

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 13, Number 3



Each One Teach One

By Christopher S. Awad
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How ironic: Three hundred minority lawyers gathering in Boston (South Boston, to be exact), a city that historically has not had the greatest reputation for being minority-friendly. I had not heard much about the ABA National Conference of the Minority Lawyer, but had heard a lot about the city. This was my first ABA conference, and I did not know what to expect. I thought this event would be no different than other “networking” events — I was wrong. . . .

The first day of the conference I was a bit skeptical, so I decided to people-watch. Looking around, I wondered why others were attending this event — perhaps to find a job or develop relationships to “leverage.” With the opening session, however, those pre-conceptions quickly faded as everyone focused on the real issue — each of us must play a greater role in the growth and development of the next generation minority attorneys.

The opening session focused on a provocative issue: whether minorities are doing themselves a disservice by attending top-tier law schools and going to “big” firms. It sparked a lot of debate and some outrage, but also got the conversation flowing among the attendees. During the breaks, the discussion continued; the topic made it easy to enter into or start a conversation.

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Diversity and the WSBA – A Call to Action and a Response

By Joslyn K. N. Donlin
Diversity Advocate, Washington State Bar Association

Diversity has arrived at the Washington State Bar Association (WSBA). Not on a magic carpet, not by a bolt of lightning nor by a high speed train, but by good old-fashioned hard work, persistence and determination. The journey has been a long and arduous one and it is not over. At the WSBA, diversity in the legal profession is here to stay. Although the presence of diversity within the WSBA began in 1990 with the creation of the Committee for Diversity (CFD), then called Opportunities for Minorities and Women in the Profession, the American Bar Association’s Miles to Go Report (Report) produced in 2000 spurred a flurry of interest and activity within the leadership of the WSBA. The Report called upon mainstream bar associations to play a major role in promoting awareness and accountability of diversity in the legal profession. Specifically, the Report mandated state and local bar associations to commit to the following: 1) Systematic Research (data collection and interpretation); 2) Group-Specific Analysis (standardized categories for minority and gender groups); 3) Self-Study (data collection and monitoring of individual bar demographics and membership); and 4) Increased Funding and Adequate Resources.

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Chair's Message

Kay H. Hodge

Chair, ABA Commission on Racial and Ethnic Diversity in the Profession

Anyone who knows me well — perhaps even those who don't — also knows that I attend a lot of bar conferences. I always have, and likely, always will. And, like many of you, I always find it nice to have time with others with whom I share a common heritage. Indeed, as an Asian Pacific American, I've always experienced particular enjoyment when I have attended conferences of the Asian American Lawyers Association of Massachusetts and the National Asian Pacific American Bar Association; there's a certain comfort we each derive from the opportunity to spend some time with those of our colleagues who share a common background. It's one of the intrinsic strengths of our local and national minority bar associations. And, after all, isn't that camaraderie one of the reasons we attend?

As Chair of the Commission, one of the great joys I experience is the fellowship and collegiality of my fellow lawyers of color. I've written previously about how much I enjoyed attending the Hispanic National Bar Association ("HNBA") last fall and I am looking forward to attending again this year. The members of the HNBA made me feel so welcome. It was like being with my friends at NAPABA yet different, and different in a fun and interesting way.

That brings me to the ABA National Conference for the Minority Lawyer that took place in June in Boston. This was the 10th edition of the Conference, and once again I found myself marveling at how it made me feel. If you're a minority lawyer and you've never attended one of the National Conferences, you are

missing out. It's like being at NAPABA or HNBA or the NBA or NNABA, only this time with all of us all together. The sense of camaraderie and shared common interests is still there but our different experiences and perspectives add excitement and new dimensions to ongoing issues. The result is a level of energy and enthusiasm and discussion that you can't find anywhere else.

The following is a brief sample of the programming offered at this year's National Conference.

"Affirmative Action" in Law Firms: The Next Debate

Does "affirmative action" help or hurt minority lawyers practicing in law firms? Attendees at the National Conference were given the unique opportunity to hear Richard H. Sander, Professor of Law at UCLA Law School, and David B. Wilkins, Kirkland & Ellis Professor of Law and Director, Program on the Legal Profession of the Harvard Law School, debate the impact of affirmative action on the success of minority lawyers in large law firms. Professor Sander's thesis is that affirmative action by large law firms ultimately hinders the careers of black and Hispanic lawyers. He begins with the significant disparity between the nearly twenty percent (20%) of all new lawyers and only four percent (4%) of partners in large law firms, being minority. In an effort to understand this disparity, Sander has conducted some, and has evaluated other, studies and concluded that there are "major disparities in the workplace experiences of big-firm associates across racial lines. They are also consistent with — though they do not

conclusively prove — the claim that big-firm hiring preferences backfire in various ways on their intended beneficiaries."

Professor Wilkins argues that the beneficial effects of affirmative action far outweigh the negative effects. Wilkins challenges Sander's research as too narrow and suggests that he has confused correlation with causation. Wilkins also points out that Sanders, by placing undue weight on grades overlooks the positive impact of the opportunities which have been made available to minority law students and lawyers individually and collectively. Although the positives include intangible benefits that are not as easily measurable, the impact of affirmative action is none the less significant. For example, Prof. Wilkins points out that the relationships that a minority lawyer develops through matriculation at an elite law school often provide career-altering and/or enhancing advantages previously reserved to privileged whites. He also points out that attendance at an elite law school helps the minority lawyer challenge and dispel the negative stereotype that minorities are just not as smart as their white counterparts.

