hate crimes, and combating anti-immigrant backlash. Through numerous and successful judicial, community, and other core initiatives, NAPABA has helped transform the landscape for Asian Pacific American lawyers. From filing amicus briefs with the United States Supreme Court to presenting law firm diversity awards, NAPABA continues to be a strong voice for equal opportunity in the workplace and promoting the professional development of people of color in the legal profession.

Launched on the heels of NAPABA’s annual Lobby Day this spring, the inaugural NAPABA Leadership Workshop offered 30 members a day-long leadership training program which sought to empower mid-to-senior level NAPABA members with the leadership tools necessary to reach and succeed at the highest levels of the profession. The pilot program incorporated presentations by trainers, peer-to-peer interactions, and experiential learning opportunities on topics including the myths of Asian Pacific American leadership and management culture, crafting your personal brand, and the importance of managing up.

As NAPABA continues to strengthen its partnerships with other bar and community organizations, collaborating with other groups is critical to broadening the impact and reach of NAPABA’s work. Over the past year, NAPABA supported and led the efforts among several national affinity bar associations for the passage of two crucial American Bar Association (ABA) resolutions: Resolutions 109 and 113.

In Resolution 109, the ABA amended the Model Rules of Professional Conduct to expressly prohibit discrimination or harassment—predominantly towards women—by a lawyer in conduct related to the practice of law. With Resolution 113, the ABA promoted the expansion of economic opportunities for diverse attorneys and encouraged corporations to increase their legal spend with diverse outside counsel, furthering the advancement of diverse attorneys.

It is imperative for diversity and inclusion to recognize those individuals and organizations who are doing the most to further diversity and inclusion in the workplace. At its Convention each November, NAPABA honors those who are the best in their field. Among the prestigious awards handed out, several deal directly with diversity and inclusion: the Asian Pacific American-Owned Law Firm of the Year Award, the Law Firm Diversity Award, the Best Lawyers Under 40 Award, and the Daniel K. Inouye Trailblazer Award.

The Asian Pacific American-Owned Law Firm of the Year Award honors firms that actively, affirmatively, consistently, and enthusiastically recruit, retain, and promote Asian Pacific American lawyers to equity partnership and firm leadership. It is important for diversity and inclusion efforts to recognize the diverse lawyers among us who are leading the profession. The Daniel K. Inouye Trailblazer Award—NAPABA’s highest honor—recognizes the outstanding achievements, commitment, and leadership of lawyers who have paved the way for the advancement of other Asian Pacific American attorneys. These Trailblazers have demonstrated vision, courage, tenacity, and made substantial and lasting contributions to the Asian Pacific American legal profession, as well as to the broader Asian Pacific American community.

The NAPABA Best Lawyers Under 40 (BU40) Award recognizes talented individuals in the Asian Pacific American legal community who are under the age of 40 and have achieved prominence and distinction in their respective fields—be it the practice of law, academia, business, civic and charitable affairs, the judiciary, or politics—and who have demonstrated a strong commitment to Asian Pacific American civic or community affairs. The 2016 class consisted of 18 men and women who truly exemplified the spirit of the BU40 Award and currently represent what is exciting and fresh about the future of NAPABA and the pipeline of Asian Pacific Americans in the legal profession.

NAPABA’s biggest draw of the year,
the NAPABA Convention, is attended by roughly 2,000 Asian Pacific American attorneys, judges, law students, legal scholars, and elected officials who gather annually for a wide-array of dynamic and diverse panels, discussions, and workshops that provide practical skills training. The 2016 Convention introduced the Women’s Leadership Workshop which featured a combination of lectures and small group work, as well as two panels covering leadership topics, such as recognizing and addressing implicit bias and tools for improving women’s leadership skills.

