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GOAL IX

To promote full and equal participation in the legal profession by minorities

AMERICAN BAR ASSOCIATION COMMISSION ON RACIAL AND ETHNIC DIVERSITY IN THE PROFESSION Volume 12, Number 1



Chair's Message

Kay H. Hodge
Chair, ABA Commission on Racial and
Ethnic Diversity in the Profession

This year marks the 20th anniversary of the founding of the Commission. In August, 1986, the ABA Board of Governors created the Commission and charged it with implementing the ABA's Goal IX: "Promoting the full and equal participation in the legal profession by minorities . . ." It is a broad mandate. It was and continues to be a daunting task. The diversity efforts of the largest voluntary professional organization in the world, the ABA, are and must be broad in scope. After all, we are a voluntary bar association. We serve ALL lawyers and the profession. We try hard to ensure that our programming addresses the diversity needs and concerns of all.

If trying to serve all racial and ethnic minority groups, in all practice settings, in all areas of the country means that organizationally we're a little messy, so be it. Bar associations are by nature messy organizations, run by volunteer lawyers who are usually busy and often over-extended. In the ultimate scheme of things, it doesn't matter. What's more important is that any lawyer who has an interest in diversity issues will find within Commission programs, projects, publications and services something of relevance to his or her own particular concerns. Some urge us to set priorities, discarding activities that serve fewer numbers or smaller segments of the profession, and jettisoning

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LCC Minority Outreach Program

Connye Y. Harper
Commissioner, ABA Commission on Racial and
Ethnic Diversity in the Profession

In 1997, the AFL-CIO Lawyers Coordinating Committee (LCC) – a network of 1,700 union-side attorneys representing AFL-CIO affiliated unions – launched the LCC Minority Outreach Program. The program encourages law students of color to apply for summer clerkships at union-side labor law firms and union legal departments.

The Minority Outreach Program reflects the AFL-CIO's continued commitment to increasing the presence of minority attorneys in the labor movement. Through the program, qualified law students will be introduced to the practice of labor law and the labor movement community.

The Program includes three parts. First is placement in a summer long position with participating law firms and legal departments during which the law students work with experienced attorneys on pending matters ranging from litigation to arbitration to collective bargaining and negotiations.

The second part of the program is a two day conference conducted at the scenic AFL-CIO George Meany Center near Baltimore, Maryland. The conference includes workshops and lectures by experienced attorneys concerning various areas of substantive labor law.

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Diversity and “Day-o” Reaching Beyond the Surface

Adrienne Meiring

Staff Attorney, Division of State Court Administration
and Indiana Supreme Court Commission on Race and Gender Fairness

In the historic Madame Walker Theatre in Indianapolis, the spotlight cast on a single figure standing at the podium in front of a hushed audience. With a raspy voice full of poise and conviction, Harry Belafonte began to speak. And speak he did, for over an hour, with no notes, to a mesmerized audience. Launching the first Diversity Summit held by the Indiana Supreme Court’s Commission on Race and Gender Fairness on October 14-15, 2005, Harry Belafonte in his keynote address on Saturday afternoon captured the essence of what the Commission hoped to achieve in this first Summit: promoting dialogue and encouraging people to evaluate beyond mere surface factors. Popularly known for his performances of calypso music, Mr. Belafonte demonstrated the multifaceted nature of individuals, detailing a rich, personal history of involvement in civil and human rights.

Keynote Address

Opening with his childhood experiences in a segregated American society, Belafonte recounted his motivation for becoming an entertainer at a time when there were too few jobs for African-American actors. Belafonte shared his philosophy that “the role of the artist is to not only show life as it is, but show life as it should be.”

Belafonte also chronicled his call to action for civil rights as he became a close friend to Dr. Martin Luther King, Jr. and assisted in uniting cultural elements behind the marches in Selma and Montgomery, Alabama and the Freedom March in Washington, D.C. in 1963. Harry Belafonte revealed his personal conversations and dealings with other civil and human rights leaders such as Eleanor Roosevelt, John F.

Kennedy and Robert Kennedy, and Nelson Mandela. He also described his recent humanitarian endeavors with the *We Are The World* and *Hands Across America* hunger benefits and his continuing commitment to UNICEF.