Both Professors Sander and Wilkins agree that there are major disparities based on race in law firms and that those disparities need to be addressed. Their joint appearance at the National Conference gave attendees the opportunity to witness first hand two extremely accomplished academics striving to understand the reasons for those disparities. The perspectives of the two speakers on an emotionally charged topic differed widely. It was refreshing to hear a

constructive dialogue which remained at all times respectful and focused.

Race and the Roberts Court

On June 29, 2007, the day after the U.S. Supreme Court issued its highly anticipated decisions on the use of race as a factor in assigning students to public schools in Louisville, Kentucky and Seattle, Washington, attendees at the National Conference got to hear an analysis of that decision from Professor Charles J. Ogletree, Jr., Jesse Climenko Professor of Law, Vice Dean for Clinical Programs and Executive Director of the Charles Hamilton Houston Institute for Race and Justice at the Harvard Law School.

Professor Ogletree took the audience through a history lesson leading up to and following the landmark decision in *Brown v. Board of Education*. He explained to the audience his view, quoted here from an Op-Ed published in the *Boston Globe* on the same day as his appearance at the National Conference, that:

“While this decision is neither as damaging nor as far-reaching as many feared it might be, there is no cause for celebration. This ruling removed a successful tool for combating the racial segregation that is a ubiquitous feature of the nation’s public schools....

...Only time will tell whether the principles embraced in *Brown* continue to guide us in achieving racial integration, diversity, and equal opportunity in quality education.”

Clearly the National Conference is not just another diversity conference. In fact, it is anything but. Certainly we talk about diversity, but here it is not the same old thing. Where else are you going to hear Rick Sander and David Wilkins discuss affirmative action in law firms *on the same program*? Or hear Charles Ogletree expound upon significant race-related rulings by the Roberts Court the day after the decisions are handed down? And then there was Vilma S. Martinez, the luncheon

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New and Noteworthy

Minority Counsel Program Fall Meeting

The fall meeting of the Commission’s Minority Counsel Program will be held September 6-7, 2007 at the Crowne Plaza O’Hare in Rosemont (Chicago), Illinois. Confirmed speakers include Siri S. Marshall, Senior Vice President, General Counsel, Chief Governance and Compliance Officer and Secretary for General Mills, Inc.; Marc Firestone, Executive Vice President, Corporate and Legal Affairs and General Counsel for Kraft Foods, Inc.; and Joanne L. Bober, Executive Vice President, General Counsel and Secretary for J.C. Penney Corporation, Inc. More details will be posted on the Commission website at www.abanet.org/minorities as they become available. Remember, your law firm must re-new its membership for the 2007-2008 bar year (September 1 – August 31) in order for you to be eligible to register for this meeting.

And remember: this year, there will be THREE meetings of the Minority Counsel Program! So, mark your calendars! Our early spring meeting will be held March 27-28, 2008 at the Hilton Newark Penn Station in Newark, NJ. The late spring meeting will be held May 8-9, 2008 in Seattle (Bellevue) at the Hyatt Regency Bellevue.

Running for Office

Have you ever thought about what you’d do if you were in charge? Have you thought about the changes you’d propose, the improvements you’d make, the common sense you’d apply? Well now is the chance! Lawyers, with their analytical abilities and problem-solving experiences, are uniquely well-suited to serve as public officials. Yet surprisingly few minority lawyers ever seek elected office. In conjunction with the Charles Hamilton Houston Institute for Race and Justice at the Harvard Law School, the Commission will be presenting a program to educate and train minority lawyers about how to run for elected office – be it judgeships, school boards, local town councils, state legislatures, or even statewide office – and how to do it successfully. The program will be held October 3-5, 2007 at the Harvard Law School in Cambridge, MA. Watch the Commission website at www.abanet.org/minorities for more details.

Goal IX Report, 2007-2008

One of the responsibilities with which the Commission is charged is to monitor the ABA’s internal progress toward its Goal IX, the full and equal participation in the legal profession by minorities, women, lawyers with disabilities, and lawyers with differing sexual orientations and gender identities. Along with our sister Goal IX Commissions, the Commission on Women in the Profession and the Commission on Mental and Physical Disability Law, each fall we collect relevant diversity statistics throughout the ABA and report them at the Midyear Meeting. The Goal IX data collection process is now underway. If you are a minority lawyer who serves in a leadership capacity for one or more of the ABA’s Sections, Divisions or Forums, or if you have served as a speaker or author for an ABA publication, please make sure that you are being counted by your Section, Division or Forum!

Spirit of Excellence Awards

The 2008 Spirit of Excellence Awards will be presented on Saturday, February 9, 2008 at the Hyatt Regency Century Plaza in Los Angeles. Please plan to join us!