Another NAPABA Convention program featuring diversity and inclusion is NAPABA Connects (formerly the Pitch Session Program). Last year, the eighth annual program brought together in-house counsel and attorneys from NAPABA sponsor firms, solo practitioners, and attorneys from small firms, including those owned by women and people of color. Each session provided a unique opportunity for in-house counsel to meet one-on-one with well qualified attorneys from an array of practice areas, all of whom had demonstrated a commitment to their profession. Numerous business development pitches have successfully taken place over the years as a result of this program.

Diversity and inclusion have long shaped how people view the world. As times change and trends come and go, it is important to foster communities that seek to connect people and strengthen relationships. NAPABA is actively taking steps to ensure diversity and inclusion become common practice, adopted by law firms and businesses throughout the world. One new hire, one promotion, one partnership—one day at a time until diversity and inclusion become the status quo.

Brett Schuster is NAPABA’s communications manager, and is responsible for managing NAPABA’s internal and external communications, NAPABA’s website and social media presence, and maintaining NAPABA’s public and media relations. Brett holds a master’s degree from Georgetown University in Sports Industry Management — Communications and New Media, and a bachelor’s degree from the University of Central Florida.

The ABA Office of Diversity and Inclusion has compiled below a basic calendar of diversity and inclusion related events taking place during the 2017 ABA Annual Meeting in New York. Please check conference materials for locations.

**THURSDAY, AUGUST 10, 2017**
3:30 PM - 5:00 PM  
CLE: International Repatriation of Stolen Tribal Cultural Patrimony (Free Event)  
Sponsor: Section of Civil Rights and Social Justice
5:00 PM - 6:30 PM  
CLE: Just Debt? Fines & Fees in America (feat. Van Jones)  
Sponsor: Center for Innovation

**FRIDAY, AUGUST 11, 2017**
9:45 AM - 10:45 AM  
CLE: Disability and Due Process: Equal Access to the Judicial System (Free Event)  
Sponsor: Young Lawyers Division
10:30 AM – 12:00 PM  
CLE: Strengthening Justice in Latin America (Free Event)  
Sponsor: Commission on Hispanic Legal Rights & Responsibilities
11:00 AM – 3:00 PM  
SOGI Business Meeting  
Sponsor: Commission on Sexual Orientation and Gender Identity
3:00 PM – 4:30 PM  
Goal III Working Group Meeting  
Sponsor: ABA Office of Diversity and Inclusion
3:30 PM - 6:30 PM  
Diversity Commission Business Meeting  
Sponsor: Commission on Racial and Ethnic Diversity in the Profession
3:30 PM - 5:00 PM  
CLE: The Wage Debate: Can the Minimum Wage, a Living, or Universal Basic Income Reduce Income Inequality? (Free Event)  
Sponsor: Section of Civil Rights and Social Justice

**SATURDAY, AUGUST 12, 2017**
8:00 AM – 7:30 PM  
ABA New York JusticeHack  
Sponsor: Coalition on Racial and Ethnic Justice
8:00 AM - 10:00 AM  
Hispanic Commission Business Meeting  
Sponsor: Commission on Hispanic Legal Rights & Responsibilities
9:30 AM - 2:00 PM  
Commission on Disability Rights Business Meeting  
Sponsor: Commission on Disability Rights
10:00 AM - 11:30 AM  
Showcase CLE: Enhancing Justice & Reducing Implicit Bias in the Legal Profession  
Sponsors: Commission on Racial and Ethnic Diversity in the Profession and the Judicial Division
2:00 PM - 3:30 PM  
CLE: Advancing Civil Rights and Social Justice in the New Supreme Court (Students Free)  
Sponsor: Section of Civil Rights and Social Justice