Perhaps one of the most poignant moments of Belafonte’s address occurred when he acknowledged that his comments and causes sometimes have produced as many detractors as supporters. But with a twinkle in his eye and a playful smile, Belafonte remarked that, “you haven’t truly seen diversity until you’ve seen 60,000 Japanese singing ‘day-o’”, and then he sang a few bars of the *Banana Boat Song*. In that moment, Belafonte captured just how entertainment can show life as it should be and transcend political and cultural boundaries.

Commission on Race and Gender Fairness

Diversity Summit 2005 came about as a specific recommendation from the Indiana Supreme Court’s Commission on Race and Gender Fairness, led by former Indiana Supreme Court Justice Myra Selby and Indiana Court of Appeals Judge Ezra Friedlander. Created in 1999, the Commission was charged with examining issues involving race and gender in Indiana courtrooms and making recommendations for improvements. After three years of research, the Commission submitted its Executive Report and Recommendations to the Indiana Supreme Court, making twenty-four recommendations in the areas of 1) makeup of the legal profession, 2) language and cultural barriers, 3) criminal and juvenile justice, 4) civil, domestic and family law, and 5) employment. The Indiana

Supreme Court approved the majority of these recommendations.

As the Commission now moves to the implementation phase of the study’s recommendations, members placed a high priority on receiving input from other representatives of the judiciary, bar, law schools, bar associations, law enforcement, corrections and other entities as to how to implement these recommendations. Thus, a diversity summit was born.

Diversity Summit 2005

Diversity Summit 2005 began with a formal dinner on Friday evening. Given his continued commitment to the goals of the Commission on Race and Gender Fairness, Chief Justice Randall T. Shepard provided opening remarks to commence the Summit. His speech did not disappoint as he spoke of the legal system’s historic and challenging role in the struggle for diversity and equality.

Saturday’s schedule of the two-day Summit produced substantive breakout sessions on a wide range of diversity topics within the legal system. Both national and local speakers came to Indianapolis to serve on panels for the following sessions: 1) Prosecutorial Discretion: Striving to Achieve Equal Justice, 2) Jury Trends and Innovation, 3) Recruiting and Retaining Minority Law Enforcement Officers, 4) Improving Diversity in Legal Education, 5) What’s Diversity Got to Do With It? 6) The International Commu-

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Letter from the Chair
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those that are less profitable financially. Were this a business rather than a bar association, I would advocate the same thing. But we are a bar association, trying to serve all members, to welcome all lawyers, to meet the pressing needs that created the basis for our formation and existence.

We are not so naïve as to try to be all things to all people. But at the root of diversity is the concept of inclusion. Our many programs, projects, publications and services seek to engage the interest of as many minority lawyers as possible. We try to include all of our allies in diversity — both individuals and organizations — to join in our work, to benefit from our services, and to have a chance to make a difference.

After twenty years, I think it fair to say that we've seen some progress while also acknowledging that much more remains to be done. The ABA has had two Presidents of color, both past chairs of this Commission, Dennis Archer and Robert Grey. All of the Presidents of the ABA have included and most have increased the number of minority lawyers appointed to various committees, commissions and entities. The number of lawyers of color active in the leadership of Sections, Divisions and Forums has increased over the past twenty years. We are making progress.

Some of the Commission's current activities, like the Minority Counsel Program, were part of our early efforts and over the years they have evolved and grown into strong and vibrant programs that continue to address vital needs. Some are of more recent origin, like the Miles to Go and Goal IX reports and the National Conference for the Minority Lawyer. When needs were recognized, these activities were developed to address them. And some of our efforts are brand new, like our Oral History Project and our forthcoming program on Running for Office. We acknowledge that it hasn't all been said and done. These initiatives demonstrate the vibrancy and vitality of diversity work in the

ABA. There are always new ideas, improvements, and innovations.

Along the way, we've suffered the loss of diversity leaders such as Thurgood Marshall, Benjamin Aranda, Browning Pipestem, Spark Matsunaga and so many more. We're grateful to them for all they did, the sacrifices they made, the standards they set. They continue to inspire us. We hope that our work serves as a testament to and a continuation of their legacy.