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Diversity and the WSBA

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Diversity and the WSBA Board of Governors

In response to this ABA call to action, the WSBA began its own process of self-reflection. It began to look directly at the composition of the leadership within its own Board of Governors (BOG), the governing board of the WSBA. It did not reflect the changing demographics of communities throughout the state. Something needed to be changed. The inspiration for change came from then president of the WSBA, Richard (Dick) Eymann, an attorney from Spokane, Washington. It came as a result of a conversation with his father. In a 2000 **Bar News** article, he wrote,

At the annual meeting where I was sworn in last September, my 80 year-old dad, who is rapidly going blind traveled from Oregon to be present for the occasion, along with my seven sisters and my mother. My dad is very wise, observant and well-informed. He approached me at the end of the evening and said, Richard, I can't see very well, but I can see well enough to ask you, Mr. President, where are your people of color? Where are your young people? Their absence is not a good message to the people of your state." "I know," I said, and searched my mind for a reason — there was none that made sense."

Dick saw the need for change within the BOG and continued:

We do not have a governing body which reflects our diverse membership. Despite good intentions, we have never had a minority President, and have only had one person who would qualify as a "young lawyer" on the Board of Governors or as President. We have tried recruiting programs and made some specific minority appointments and we have tried to get more diverse representation in our Sections, Committees and on the Board of Governors. But we must face the fact that these efforts have not resulted in more diversity in these bodies.

Within a very short period of time, the face of diversity within the BOG would be changed forever. In addition to the BOG leadership, it is important to note that in 2000, then CFD co-chairs Bonnie Glenn and Rafael Gonzales played a significant role, together with the various minority bar associations, to increase minority representation on the BOG. A year later, in 2001, two at-large diversity seats and one young-lawyer seat were created on the BOG. This was followed by several significant minority, gender and geographic diversity elections to the BOG:

- In 2001, election of BOG at-large member, Zulema Hinojos-Fall, first Latina woman;
- In 2002, election of President-elect, David Savage, first President from Pullman, WA;
- In 2002, election of BOG at-large member, Fawn Sharp, first Indian (Quinault) woman;
- In 2003, election of President-elect, Ron Ward, first African-American president ever;
- In 2004, election of President-elect, Brooke Taylor, first President from Port Angeles, WA;
- In 2004, election of BOG at-large member, Marcine Anderson, first Japanese woman;
- In 2005, election of President-elect, Ellen Conedera Dial, third woman President ever;
- In 2005, election of BOG at-large member, Liza Burke, first gay woman;
- In 2005, election of BOG member, Salvador Mungia, first Latino-Japanese man;
- In 2005, election of BOG member, Eric de los Santos, first gay Filipino man;
- In 2006, election of President-elect, Stan Bastian, first President from Wenatchee, WA;
- In 2006, election of BOG member, Anthony Butler, third African-American man;
- In 2006, election of BOG member, Russ Sakamoto, first Japanese-American man and;
- In 2007, election of BOG at-large member, Brenda Williams, second Latina woman;

Today, the WSBA has the most demographically diverse and inclusive BOG, ever in its history, in terms of age, gender, racial/ethnic status, sexual orientation and geographic diversity. There is an active BOG Committee for Diversity and each BOG member serves as a liaison to one of the 12 minority bar associations.¹ The BOG has co-sponsored annual Celebrate Diversity conferences, a diversity initiative, brought about through the efforts of former WSBA President, Dave Savage and former BOG at-large member, Zulema Hinojos-Fall.

Diversity within WSBA did not stop at the door of the BOG. After making its entrance into the BOG leadership, which helped lay the foundation for expansion into other areas of the WSBA, several events occurred. These events helped to solidify diversity in the Bar organization. First, in May 2003, the WSBA formally established diversity as one of its nine strategic goals. This goal states:

The WSBA will promote diversity, equality and cultural competence in the courts, legal profession and the bar.

Second, in 2004, through the efforts of former President David Savage, the WSBA diversity advocate position was created to provide leadership in implementing the various diversity Bar objectives and activities. Third, in the latter part of 2004, former President Ronald R. Ward founded the WSBA Leadership Institute (LI), the first and only statewide comprehensive leadership training program for lawyers. Its mission has been to recruit, train and promote lawyers from diverse and underrepresented backgrounds for leadership positions within the Bar.

Diversity Advocate and the Office of Diversity

The Diversity Advocate of the Office of Diversity is charged with providing direction and leadership for the establishment and institutionalization of diversity in the legal profession. Diversity within the WSBA is defined broadly and inclusively. It refers to attorneys who are diverse in terms of ethnicity, race, gender, sexual orientation, disability, age and geography. This demo-

graphic data is voluntarily provided by members and reported on a weekly basis by the Bar. Of the 30,798 members, approximately 2,803 or 9.1% of the Bar represent people of color.² Yet, of the state's 6.3 million people, minorities represent 25% of the state's population or 1.58 million people. Further, in May 2007, at the request of the minority bar associations, the WSBA began to report language and sexual orientation data. With the self-reported language information, the public and other attorneys will be able to search for an attorney by both area of practice and language(s) spoken.