**SUNDAY, AUGUST 13, 2017**
8:15 AM – 9:15 AM  
Women’s Rights Committee Informal Meet and Greet  
Sponsor: Section of Civil Rights and Social Justice
8:30 AM - 12:30 PM  
COREJ Business Meeting  
Sponsor: Coalition on Racial and Ethnic Justice
9:00 AM - 10:30 AM  
CLE: From Standing Rock to Flint: Water Rights, Race, and Resistance (Free Event)  
Sponsor: Section of Civil Rights and Social Justice
9:30 AM - 11:45 AM  
Pipeline Council Business Meeting  
Sponsor: Council on Racial and Ethnic Diversity in the Educational Pipeline
10:30 AM – 12:00 PM  
CLE: Connecting the Dots: The Connection Between State Restrictions on Women’s Rights and Lack of Access to Programs Benefiting Low Income Women and Children (Students Free)  
Sponsor: Section of Civil Rights and Social Justice
12:00 PM – 2:00 PM  
Margaret Brent Women Lawyers of Achievement Awards  
Sponsor: Commission on Women in the Profession
2:15 PM - 4:30 PM  
ABA Women’s Caucus Meeting  
Sponsor: Commission on Women in the Profession
3:00 PM - 5:30 PM  
ABA Minority Caucus Meeting  
Sponsor: Center for Racial and Ethnic Diversity  
Monday, August 14, 2017
9:30 AM - 11:30 AM  
CLE: Life After the Death Penalty: Implications for Retentionist States  
Sponsor: Section of Civil Rights and Social Justice
12:00 PM - 2:00 PM  
Rule of Law Luncheon  
Sponsor: Rule of Law Initiative
6:00 PM - 8:00 PM  
Reception for Lawyers with Disabilities  
Sponsor: Commission on Disability Rights
Senior Lawyers Division Fully Embraces Diversity and Inclusion

MARVIN S. C. DANG

Xperienced attorneys in the Senior Lawyers Division (“SLD”) of the American Bar Association know the importance of diversity and inclusion.

“Diversity and inclusion are essential elements of any organization’s ability to fully mature and serve its intended purpose, whether it’s business, community service, or the ABA,” says John Hardin Young, of Rehoboth Beach, Delaware, who will be the SLD Chair during the 2017-2018 bar year. “Diversity and inclusion each plays an important role in the growth and development of the SLD’s projects and programs. Both are foundational to the SLD’s mission of serving experienced lawyers and American families.”

Judge Louraine Arkfeld, of Tempe, Arizona, who was SLD Chair in 2015-2016, says, “My goal has been to find the best and the brightest attorneys because we have a lot we want to accomplish. Encouraging the active participation of everyone increases the likelihood that the best will step forward and the synergy of the diverse mix will greatly increase the chances of accomplishing our goals.”

SLD Diversity Plan.

One of four ABA priorities is Goal III which commits to eliminating bias and enhancing diversity. As part of the SLD’s commitment to achieving diversity and inclusion, the SLD’s Diversity Plan was updated by the Diversity Committee (which was chaired by Honolulu attorney Marvin Dang) and adopted by the SLD Council on August 9, 2014.

The Diversity Plan states that diversity includes “racial, ethnic, gender, disability, and LGBT diversity.” The Plan contains aspirational and practical goals to be accomplished by the SLD. Responsibility for completing each goal and the deadline to do so are in the Plan.

Exponential Growth in Members.

For the SLD’s diversity and inclusion initiatives, it’s important to know that the number of SLD members surged and that the demographics of the SLD changed in the middle of 2016.

Before mid-2016, less than 4,000 attorneys signed up and paid dues to join the SLD. At that time, to join the SLD an attorney was required to be at least 55 years of age, or be licensed to practice law for 25 or more years, or have an elder law practice.

That all changed in mid-2016 with “automatic enrollment”. ABA attorney members are now automatically enrolled in the SLD for free (i.e. no dues) if they: (i) are 62 years or older, or (ii) have been licensed to practice law for 37 or more years in a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States, or (iii) submit a written request to be an SLD member.

Because of automatic enrollment, the number of attorneys in the SLD has increased exponentially from less than 4,000 in 2015 to about 55,000 in mid-2017. The SLD is now the second largest division or section in the ABA after the Young Lawyers Division.

SLD Demographics.