Twenty years have seen many Commission successes. We've seen the Spirit of Excellence Awards grow from a few hundred attendees to become one of the highlights of the ABA Midyear Meeting, drawing 600 – 700 people. We've seen the Minority Counsel Program evolve into a program that regularly has a waiting list of lawyers anxious to participate. We've seen the National Conference for the Minority Lawyer grow to bring together hundreds of diverse minority attorneys from all over the country. And we've even been recognized by the British Diversity Awards for our work with their Nelson Mandela Award. The true measure of our success, however, cannot be quantified in numbers. It comes when the General Counsel of one of the largest companies in the world joins us, learns from us, and uses his position to promote diversity in the legal profession. It comes when one of the myriad minority lawyers who is the "only one" in his or her law firm attends one of our programs and, for a few days loses those feelings of isolation and the pressure to represent all the rest of us. It comes when a bar association or a law firm or an ABA entity finds one of our publications useful, or when one suddenly "gets it," and begins making real strides to create opportunities for minority lawyers.

Twenty years isn't very long, especially when you've got a charge as large as the Commission's. Some of us won't live to see the day when our mission has been discharged. Sad? Yes. But the point is, the mission will be accomplished. We won't allow otherwise. We look forward to working with you and for you for another twenty years.

2005-2006 Commissioners

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MCP Wrap-Up — Bellevue, Washington



A Student's Perspective of the Diversity Summit



Chai Ri Park

J.D. Candidate 2008,
University of Notre Dame Law School

The Indiana Supreme Court Commission on Race and Gender Fairness awarded 16 scholarships for law students to attend Diversity Summit 2005. Here is one student's account of the experience.

I spent the weekend in Indianapolis for Diversity Summit 2005. Much to my amazement, the Commission on Race and Gender Fairness fit into two days a whirlwind of activities, all focused on race and gender equity issues in the courts.

Harry Belafonte delivered the keynote address. Before the Diversity Summit, I wasn't aware of Mr. Belafonte's active involvement in international human rights; I only knew him for the *Banana Boat Song*. (Where have I been?) At the Summit, he spoke to attendees about the struggles of people around the world and why he became active in international human rights. Moreover, many in the audience, myself included, were moved by Mr. Belafonte's vivid portrayal of his encounters with key historical figures like Martin Luther King Jr. and Nelson Mandela.

It was humbling to be in the presence of a man who had done so much for the world's people. I found his speech inspirational; it made me want to go out there - wherever *there* may be - and work for, and with, those who could most benefit from my help. His words will stay with me as I continue my legal career.

At the Summit, I attended the panel discussions on prosecutorial discretion, improving diversity in

legal education, social consciousness, and sexual orientation. I found it encouraging that legal professionals were comfortable speaking so candidly about their experiences and views on topics like affirmative action and the GLBT rights movement.

As a first-year law student with limited exposure to the actual practice of law, listening to these legal professionals discuss their experiences as part of today's complicated legal landscape somehow made the law more real to me. The law involves real people with real problems; they are not two-dimensional characters in a legal case book.

At the Summit, I met lawyers, judges, law professors, police officers, court personnel, activists, and other law students. I was touched to see that these individuals took time from their busy schedules to learn more about current issues facing the courts, and about how they can work to improve conditions for minorities in the legal system. I was also pleased to see that many understood the term "minorities" to cover other marginalized groups such as women, people who identify themselves as GLBT, and immigrants.

I'm already looking forward to attending next year's Diversity Summit!



SAVE THE DATES

ANNUAL MEETING

August 3-8, 2006

Hilton Hawaiian Village Beach Resort
Honolulu, HI

Join us in Hawaii, as the Commission celebrates its 20th Anniversary promoting the full and equal participation in the legal profession by minorities. To register for the Annual Meeting, see <http://www.abanet.org/annual/2006/>.

COMMISSION PROGRAM

THURSDAY, AUGUST 3

7:30 - 9:00 AM

Minority Lawyers: Breaking the Glass Ceiling of Bar Association Leadership – How, Where and Why

Room 301A, 3rd Floor

Hawaii Convention Center

Efforts to diversify the legal profession have seen increasing attention by mainstream bar associations — and their substantive law sections and committees — to recruit and retain minority lawyers as members. Recent years have seen more mainstream bar associations install their first minority president. Does this mean that the glass ceiling to mainstream bar leadership has been shattered or simply that a few token minorities have scaled the heights? Join us as we explore:

- How can more minority lawyers become leaders in mainstream bar associations?
- Where can minority lawyers have the most influence in mainstream bar leadership?
- Why should minority lawyers want to be leaders in mainstream bar associations?