The diversity advocate has served as the liaison to the Committee for Diversity, the minority bar associations and the manager of the WSBA Leadership Institute. She has also served as coordinator of the various celebrate diversity CLE's and has provided numerous presentations to local, state and national conferences. This commitment to diversity has been demonstrated through significant efforts of the diversity advocate and WSBA leadership in partnership with the various minority bar associations and the WSBA Committee for Diversity. In its mission to promote diversity, equality, and cultural competence in the legal profession, the following activities have helped to "open doors" to diversity:

- Partnering with statewide minority bar associations to organize, develop, and implement diversity plans in the legal profession.
- Organizing, developing, and implementing diversity training plans and programs for statewide use in the legal profession.
- Partnering with law firms and legal departments of corporations, businesses, and government agencies on recognizing the benefits and core values of diversity and increasing diversity in their organizations.
- Educating WSBA leadership and staff on the benefits and core values of diversity in the legal profession.
- Organizing, developing, and implementing diversity leadership and outreach programs for minori-

ty students interested in a legal profession, minority law students, and minority attorneys within colleges, universities, law schools, and the community.

- Providing information and serving as a resource and materials center to the WSBA, including its leaders, staff, and members; law firms; the legal community; and the public on diversity in the legal profession.
- Overseeing the diversity webpage on the WSBA website.

In the Fall 2008, the Office of Diversity plans to release a compendium of statewide diversity resources in the legal profession. For further information on the Office of Diversity, please see <http://www.wsba.org/wsbadiversity.htm>.

WSBA Leadership Institute

In February 2005, the WSBA Leadership Institute (LI) opened its doors to 12 diverse attorneys (fellows) from throughout the state. The mission of the eight month program is to develop and enhance the leadership skills of attorneys in an experiential, collaborative, and mentorship environment, in preparation for future leadership positions. In the past two years, the LI has graduated 23 fellows who have gone on to fill various leadership positions within the WSBA and obtain lucrative and high profile positions of employment. Within two years, the LI has been nationally recognized for its state-of-the-art comprehensive leadership program: 1) the 2005 ABA Partnership Award and 2) the 2006 LexisNexis Martindale Hubbell Fellowship Award of \$15,000. Further, each class completes a community service project. In keeping with the ABA's Oral History project, both of the classes of 2005 and 2006 prepared community service projects which showcased professionals of color and their personal stories about leadership and professional development. The stories are powerful and inspiring. For information regarding the 2005 Fellows' Community Service Community Service Project (CSP), please see: <http://www.wsba.org/diversityprofiles.htm>. For information regarding the 2006 Fellows' CSP, please see: <http://www.wsba.org/lawyers/06wliproject.htm>. For further

Washington State & WSBA Diversity Distributions

	Washington State Census Information ¹				WSBA Demographic Information			
Race/Ethnicity	1990	2000	2003	2007 ²	7/2004 ³	1/2005 ⁴	9/2006 ⁵	7/30/2007
African American	3.1%	3.4%	3.5%	3.5% ²	1.7%	1.7%	1.8%	2.0%
Amer. Indian/Alaska Native	1.7%	1.7%	1.6%	1.8% ²	.7%	.7%	.8%	.8%
Asian	4.4%	6.1%	6.5%	7.5% ²	3.4%	3.5%	4.2%	2.0%
Native Hawn/PI								.2%
Hispanic	4.4%	8.0%	8.3%	9.0% ²	1.2%	1.2%	1.5%	1.7%
Caucasian	88.2%	86.2%	85.5%	85.3% ²	90.9%	90.6%	89.5%	90.9%
Multi-Racial	2.6%	2.7%	3.0%	3.2% ²	1.0%	1.1%	1.5%	1.6%
Other					1.2%	1.2%	.8%	1.0%
Total Minority Population	16.2%	21.9%	22.9%	25.0% ²	9.2%	9.4%	10.5%	9.1%
Gender								
Women					32.7%	33.2%	35.5%	36.9%
Individuals w/Disabilities					.9%	.6%	.7%	1.0%
Sexual Orient								.87%

1. Information reported is based upon Washington State Office of Financial Management, Sept. 30, 2004 Press Release, "Washington Minority Population Growth Continues."

2. Information reported are projections based upon Washington State Office of Financial Management, Sept. 30, 2004 Press Release, "Washington Minority Population Growth Continues."

3. Most of this voluntary data was provided when lawyers joined the WSBA. This data includes responses from 62% of active WSBA members.

4. The 2005 WSBA license packets included a form on Voluntary Demographic Information., i.e. Areas of Practice, Firm Size and Gender, Ethnicity and Disabilities. These percentages are based upon preliminary numbers taken from 63% of active WSBA members reporting.

5. WSBA membership demographic counts are now provided on a weekly basis.

6. The information in this column is current as of 7/31/2007.

7. The drop in total minority population may be due to a reclassification and separation of the Asian and Pacific Island categories.

information of the LI, please see: http://www.wsba.org/lawyers/leadership_institute.htm. In addition, it is important to note that the LI has received many inquiries from other state bars interested in adopting and modeling a leadership program after the LI. Currently, Arizona State Bar and New York State Bar are planning to do so.

In addition to the creation of the Diversity Advocate position, the Office of Diversity and the WSBA Leadership Institute, there have been a series of other events and activities which have played a significant role in increasing diversity in the legal profession. They include:

Representative Highlights Other Diversity Initiatives and Activities

- **ABA Related Diversity Awards and Programs**

- **ABA Commission on Racial and Ethnic Diversity**

- Three minority attorneys from Washington state have played a sig-

nificant role in advancing diversity in the legal profession by serving on the Commission on Racial and Ethnic Diversity. They are Benes Aldana, Jayanne Hino and Robert Mussehl.