Due to automatic enrollment, some of the percentages in the SLD’s demographics changed. Women attorneys, who were 12% of SLD members in 2015, are now 15% in mid-2017. Attorneys who informed the ABA that they had disabilities represented 1.4% of SLD members in 2015, but only 0.8% in mid-2017.

There was no change in the percentage for racial minorities or attorneys of color (African American, Asian/Pacific Islander, Hispanic, Native American); they were 4% of SLD members in 2015.
and in mid-2017. And there was no change in the percentage of attorneys who disclosed that they were lesbian, gay, bisexual, or transgendered (LGBT): 0.1% of SLD members in 2015 and in mid-2017.

Separate from the above percentages, with the SLD’s enlarged membership base of 55,000 attorneys, the SLD numerically has more diverse attorney members now than in 2015.

Because of automatic enrollment, the amount of diversity of SLD members is now identical to the diversity of ABA attorney members who are 62 years of age and older or who have been licensed to practice for 37 or more years. With automatic enrollment, the focus of the SLD’s Diversity Plan isn’t on recruiting diverse members but is on inclusion of its diverse members.

### Inclusion in Leadership.

Consistent with the SLD’s Diversity Plan, diverse attorneys are included and are well-represented in the elected leadership of the SLD for officer and Council member positions.

During the 2016-2017 bar year, 2 of 8 officers (25%) are racial minorities and 3 of 8 officers (37.5%) are women. Judge William Missouri, of Upper Marlboro, Maryland, is the first African American to be SLD Chair. Honolulu attorney Marvin Dang is the first Asian American attorney to serve as SLD Vice Chair, and will be the first to be SLD Chair-elect (2017-2018) and SLD Chair (2018-2019). The three women officers are Carole Worthington, of Knoxville, Tennessee, as Secretary; Judge Louraine Arkfeld, of Tempe, Arizona, as Immediate Past Chair; and Judge Ruth Kleinfeld, of Manchester, New Hampshire, as Delegate to the ABA House of Delegates.

Of the voting members on the 2016-2017 Council, 21% are women attorneys, 7% are attorneys who are racial minorities, and 7% are attorneys with disabilities.

Pursuant to the Diversity Plan, the members of the Nominating Committee are diverse. When Judge William Missouri, as SLD Chair, appointed Nominating Committee members for 2016-2017, 20% were racial minorities and 40% were women.

Following the Diversity Plan, Judge Missouri (a former Commissioner on the ABA Commission on Racial & Ethnic Diversity in the Profession) also appointed diverse attorneys as 2016-2017 Committee Chairs and Co-Chairs. 12% are racial minorities and 50% are women. (The Diversity Committee is a standing committee consistent with the Diversity Plan.)

One of the leadership commitments in the Diversity Plan is that the SLD Chair will appoint liaisons from the SLD to four ABA Goal III Commissions: Commission on Racial & Ethnic Diversity in the Profession, Commission on Women in the Profession, Commission on Disability Rights, and Commission on Sexual Orientation & Gender Identity. Judge Missouri made those appointments.

### Inclusion of Diverse Speakers and Authors.

In line with the Diversity Plan, the programs at the two recent SLD Spring Conferences had diverse speakers. The Conference on May 5, 2017 at National Harbor, Maryland focused the entire day on “The Hidden Epidemic: Seniors and Alzheimer’s.” Five of the 6 speakers (83%) were women.

Last year’s Spring Conference on April 29, 2016 in Tempe, Arizona featured an all-day program on “Dementia and Alzheimer’s.” Five of the 6 speakers were women.

The Diversity Plan encourages “diverse authors”. Many articles in the Voice of Experience monthly e-newsletter and in the quarterly Experience magazine are written by diverse authors. Book authors are also diverse.

### Opportunities for Diverse Attorneys “to Dance” in the SLD.

“I see the SLD as a real opportunity for those from a diverse background to actively engage,” says Judge Louraine Arkfeld. “Because of the size of the newly expanded Senior Lawyer Division, there is much work to be done and much opportunity for someone to participate in projects of real significance that will help experienced lawyers and American families. There is room for everyone to participate and everyone’s help is needed.”