11:30 AM – 1:00 PM

Hawaii: A Look at the Legal Profession in a Multi-Ethnic Community

Room 301A, 3rd Floor

Hawaii Convention Center

Have you ever wondered what it might be like practicing law in a truly multi-ethnic community? In this unique program, leaders of the legal profession in Hawaii will offer their insights on how

the multi-ethnic society in Hawaii affects the practice of law. What is it like when there is no “majority,” when lawyers of color often lead the major law firms and bar associations, and when conflicts might arise among multiple ethnic groups within the community? Also, does the experience in Hawaii confirm or alter our thoughts on the “business case for diversity” in law firms? Their perspectives on diversity and the legal profession in Hawaii (and how it compares with the Mainland) will be a springboard for discussing the issues of race and diversity in the legal profession generally.

FRIDAY, AUGUST 4

1:00 – 5:00 PM

Business Meeting

Room 308A/B, 3rd Floor

Hawaii Convention Center

5:30 – 7:30 PM

20th Anniversary Reception

Rainbow Suite & Patio, Rainbow Tower

Hilton Hawaiian Village Beach Resort

Join the Commission’s 20th Anniversary celebration, as we continue the American Bar Association’s achieving its Goal IX: *“To promote the full and equal participation in the legal profession by minorities, women and persons with disabilities.”*

7:30 - 9:00 PM

Commission Reunion Dinner (Ticketed Event)

Michel’s

2895 Kalakaua Avenue

Honolulu, HI 96815

Phone: (808) 923-6552

All Commissioners past and present invited.

SATURDAY, AUGUST 5

7:30 AM – 9:00 AM

Multicultural Perspectives on Race and Crime in Post 9/11 America

Room 301A, 3rd Floor

Hawaii Convention Center

This panel will feature women of different races and ethnicities discussing the topic of race and crime in post-9/11 America. The panel will discuss shifts in public attitudes about racial

profiling, searches of persons and their bags on public transit systems, the use of deadly force to apprehend suspected criminals, and the use of torture to obtain information.

SUNDAY, AUGUST 6

7:00 – 8:30 AM

Mothers (and Grandmothers, Aunts, and Sisters): Preparing the Next Generation of Multicultural Women Attorneys

Hibiscus Suite I, 2nd Floor,

Kalia Executive Conference Center

Hilton Hawaiian Village Beach Resort

It is no longer that unusual to find a lawyer who also happens to be a minority woman. Manifestations of racism and sexism in the legal profession persist but not necessarily in the ways that they did a generation or more ago. The legal profession has reached the stage where minority women lawyers are now mothers and grandmothers, aunts and elder sisters to a new generation of minority women who are joining the profession. Join us as we reflect upon where we’ve been, share our common experiences, and plan (and dream) for the future. Bring your daughters, granddaughters, nieces and younger sisters (and their brothers) for a chance to hear what it is that we really do!

8:30 – 10:30 AM

MWAN Breakfast (Ticketed Event — \$45.00/ \$35.00 for Judges, Govt. Attorneys, Young Lawyers and Law Students)

Hibiscus Suite II, 2nd Floor,

Kalia Executive Conference Center

Hilton Hawaiian Village Beach Resort

After the morning program, multicultural women lawyers and their daughters, granddaughters, nieces and younger sisters (and their brothers) are invited have breakfast and continue sharing their experiences and insights.

2:00 – 5:00 PM

ABA House of Delegates Minority Caucus

Room 306A/B, 3rd Floor

Hawaii Convention Center

Chicago Bar Association Diversity Initiative

The Chicago Bar Association (CBA) recently adopted a Diversity Initiative statement expressing its commitment to further diversity within the legal profession. The CBA has crafted these diversity goals to assist the Chicago legal community, corporations and government agencies that recognize and understand the need to diversify. The CBA is the latest major metropolitan bar association to adopt such initiatives, following the footsteps of the Bar Association of San Francisco, which was the first to spearhead such an initiative.

“The adoption of these initiatives is the first step, on a long journey. With people having the right ideals about diversity, then substantial progress can be made, but there is a lot of work ahead of us,” according to Victor Henderson, Partner, Holland & Knight LLP, a member of the CBA’s Board of Managers and the American Bar Association, Commission on Racial and Ethnic Diversity in the Profession. Sharon E. Jones, of Jones Diversity Group and a driving force behind the Association’s adoption of the Diversity Initiative stated, “I applaud the Chicago Bar Association’s initiative as a leader on diversity in the Chicago legal community. With the adoption of the initiatives, Chicago becomes one of the several large cities working to increase diversity in the legal profession.”