- ABA National Conference for the Minority Lawyer

In June 2005, due to the hard-working efforts of WSBA members Gabriel Galanda, Jayanne Hino, Michael Parham and J.D. Smith, the ABA held the 7th Annual National Conference for Minority Lawyer in Seattle. The conference was successful and profitable, attracting about 300 minority lawyers to Washington.

- National ABA and Other Legal Diversity Awards

- In August 2005, WSBA Leadership Institute is a recipient of the **Partnership Award**, an award given to a state bar which makes significant efforts to increase diversity in the legal profession.
- In February 2006, **Paula Boggs**, Vice-President, General Counsel and Secretary, Starbucks Coffee Company, was awarded the **Spirit of Excellence Award** for her efforts to recruit, retain and promote diversity in the legal profession.
- In February 2006, **Rhonda Brown**, an attorney with disabilities was awarded the **Paul G. Hearne Award for Disability Rights**.
- In September 2006, the **WSBA Leadership Institute** under the auspices of the Washington State Bar Foundation is the recipient of the **LexisNexis Martindale Hubbell Fellowship Award** of \$15,000 for its efforts to increase diversity in the legal profession.
- **WSBA Committee for Diversity (CFD)**
 - Beginning in 2004, the CFD and the BOG have co-sponsored the annual **Celebrate Diversity CLE conferences**, in Seattle which have focused on gaining

a better understanding of diversity issues from the perspectives of the minority and county bar associations, law firms, law schools, corporations, government agencies and non-profit organizations.

- In October 2006, the CFD, BOG and Gonzaga University School of Law through the coordination of Dean Earl Martin, jointly sponsored the first annual **Celebrate Diversity – Eastern Washington Style** in Spokane, WA.
- In 2005 and 2006, the CFD, BOG and the minority bar associations have held an **annual joint retreat** to plan and organize diversity programs and activities for the upcoming calendar year.
- Beginning in 2004, the CFD has held annual **law student mock interviews** at the three state law schools: Gonzaga University School of Law; Seattle University School of Law and University of Washington School of Law.
- Beginning in 2002, the CFD has held annual law student receptions at the WSBA, to welcome new diverse law students to the legal community.
- Beginning in 2002, the CFD has held annual Academic Resource Center, (ARC) law student receptions at the WSBA for the nationally recognized Seattle University School of Law ARC program under the direction of ARC director Paula Lustbader and Professor David Boerner, to welcome new diverse law students to the legal community.
- In 2006-07, led by CFD member, Donald Horowitz, the CFD and the WSBA are investigating ways to make the WSBA website more user friendly for people with disabilities.

• **Federal Jurisdiction Bar Question**

In October 2004, led by the heroic efforts of Indian attorney, Gabriel Galanda, the BOG unanimously approved to make Washington state, the second state to test new lawyers about their understanding

of federal Indian jurisdiction on the bar exam to begin in the summer of 2007.

• **Minority Bar Associations**

- Three new minority bar associations have been established: Vietnamese-American Bar Association of Washington (VABA) – March 2005; Gay Lesbian Bi-sexual Transgender Bar Association of Washington (Q-Law) – Fall, 2005; and Washington Association for Attorneys with Disabilities (WAAD) – January, 2006.
- In 2006, Minority Bar Leaders, led by Kim Tran, then President of Asian Bar Association of Washington, and the WSBA work to expand demographic categories on the voluntary WSBA demographic licensing form for availability in 2008 licensing packets.
- In 2006 and 2007, the minority bar associations held its first and second, respectively, annual Statewide CLE Conference on Diversity – Getting Ahead and Giving Back in Seattle. Through the generous offer and coordination of Dean Kellye Testy of Seattle University School of Law, both conferences were held at the Law School and 200 were in attendance at each conference.

• **Women and Diversity**

- In 2005 and 2006, the Attorney Women of Color Network led by women of color attorneys, including Paula Boggs, Debora Juarez, Amalia Maestas, Natasha Martin, Karen Murray, Sharon Sakamoto and Hon Mary Yu gathered to nurture relationships and to promote professional networking.
- In 2007, through the efforts of Joan Tierney, president of Washington Women Lawyers (WWL) and Carla Lee, WWL Professional Development co-chair, the ABA and WWL co-sponsored a Breast Cancer Awareness CLE, in Seattle, which featured national and local speakers to discuss the medical and legal issues of women facing breast cancer. The ABA has been working on this breast cancer project for the past ten years. This

summer, the WSBA and WWL co-sponsored a Breast Cancer Awareness CLE – Part II, which focused on housing, employment, insurance, estate planning and end of life issues. At the request of WSBA President Ellen Dial, WWL and WSBA are preparing a Manual of Legal Issues for Women with Breast Cancer.

Why Washington State is Prime for Diversity

In view of the above, it appears that WSBA has taken a wide ranging approach to increase diversity in the legal profession, with a more diverse BOG, statewide diversity CLE's, celebrate diversity CLE's, law student mock interviews and receptions, the WSBA Leadership Institute, and the testing of Indian Law on its state bar exam, as examples. The sum of these diversity activities and programs has contributed to the basic foundation of diversity within WSBA. But the threshold question remains: why do we need to increase diversity representation throughout the legal profession? What is the value of the recruitment, retention and promotion of a more diverse bar?

