2008 Diversity Plan

Dinita James
Geoffrey Vitt

Presentation for Fall 2008 Leadership Meeting
Overview

• Diversity in the Profession
• History of Diversity in the ABA
• History of Diversity in the Section of Litigation
• Implementation of Diversity Plan
Diversity in the Profession
2000 Census Data

Total US Population:
- White: 72%
- Black: 12%
- Hispanic: 3%
- Asian: 2%
- Native American: 1%

US Lawyers:
- White: 90%
- Black: 3%
- Hispanic: 4%
- Asian: 2%
- Native American: 1%
Diversity in the Profession

2000 Census Data

Total US Population
- Male: 51%
- Female: 49%

US Lawyers
- Male: 71%
- Female: 29%
Diversity in the Profession

JD Degrees Awarded

Source: ABA Legal Education Section
Diversity in the Profession

Large Law Firms

Source: 2006 NALP Directory of Legal Employers
Diversity in the Profession

Disabled Attorneys

Disabled Attorneys make up 0.17% of all attorneys

Source: NALP Directory of Legal Employers - 2007
Diversity in the Profession

Openly LGBT Attorneys

Openly LGBT Attorneys make up 1.52% of all attorneys

Source: NALP Directory of Legal Employers - 2007
History of Diversity in the ABA

- ABA founded as whites-only bar association on August 21, 1878 in Saratoga Springs, NY
  - ABA mistakenly admitted three African American members in 1912
  - Memberships later rescinded when “mistake” was discovered
- National Bar Association founded in 1925 in Des Moines, Iowa
- First African Americans knowingly admitted to membership in 1950
Diversity in the ABA

Goal III

ELIMINATE BIAS AND ENHANCE DIVERSITY.

Objectives:

- Promote full and equal participation in the association, our profession, and the justice system by all persons.
- Eliminate bias in the legal profession and the Justice System
Diversity in the ABA
Goal III

- 1986: Adopted as Goal IX; encompassed minority lawyers only
  - Commission on Opportunities for Minorities in Profession created at same time
    - Now Commission on Racial and Ethnic Diversity
    - Dennis Archer was first Chair

- 1987: Amended to include women lawyers
  - Commission on Women in the Profession created at same time
    - Hillary Clinton was first Chair of Commission
Diversity in the ABA

Goal III

- **February 1999:** Amended to include disabled lawyers
  - Commission on Mental and Physical Disability Law predated amendment
- **February 2007:** Amended to include lawyers of differing sexual orientations and gender identities
  - Commission on Sexual Orientation and Gender Identity created to implement
- **August 2008:** Goal IX renumbered to Goal III and restated as part of restatement of mission and all goals and objectives
History of Diversity in the Section of Litigation

• 1994: Strategic Plan
  – Established core tenet: “The legal profession will be open and hospitable to all.”
  – Adopted explicit goal: “Diversify Section membership and leadership and promote diversity in the legal profession.”

• 2001: First Diversity Implementation Plan
  – Strategic focus on lawyers of color
History of Diversity in the Section of Litigation

• **2005**: Diversity Committee became a standing committee of the Council

• **2005-07**: Extensive study by Diversity Committee
  – Effectiveness of 2001 Plan
  – Analysis of plans and initiatives undertaken by other ABA entities to identify best practices
  – Whether to expand focus to all Goal IX characteristics

• **August 2007**: Council adopted revised Diversity Plan

• **August 2008**: Council updated Diversity Plan as part of periodic review now built into plan
History of Diversity in the Section of Litigation

Performance under Diversity Plan

Section Lawyer Members

Huge caveat: 62% of Section Lawyer members do not provide their minority status

- Non-minority
- Minority
History of Diversity in the Section of Litigation

Performance under Diversity Plan

Section Lawyer Members

Gender is known for almost all Section Lawyer Members

- Male
- Female
Diversity in the Section of Litigation

All Leadership

Men
Women

All Leadership

White Lawyers
Lawyers of color
Diversity in the Section of Litigation

Officers and Council

- Men
- Women

Officers and Council

- White Lawyers
- Lawyers of color
History of Diversity in the Section of Litigation

Performance under Diversity Plan

![Bar Chart](chart.png)

- **Lawyers of color in Leadership**
- **Lawyers of color on program faculty**
Implementation of Diversity Plan

- **Key Features of Diversity Plan**
  - Five accountability grids
  - One for all former Goal IX characteristics
  - One for each of the four former Goal IX characteristics
    - Lawyers of Color
    - Women Lawyers
    - Disabled Lawyers
    - Lawyers of differing sexual orientations and gender identities (LGBT Lawyers)
Implementation of Diversity Plan

- Key Features of Diversity Plan
  - Tasks divided into six broad categories
    - Leadership commitment
    - Accountability
    - Communications and Training
    - Programs and Publications
    - Membership
    - Outreach
Implementation of Diversity Plan

- **Key Features of Diversity Plan**
  - Every Leader is assigned specific duties under the plan
    - Duties of each leader are set forth by position on the Diversity page of the Leadership Reference Library
  - Each task has a specific time for completion and methods for monitoring
  - Monitoring duties up the chain of command to ensure full participation
Key Features of Diversity Plan

- **Continuous Improvement**
  - Internal mechanisms for review and refinement of diversity efforts
  - Periodic analysis of diversity efforts of other ABA entities

- **Requirement of diversity**
  - In annual plans and progress reports
  - In appointment process
  - In program faculty and editorial boards
  - In co-sponsored events

- **Applied with Rule of Reason**
LGBT Litigator Committee

• Mission and purpose
  – To address the issues affecting the LGBT litigator and to address the status of LGBT attorneys within the profession
  – To promote programs that highlight the areas in which litigators represent LGBT people who face public or private discrimination and often have no adequate legal remedies
  – To serve as a place for LGBT attorneys (or attorneys interested in LGBT rights) to voluntarily identify themselves as such and provide a forum to work together on issues of concern to the LGBT litigator

• Help spread the word about this new committee
Implementation of Diversity Plan

• Continue Support for Section Entities That Promote Diversity
  – Minority Trial Lawyer Committee
  – Woman Advocate Committee
  – LGBT Litigator Committee
  – Judicial Intern Opportunity Program
  – Young Lawyers Leadership Program

• Feature Diversity-Related Content in Section Programs and Publications
Implementation of Diversity Plan

• **Ensure Section Events Are Accessible**
  - ADA Compliance as baseline
  - Seek user-friendly accommodations for meetings, social events
    - Seated areas at social events
    - Distances between events
    - Accessible restroom facilities close to meeting and event rooms
  - Staff monitors accessibility for ABA Annual Meeting, Section Annual Conference, Leadership Meetings, and CLE Seminars
  - Leaders must monitor accessibility for Regional CLE Meetings and Events
Diversity Committee
Contact us with your questions and concerns

• Geoffrey Vitt, Chair
• Paulette Brown
• Brad Brian
• Ray Marshall
• Jim Reeder
• Sharyne Tu, Committees and Diversity Initiatives Manager