The Chicago Bar Association recognizes that to fully and equally pursue justice in the profession it must reflect the full spectrum of America. For more information about the Association’s adoption of the Diversity Initiative please visit: www.abanet.org/minorities; www.chicagobar.org; www.jonesdiversity.com.

*Reported on by Richard E. Williams
Meetings Coordinator, ABA
Commission on Racial and Ethnic
Diversity in the Profession*

Diversity Boutique

Neat gift ideas for those with diversity on their minds. Show your commitment to diversity by sharing it with a colleague by giving the gift of diversity at <http://www.abanet.org/minorities/store/index.html>.

Diversity and “Day-o”

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nity’s Access to the Courts, 7) Juvenile Ethnic Gangs, 8) Urban vs. Rural Sentencing: Diversity, Inequity or Reality, and 9) Social Consciousness and Sexual Orientation. Panelists then delved into topics, some controversial—some less so, with refreshing frankness about today’s diversity issues in the legal system. No voice went unheard as various viewpoints were offered, both from panelists and through audience participation.

More amazingly still, the open discourses taking place actually appeared to get people to evaluate previously held notions. An example may be illustrative. In the session on prosecutorial discretion, one of the topics touched upon was: what should a prosecutor’s role be when considering racial profiling, real or perceived, by the public? A discussion emerged about pretextual traffic stops and whether prosecutors’ offices (or police departments) should keep statistics on race and arresting charges for cases brought for filing. Several law enforcement officers in the session raised concern with use of the term “pretextual stop,” articulating examples of legitimate reasons, other than race, why a police officer might stop a minority individual for failure to use a turn signal.¹ After further discussion from panelists and other attendees, however, the officers visibly relaxed when it became apparent that the discussion was not about accessing blame but about reaching solutions. In fact, the officers present agreed that keeping statistics, if fiscally possible, might help perception problems and would assist police departments in rooting out bad apples within a department. After the session, a long-time defense attorney confided that the discussion with the officers had made her rethink some of her views. Throughout the day, similar comments about changing perceptions were made about other breakout sessions.

Overall, Diversity Summit 2005 was deemed a tremendous success, and other state’s race and gender commissions are encouraged to hold similar conferences to promote the

public exchange of ideas and effective problem solving. The challenge for Indiana’s legal system now is to take the energy generated by Diversity Summit 2005 and to continue working toward the changes discussed. By all accounts, Indiana is up to the challenge.

Endnotes

1. Example given by an officer/participant: officer receives numerous complaints by neighbors about drug trafficking at a particular house, observes suspicious behavior by an individual at the house consistent with selling drugs, and then observes the individual leave the house in a vehicle and commit the traffic violation, so officer decides to stop the individual.

LCC Minority Outreach Program

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The conference provides the students with a comprehensive overview of different specialty areas within the field of labor law. As a result, a student gains some exposure to areas of law that may not be addressed within his/her specific work assignments with the particular law firm or legal department. Travel and expenses for participation in the conference are typically paid by the student’s employer.

Finally, the third component is a mentoring program. Here, each student is assigned a mentor to advise him/her on issues ranging from course selection at law school to identifying law firms and organizations with whom they can apply for permanent employment.

Since its inception, over three hundred law students from every racial and ethnic background have participated in this program. Almost all have successfully secured permanent employment with union-side labor practitioners after graduation from law school.

By any measure, the program has been heralded as a successful one. For more information, law students should contact aavendan@afclcio.org.

Upcoming Events

Fall Minority Counsel Program

September 7-8, 2006
Chicago, IL

This program is designed to promote relationship building that will lead to the retention of minority lawyers as outside counsel by corporations. More information will be posted soon on our website at <http://www.abanet.org/minorities/mcp>.

Commission Business Meeting

September 8-9, 2006
Chicago, IL

Spirit of Excellence Awards

February 10, 2007
Miami, FL

The Spirit of Excellence Awards was established by the ABA Commission to celebrate the efforts and accomplishments of lawyers who work to promote a more racially and ethnically diverse legal profession. It is the highlight of the ABA Midyear Meeting. To nominate candidates for this prestigious award, download the nominee form at <http://www.abanet.org/minorities/spirit/nomination-form07.pdf>.

GOAL IX



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GOAL IX

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American Bar
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To promote full and equal participation in the legal profession by minorities