Along with the reality that having a diverse community is a way of life and

to recognize and appreciate the value and richness of diversity and that it is the right thing to do, a look at the state's demographics, global economy and educational workforce reflects a scenario prime for diversity:

- 25% of the state population are racial and ethnic minorities;
- Washington state is ranked among the top ten with the largest percentage of minorities in nearly all of the minority categories: 1) 3rd for Native Hawaiian and other Pacific Islanders; 2) 6th for Multiracial groups; 3) 7th for Asian/Pacific Island; 4) 9th for Indian and Alaska Native; and 5) 11th for Latina/o people;
- By 2030, one-third of the state population will be people of color;
- There are 29 federally recognized Indian tribal communities ;
- Washington is a world leader in global trade and exports \$38 billion of products a year;
- Washington is ranked as one of the top five states in the country according to the New Economy Index, which compares all 50 states on 21 indicators of its ability to compete and adapt to an increasingly global, knowledge

and innovative based New Economy.

- In 2007, Forbes Magazine ranked Washington as one of the top five states for business;
- Washington is ranked first with the most associate degrees per 1000 people.

Further, in order to survive in today's global economy, businesses and corporations have made the shift for the past 20 years to institutionalize and build diversity into its corporate culture. A look at the top ten of the most 50 diversity companies in 2007, according to DiversityInc., a diversity trade magazine, reveals some interesting trends based upon the following four criteria³:

- CEO commitment –
 - 100% tie compensation to diversity goals;
 - 25% of the executive team bonuses are tied to diversity goals;
 - 10% to 15% of managers' bonuses tied to diversity goals;
 - 80% of executive team meet regularly with employee resource groups; and
 - 60% of executive team chair diversity councils.
- Human Capital –
 - 34% of promotion in management come from people of color, as opposed to a national average of 15% promotion in management of people of color;
- Corporate Communications
 - 60% require mandatory diversity training for its workforce;
 - 80% require mandatory diversity training for its managers;
 - 60% have diversity training that lasts one entire day; and
 - 80% offer diversity training every month.
- Supplier Diversity
 - 22.7% of Procurement Spent with Women & Minority Business Executives
 - 100% Provide Mentors to Suppliers
 - 100% Provide Financial Assistance to Suppliers



Minority Bar Association Leaders!

Diversity-Local Bars is a list serve for minority lawyers serving on diversity committees or as officers or board members of state or local bar associations. This list allows its members to communicate as a group, share ideas and information, and keep apprised of Commission programs and events targeted toward them and the particular needs and interests of their bars and members.

If you are a member of your state or local bar association's diversity committee or an officer or board member and you'd like to join **Diversity-Local Bars**, send an e-mail to Sandra Yamate at yamates@staff.abanet.org with your name, the name of your bar association, your bar's city/state, and the office or position you hold in your bar association.

What We Have Learned

Nationally, there are five state bar associations (California, Georgia, Oregon, Texas and Washington) that have state supported diversity director/manager positions and programs and at least three county bar associations (Columbus County Bar Association, Columbus, OH; Allegheny County Bar Association, Pittsburgh, PA and King County Bar Association, Seattle, WA) with diversity leadership positions. Arizona State Bar is in the process of hiring a director of diversity. Thanks to the leadership, guidance and efforts of Sandra Yamate, Director of the ABA Commission on Racial and Ethnic Diversity, all of the state and county bar diversity directors/managers have been in contact with one another and offered support and guidance.

For the leadership of those state bars, who are in the throes of contemplating the merits of making diversity a viable and integral part of your organization, the following are suggestions:

- 1 Establish Relationships and Team Building** - Identify the diverse leadership and stakeholders among attorneys within the legal profession, courts and community at large. Identify committed leaders and stakeholders from law firms, law schools, corporations, businesses, government, education, and non profit organizations. Establish and cultivate a working relationship based upon mutual trust and respect.
- 2 Conduct Data Gathering and Research** – Develop data gathering and assessment tools to be used to identify priority areas of concern and need among both minority and mainstream attorneys. If one of the priority issues is the high numbers of minority attorneys leaving a law firm (large or small firm) within five years, the Bar may want to identify potential interventions to address this.
- 3 Create a State-wide Diversity Plan** – Together with the attorneys, stakeholders and community leaders identified above, plan organize and develop a five, ten, fifteen and twenty year state diversity plan for the legal profession. Identify com-

mon areas of interest and agreement and build upon them. The plan should include realistic benchmarks and deadlines for achieving goals and objectives. Just as is established by the Top 10 Diversity Corporations, in this plan, tie compensation incentives to your diversity goals.

- 4 Monitor and Reevaluate Your Plan and Strategic Goals** – Conduct quarterly and yearly monitoring of your plan. Identify areas of strength and improvement. Anticipate change and opportunities for growth and build them into your plan.
- **Provide Adequate Funding and Human Resources** – Based upon the data collection in two above, allocate capital and human capital accordingly. Hard and accurate data drive decision-making and resources.

Diversity in the WSBA is evolving from an awareness and wide ranging mode to one that will be more focused and directed. The new WSBA director, Paula Littlewood is committed to diversity. In addition to the goals of access to justice and a fair and impartial judiciary, diversity will be the driving force for the WSBA in the future.

