



**ASSOCIATION YEAR
2023-2024**

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September 2023

Diversity Officer Report

The Section’s Diversity Strategic Plan lays out a number of steps the Section is committed to take to advance diversity, equity, and inclusion. This report is one of them. To the extent it is not clear in that Plan, I recommend that each subsequent Diversity Officer go through the same personal and Section review before leaving the office.

The Plan requires that this Report provide certain metrics on the demographics of our Section’s leaders (Officers, Council, Committee/Task Force Chairs and Vice Chairs, Young Lawyer/Economist Representatives) as well as the speakers at our Spring Meeting and other CLE events. All this information is collected voluntarily and so is necessarily incomplete; however, some of the information is in much better shape than others. Again, I recommend that subsequent Diversity Officers continue to collect these numbers and, hopefully, improve on their accuracy.

Officers (including Counsel)

9 women, 2 underrepresented

Council (including Representatives)

12 women, 5 underrepresented

All Section Leaders

The information collected by and available to the Section is pretty good regarding the number of women. According to that information for the “22-23 Section year, approximately just over 40% of such leaders identify as woman. As for underrepresented, the majority of our leaders do not provide any information. Approximately 36% identify as white/Caucasian. Only 8% identify as being in one of various underrepresented groups. While anecdotally there appear to be underrepresented members who do not identify as such and so the true number could be higher, the number still seems lower than in the broader populations from which we draw our leadership.

Spring speakers

In the most recent Spring Meeting, approximately 53% of the speakers were women – we think the first time that number topped 50%. On all the panels, there was at least one panelist that the Spring Meeting planners considered to be from an underrepresented group and often more than that. An estimate from those same planners was that 33% of the speakers were from such groups but that percentage is only an estimate and based on guesses from the

planners. Going forward, the Spring Meeting team will try to keep track of such figures although last-minute substitutions could mean small issues with complete accuracy.

Another requirement of the Plan for this year was to publish an explanation of the Section's formal and informal processes for both the Nominating Committee and the Chair's appointments. The goal of this requirement was to make less opaque the ways in which young Section members can join and rise in the Section leadership. I drafted this document with huge assistance from former Chair Jonathan Gleklen plus review by many other Section leaders. It currently is available to all in the Leadership section of the Section's website.

Another Plan requirement was for the Section to inquire of current and potential Section leaders for ways in which they intend to advance the Section's diversity, equity, and inclusion efforts. This requirement was met by both former Chair Tom Zych and current Chair Fiona Schaeffer asking an open-ended question to that effect in their self-nomination forms. I intend to continue asking that question.

Also, all non-CLE conferences (such as committee programs, fka "brown bags") continued to be reviewed by the Committee Officer who considered whether the demographics of all panels supported the Section's overall goals in DEI.

Finally, the Plan requires that the Diversity Officer describe how the Section can further maximize the positive impact of our DEI efforts. In my view, that task requires that I describe some of the current and ongoing efforts of the Section in this area and then offer my personal assessment of those efforts and personal suggestions for further improvement. In preparing this section of the Report, I shared early drafts with many Section leaders but emphasize that the following remains my work, not theirs, and that their reviews do not necessarily indicate complete agreement with my assessment.

In the 2022-23 Section year, the Section got a lot of "high profile" things right on diversity, equity, and inclusion. Any report of things gone right (actually, in the entire Section, not just in DEI efforts) must start with the work of the Diversity.Advanced and Women.Connected Committees. These groups held highly visible events, such as roundtables and other substantive programs. But they both also took almost invisible actions that did so much to give many current and potential Section members the sense of a comfortable home in a much larger Section, from consistent and consistently eye-catching social media posts to helping host the reception after an event for our diversity, equity, and inclusion stipend award winners.

That diversity stipend award program is another great example of getting something "high profile" correct, as well as illustrating a couple other important themes. In brief, the program provided financial assistance to nine students who had summer internships at several Washington enforcement or public service employers. Many Section leaders and staff were involved in the approvals and execution of the program although Svetlana Gans championed it. The length of time for approvals and number of details that needed to be ironed out are good examples that even programs with plenty of support can take a lot of time and effort to come to fruition. But getting more and more diverse law students interested in competition and consumer protection, and the Section, is great for our entire community and will make further gains in diversity,

equity, and inclusion possible. I interviewed most of the candidates and then interacted with many of them at the kickoff event and afterwards on private calls and their quality was outstanding.

The final example is the affinity group meetings held at the Spring Meeting, a success in giving several such groups a place and time to call their own and, maybe more importantly, helping connect members of those groups to each other and some Section leaders. As explained more below, these meetings were not a complete success as, among other things, they were held at times that not all participants found convenient and not as many senior Section leaders joined as hoped. Still, I think enough connections were made to gain an understanding about how important it is to do them, perhaps even better, again. These affinity group meetings at one event are just one part of the various Squads that have been formed to allow members of underrepresented groups multiple opportunities to get together and connect. Again, something that took plenty of work to bring to fruition but now offers great opportunities for our members.

Still, there were a number of “lower profile” things that did not go as well as hoped this year. And by “low profile,” I do not mean unimportant, either to the people involved or to the Section’s efforts to have every one of its members flourish professionally and personally. By “low profile” I mean the more day-to-day interactions and actions we take without thinking but that can support or undercut all the “high profile” efforts on which the Section works so hard.

Three examples that I know of. In two of them, senior Section leaders or staff, with the best of intentions, made remarks at Section events (including one of the affinity group meetings at Spring) that some Section participants found at least off-putting. As a result, I and other senior Section leaders had to work with those involved to clarify intentions and try to learn from the event.

The third was more of a personal learning experience for me. One of our Section leaders took to social media to comment on a posting about one of Diversity.Advanced’s great social media programs, this time on getting name pronunciation correct. This leader related an example (not this year but I think not in the distant past) when a senior Section leader was calling off several names, including many that s/he found a challenge to pronounce, and laughed about how the names were different than “normal.” The post was an uncomfortable reminder of the many times that I have commented on the pronunciation or spelling of names, even though mine is also often mispronounced or misspelled. The post went on to point out several common sayings, many of which I use all the time, that could be offensive to certain groups that are underrepresented in American society.

The fact that the first two incidents did go over my head – and the ones described in the third would have – seems to me to be another reminder we still need to work on getting those “low profile” things right, not just the “high profile” ones.

More generally, I think that our Section’s focus on the “high profile” things might blind us to the “low profile” ones. It is great and essential to have particular committees and programs and officers focused on these sorts of issues; however, I think that can lead others in the Section, including senior leaders, to think that diversity, equity, and inclusion is somebody else’s job – or,

perhaps, has already been handled and so we do not need to do any more. For example, scheduling an affinity group meeting at Spring can be helpful in our efforts. Not having many Officers support it through attendance can diminish those efforts. Getting the “low profile” things right – or at least, more right more often and so developing them into habits – can end up being just as important as the “high profile” things.

Serving as Diversity Officer during my first year in the “chair line” has heightened my sensitivity to the people issues that are and should be a big part of a Chair’s responsibilities. Getting the right people in the right positions at the right time and then helping them flourish for their own benefit and the good of the Section’s members and customers is a key responsibility of the Chair. Serving as Diversity Officer gets you focused right away on those people issues involving underrepresented communities.

Having the Section put in the extra effort to ensure that we attract and nurture additional underrepresented leaders will benefit all our members and customers. Last year, I think we made progress, but we still have more to do.

Steven J. Cernak, 2022-23 Section Vice-Chair & Diversity Officer,