To capture the concepts of diversity versus inclusivity, it’s been said that “Diversity is being invited to the party. Inclusion is being asked to dance.” (See article “Examining Privilege, Stereotypes and Implicit Bias in the Workplace”, The Innovator, Vol. 1, No. 2 (2016)).

John Hardin Young, the 2017-2018 SLD Chair, agrees with that quote and says, “The Senior Lawyers Division invites every member to the party, and we will ensure that you are asked to dance in an area of your passion.”

Marvin S. C. Dang is the Managing Member of Law Offices of Marvin S.C. Dang, LLC in Honolulu, Hawaii and has been an attorney since 1978. A former legislator in the Hawaii State House of Representatives, he’s currently a registered lobbyist. His law practice also includes creditors’ rights and real estate law. For over 40 years he’s held leadership positions in various divisions and sections of the ABA. He’s Vice Chair of the ABA Senior Lawyers Division for 2016-2017; he will be Chair-elect in 2017-2018 and Chair in 2018-2019. He serves as a Commissioner on the ABA Commission on Racial & Ethnic Diversity in the Profession and served on the Council of the ABA Fund for Justice & Education.
TIPS on Diversity & Inclusion

Embracing Change

AKIRA HESHIKI

It is the mission of the TIPS Diversity Committee to advance diversity and inclusion at all levels within the Section, regardless of race, ethnicity, age, gender, religion, sexual orientation, gender identity, gender expression, disability, economic status and other diverse backgrounds. The TIPS Diversity Committee will work closely with TIPS leadership to promote the Section’s diversity goals, support the general committees, and promote the value of having diverse professionals and groups included in all Section activities.

The Tort Trial & Insurance Practice Section (TIPS) recognizes that in order to be an effective advocate and to provide access to justice, lawyers must be able to understand and communicate with their clients who may have different language, culture, age, sexual orientation, and abilities than their own.

While traditional wisdom characterizes the job of a lawyer to translate technical legal terms into plain English, today’s successful lawyer is called upon to do more. “To truly be a successful advocate, a lawyer should consider it a part of their professional responsibility to be able to navigate an intercultural divide. Including the perspectives of individuals from all walks of life with different backgrounds and experiences opens doors, removes boundaries, and appreciates the global landscape in which we live and practice.” says Gary Gassman, incoming TIPS Chief Diversity Officer.

More and more clients are rightfully seeking the broadest possible perspective when approaching legal assignments and initiatives. Consistent with that approach to legal services, in 2016, with the support of TIPS, and particularly the TIPS D&I Committee, the American Bar Association (ABA) House of Delegates passed Resolution 113 that urges all providers of legal services, including corporations and law firms, to expand and create opportunities at all levels of responsibility for diverse attorneys. It urges assistance in facilitating the creation of opportunities for diverse attorneys and direct a greater percentage of the legal services we purchase, both currently and in the future, to diverse attorneys. This is a welcome resolution consistent with what some clients have been doing for many years. Along those lines, we are regularly asked about our firm’s diversity and inclusion initiatives, and specifically about the team that will service a particular client, “The resolution and such inquiries ensure that both lawyers and clients remain focused on inclusion and creating opportunities for a diversified team. They also highlight the value of why the work of the TIPS D&I Committee and the ABA matters, and why I personally value the efforts of the committee so much; our ability to adapt and change in response to the changing needs of our clients is critical to our success as a profession” says Gassman.

As evidence of a willingness to adapt, TIPS leadership recently initiated two changes that effect how D&I is addressed by the section over the past bar year.