However, the goal of increasing diversity in the legal profession is not a one-person show. It is a shared responsibility

among all members and leadership of the bar and legal community, whether mainstream, minority or underrepresented members. Within the last twenty years, WSBA has made great strides in increasing diversity in the legal profession. There is a need to build upon the foundation that has begun and work together to uphold the highest standard of excellence to increase diversity in the legal profession.

Joslyn K. N. Donlin is a lawyer serving as the Diversity Advocate for the Washington State Bar Association.

1. The 12 minority bar associations include: 1) Asian Bar Association of Washington; 2) Cordova Society; 3) Filipino Bar Association; 4) Korean American Bar Association of Washington; 5) Latina/o Bar Association of Washington; 6) Loren Miller Bar Association; 7) Northwest Indian Bar Association; 8) Gay Lesbian Bisexual & Transgender Bar Association of Washington (QLaw); 9) South Asian Bar Association of Washington; 10) Vietnamese American Bar Association of Washington; 11) Washington Association of Attorneys with Disabilities; and 12) Washington Women Lawyers.

2. See Washington State and WSBA Diversity Distributions, 7/2007.

3. The 2007 DiversityInc Top Ten Companies for Diversity are 1) Bank of America; 2) Pepsi Bottling Group; 3) AT&T; 4) The Coca-Cola Co.; 5) Ford Motor Co.; 6) Verizon Communications; 7) Xerox Communications; 8) Consolidated Edison Co. of New York; 9) JP Morgan Chase; and 10) PepsiCo.

Commission 20th Anniversary Commemorative Tile



To mark the occasion of its 20th anniversary, the ABA Commission on Racial and Ethnic Diversity in the Profession has produced a ceramic tile to commemorate 20 years of promoting the full and equal participation in the legal profession by minorities. Only a limited number of these tiles are available. They are suitable for hanging, framing or use as a paperweight or trivet. Each tile is \$20.00. Order yours today! Order forms are available at www.abanet.org/minorities.

2007 National Conference for the Minority Lawyer June 28-29 Boston





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Each One Teach One

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The atmosphere throughout the conference was very familial and upbeat. It was easy to meet people and be fully engaged, without looking at your watch wondering whether you had spent too much time talking with one individual. It was impossible to be a wallflower; people would pull you into a conversation and then introduce you to others. It was not the typical “what do you do” dialogue; conversations were more personal and relevant to being a minority lawyer, such as, how do you handle being the only minority face within your company or group. There was often a common thread in conversations I had with attorneys whom had been practicing for several years: we [minorities] have had a foundation laid for us; we [the next generation of lawyers] need to build upon this foundation; and networking is the first step of this process. These attorneys were eager to give me their business card and encouraged me to contact them if that if I had any questions about the practice.

The highlight of the first day for me was the discussion groups divided by years of practice. I attended a dis-

cussion among lawyers in practice 0-5 years. It was an hour of so of trading war stories, great conversation and cultivating new relationships. One thing that stood out for me was the scarcity of black male attorneys in the group. There were perhaps four of us among the twenty or so participants. The conversation was enlightening, and I was able to become more familiar with everyone and their views in a way that would not have been possible but for this session.

The second day of the conference was a little more somber, as the Supreme Court had just issued its decision on the voluntary school desegregation cases. Professor Charles Ogletree gave us his perspective on the decision, as well as some historical insight and analysis of the Justices opinions. These cases dominated the conversation for this day, as people were talking and debating the potential effects and next steps. By now everyone had heard, met or interacted in some way with most of the other attendees and speakers.

As the day came to a close, I realized how wrong I had initially been about the conference. This event was different. It was not just a “networking” event but a chance to develop

and foster relationships with people who want to see and enable minorities to succeed in this profession. I couldn't help but think about the dinner I had my first night in Boston with the attorneys from our firm attending the conference. We had talked for hours about diversity, the salary wars, recruitment and retention of minority attorneys, the lack of mentoring programs and how minorities must be more proactive in their career planning, and why New York associates get paid more than everyone else (even if they don't have to live in Manhattan, and can move to Jersey). At that time I had not fully understood the importance of developing a successful network; taking advice from those that have been where I am trying to go; following the path that has already been laid; and that if each one does in fact teach one and become more accountable for the development of new associates, there is no limit to what we could achieve within our profession.

Charles Hamilton Houston once stated that “a lawyer is either a social engineer or a parasite.” It may not be that black and white. I would not consider any of the people I met to be parasites. Yet many would not be considered social engineers because they are working at a firm or for a corporation (though active in pro bono and volunteering their time to improve the communities in which they live and work). I was amazed to meet so many people with so many different backgrounds who wanted to have a positive impact on the profession and build a bridge for the minority lawyers who are following and will eventually surpass them. The ABA National Conference of the Minority Lawyer was more than a conference: it was a guide on navigating your career through this profession. . . .

Christopher S. Awad is an associate in the Washington, D.C. office of Pillsbury Winthrop Shaw Pittman LLP where he practices in the real estate group.



Calling all Diversity Committee Members!

If you are a member of the diversity committee of your ABA Section, Division or Forum and you'd like to keep apprised of about news, programs, projects and ideas from other ABA entities and minority bar associations, consider joining the Commission's list serve for ABA entities. To join, send an e-mail to Sandra Yamate at yamates@staff.abanet.org with your name, e-mail address and the name of your Section/Division/Forum.