The first change was to recognize the importance of the role of a Chief Diversity Officer. Previously, the TIPS officer was part of the Secretary role. This past fall, TIPS leadership recognized that the work of the Diversity Officer could be much bigger and opted to dedicate a single executive to this work rather than have the attention of the secretary be divided. As of the end of the 2017
Annual meeting, this new role will be filled by Gary Gassman. A diverse male, long time TIPS member, former Chair of various TIPS Committees, TIPS Leadership Academy graduate, and current LGBTQ Affinity Group Leader for the Cozen O’Connor Diversity & Inclusion Committee.

The second change was to revise and adopt a Section Diversity Plan that specified accountabilities by many different groups across the organization. Although TIPS has long had a Diversity Plan that is reviewed every three years, unlike prior versions of the plan which were aspirational in nature. This version strove to build in accountability for certain tasks.

For example, while the Diversity and Inclusion Committee owned certain outcomes such as putting out a diversity newsletter, and planning outreach activities with local schools) other deliverables (such as disseminating information on how to gain leadership positions within the section) are owned by TIPS staff, others by the Scope and Correlation, and Orientation Committees. By disseminating specific action items across the organization and by identifying ownership of those action items, the TIPS Section Diversity Plan requires that many actors play a role in furthering the Section’s Diversity Mission.

**On-going Section Initiatives:** Consistent with the Section Diversity Plan, TIPS has continued its objectives to advance diversity through raising awareness, maintaining efforts to increase diversity within the section leadership and membership and to form and maintain strategic alliances to further promote our diversity goals.

CLEs are a natural and effective way to increase awareness in the legal profession. The Diversity and Inclusion Committee continues to develop content that is relevant and engaging for TIPS members. For example, recent CLEs include a program titled “Transgender Issues in the Legal Profession and its Impact on Diversity and Inclusion” this program was offered free of charge as part of a “Free Member Monday” webinar series offered to TIPS members as a member benefit. At the last section conference, a practical approach was offered in how clients might view a client “pitch” for business by incorporating a discussion of Diversity and Inclusion into the presentation.

Another method for advancing D&I goals within the section is by creating relationships with other organizations that support a diversity mission. TIPS continues to build strategic alliances with other bar associations such as the National Hispanic Bar and the National Asian Pacific American Bar Associations. Now in its third year, TIPS CONNECT! Is a program that invites diverse leaders from specialty bars to join the TIPS family by immersing them into vice-chair positions within the section.

**TIPS CONNECT!** Fellows are leaders who have already demonstrated a commitment to participating in an organized bar, and show a passion for serving their communities. We believe we gain valuable insight and perspective by working closely with these leaders.

TIPS continues also to identify diverse candidates to participate in its Leadership Academy program, in addition to providing leadership building seminars and skills the program dedicates part of the curriculum to diversity issues and creates a new community for lawyers who participate in the section. Started in 2008, the TIPS leadership academy has graduated over 179 number of lawyers many who identify as diverse and who have continued to be active in the section and moved into leadership positions, including Gassman a 2009 graduate of the program.

TIPS Diversity plan also seeks to create pipeline of diverse lawyers through its “Day in the Life of an Attorney Program” co-sponsored by the TIPS Staff Counsel and Law in Public Service Committees, this program coordinates TIPS members to visit middle schools and presents them with lunch (often pizza) and a brief presentation about being a lawyer in order to encourage young people to consider a career in the law. The program allows TIPS to leave a footprint in the local communities where our meetings are held and are impactful both to the student participants and the lawyers who have an opportunity to spend answering questions about their practice to young people.

Finally, as with all Diversity initiatives, TIPS recognizes that celebrating success is critical. With the generous sponsorship by Thomson Reuters TIPS holds a reception and presents its prestigious “Liberty Achievement” award. The award recognizes the work of a lawyer or judge who take leadership roles in promoting diversity in the profession of law. This year, TIPS is pleased to present the award to Judge Lorna Schofield, USDC Southern District of New York. The award will be presented during TIPS Welcome Reception on Friday, August 11, 2017 at 6:30 at the Grand Hyatt Hotel.

**Conclusion**

Achieving the section’s goals to increase awareness about Diversity and Inclusion and to become a welcoming place for all lawyers is not a straightforward pathway, but one that requires persistence, and the willingness to try many different tactics to achieve that goal. TIPS willingness to examine its own strategies and make changes to best effectuate that goal is one that makes TIPS efforts commendable.

Akira Heshiki is the Chair of the TIPS Committee on Diversity and Inclusion. She is also honored to be serving her last meeting as a Commissioner on the Commission for Racial and Ethnic Diversity in the Profession.
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.

Cal Gonzalez

HOW LONG HAVE YOU BEEN ON THE COMMISSION?
My first term began in August 2015.

WHAT ADVICE WOULD YOU GIVE TO A FIRM/ORGANIZATION LOOKING TO INCREASE DIVERSITY AND INCLUSION AMONG ITS ATTORNEYS?
Develop innovative ways to recruit, retain and promote diverse attorneys. Some of the best ideas come from Firm diversity committees and/or affinity group meetings. Senior Firm leadership should participate in those meetings to hear these ideas, and to offer a management perspective as well.

WHAT IS YOUR DREAM VACATION?
Hiking Machu Picchu with my family.

WHAT IS YOUR FAVORITE MIDNIGHT SNACK?
Any stone fruit while in season.

WHAT IS ONE OF YOUR HIDDEN TALENTS?
I play the acoustic guitar.

HOW LONG HAVE YOU BEEN ON THE COMMISSION?
I am completing my 3rd term on the Commission for Racial and Ethnic Diversity in the Profession.

WHAT IS ONE OF YOUR FAVORITE THINGS ABOUT SERVING ON THE COMMISSION?
Getting to know my fellow commissioners and other members of the diversity entities. I recall our first meeting when we had to discuss the origin of our names and it was a fascinating way to become acquainted with each other.

WHAT IS ONE OF YOUR FAVORITE THINGS ABOUT SERVING ON THE COMMISSION?
I enjoy exchanging ideas with seasoned and experience attorneys from around the country who are equally dedicated to increasing diversity in the legal profession.

Florence Johnson

WHAT ADVICE WOULD YOU GIVE TO A FIRM/ORGANIZATION LOOKING TO INCREASE DIVERSITY AND INCLUSION AMONG ITS ATTORNEYS?
Reach out your local bars of color, women’s groups and the like and ask for recommendations and experiences they have had with professionals of color. Diverse lawyers are all around and ready for the challenges.

WHAT IS YOUR DREAM VACATION?
I would love to go to the Maldives.

WHAT IS ONE OF YOUR HIDDEN TALENTS?
I make and bottle my own hot sauce from peppers I grow in my garden.

WHAT IS YOUR FAVORITE MIDNIGHT SNACK?
A tablespoon of JIF Extra Crunchy Peanut Butter.

WHAT IS ONE OF YOUR FAVORITE THINGS ABOUT SERVING ON THE COMMISSION?
Racial & Ethnic Diversity Calendar of Events

**AUGUST 1, 2017**
National Bar Association 2017 Corporate Counsel Leadership Summit
Toronto, Canada

**AUGUST 8-15, 2017**
ABA Annual Meeting
New York Hilton Midtown | New York, NY

**AUGUST 12, 2017**
Breakfast Reception Honoring Mary L. Smith, First Native American ABA Officer
New York Hilton Midtown | New York, NY

**AUGUST 17, 2017**
The HNBA/MassMutual “Su Negocio” Program: Assisting Latino Small Business Owners
Los Angeles, CA

**SEPTEMBER 6-9, 2017**
HNBA Annual Convention
Kansas City Marriott Downtown | Kansas City, MO

**NOVEMBER 3-6, 2017**
NAPABA Convention
Marriott Marquis | Washington, D.C.

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**2018 Spirit of Excellence Awards**

February 3, 2018
Vancouver, British Columbia

[AMBAR.ORG/DIVERSITYCOMMISSION]