**ABA Commission on Racial and Ethnic
Diversity in the Profession and
The Charles Hamilton Houston Institute
for Race and Justice
at the Harvard Law School**

Present

Renaissance of Idealism:

Running for Office

October 3-5, 2007

Cambridge/Boston, MA

Recent rulings by the United States Supreme Court have made clear that litigation should not be the only means by which communities of color seek to protect their rights, improve society, defend their liberties, or pursue justice. Legislation and administration are equally important.

Public service is an ideal that stands as a cornerstone of the American identity. The value and approbation placed upon it is fundamental to the American character and spirit. For the Founding Fathers, Cincinnatus, the Roman citizen-statesman who did not seek office and political power as a lifetime entitlement but who, when called gave service to his country by his leadership, embodied that ideal.¹ And they made sure that that ideal was an intrinsic part of the American psyche. It is no wonder then that generations of Americans have venerated the ideal of the "citizen-statesman" and revered icons such as George Washington as American Cincinnatus-es.

Racial and ethnic minorities have a history of embracing the ideal of public service. Among minority law school graduates, research shows they perform more unremunerated public service than white graduates.² Yet racial and ethnic minorities have not always correlated that public service to the ideal of the citizen-statesman (or woman) serving in elected office. Not enough. Far too few minorities make the transition from active, community-based public service to public service through public office and leadership. The lawyer-legislator, an offshoot of the citizen-statesman, remains too rare a phenomenon among minorities. This does not indicate a lack of aptitude, affinity or ability. Nor does it demonstrate a lack of commitment, interest or vision. Instead, it reveals a glaring omission in our society. When minorities, especially minority lawyers, opt not to pursue public office, it represents a serious talent drain that deprives our local communities and our society as a whole of the benefits of their skills and experiences, their perspectives and insights, and their expertise and vision.

It's time to address that.

Please join the American Bar Association's Commission on Racial and Ethnic Diversity in the Profession and the Charles Hamilton Houston Institute for Race and Justice at the Harvard Law School for a twothree-day program in which we will that will prepare and train minority lawyers to run in elections for judgeships, city and county offices, city councils, school boards, state legislatures, and statewide and even federal offices.

Join us as we:

- Consider the reasons why too few minority lawyers seek public office;
- Assess how minority lawyers can become more effective in the political process;
- Explore avenues for minority lawyers seeking to run for public office;
- Examine how to run for office at different levels of government, especially local government and in judicial elections;
- Analyze how to run a campaign — including how to build a campaign team, draw volunteers, raise funds, seek endorsements, market a candidate, and meet voters;
- Debate effective campaign strategies when seeking public office;
- Assess the role and benefits of the political consultant;
- Discuss fundraising strategies and techniques for different types of campaigns;
- Examine the role of media and effective marketing in campaigns;
- Explain the role and manifestations of party politics;
- Review the best ways to get out the vote; and,
- Strategize about how to effectively nurture, train and support minority lawyers as public officials.

If you've ever considered running for public office, this program will provide the knowledge you'll need to make it a successful run — and perhaps be a modern-day Cincinnatus.

About the Charles Hamilton Houston Institute

The Charles Hamilton Houston Institute for Race and Justice was founded in 2005 by Harvard Law School Professor Charles J. Ogletree, Jr. The Institute has been named to honor Charles Hamilton Houston, an African American lawyer and educator who dedicated his life to using the law as a tool to reverse the unjust consequences of racial discrimination. The Institute will further Houston's vision of racial justice and equality through scholarship, policy analysis, training and education. It is uniquely situated to take full advantage of the vast resources of the Harvard Law School and the larger University as it addresses these issues in the civil and criminal law context.

About the ABA Commission on Racial and Ethnic Diversity in the Profession

The American Bar Association Commission on Racial and Ethnic Diversity in the Profession is the catalyst to change the legal profession to reflect the society it serves. The Commission helps racially and ethnically diverse lawyers advance their careers and standing in the profession; uses leadership, programs, and information to help the profession understand and eliminate racism, bigotry and discrimination; and works to increase racial and ethnic diversity in the legal profession and enrich the profession through diversity.

For more information or to be added to the mailing list to receive updated information about this program, please contact:

ABA Commission on Racial and Ethnic Diversity in the Profession
321 N. Clark Street
Chicago, IL 60610
(312) 988-5643
MartineN@staff.abanet.org
www.abanet.org/minorities

1. Cincinnatus, when called, laid down his plow to lead the Roman armies but afterwards returned to his farm. When called upon again, this time to lead Rome during a political crisis, he led the Republic through the crisis, but again voluntarily relinquished that power to return to his farm.

2. See Richard O. Lempert, David L. Chambers, and Terry K. Adams, "Michigan's Minority Graduates in Practice: The River Runs Through Law School," *25 Law & Social Inquiry* 395 (2000).



ABA Commission on Racial and Ethnic Diversity 2007-2008 Calendar

September

Minority Counsel Program Fall Meeting

September 6-7, 2007
Chicago, IL

Commission Fall Business Meeting

September 15, 2007
Chicago, IL

October

Running For Office

October 3-5, 2007
Cambridge, MA

February

ABA MIDYEAR MEETING:

Minority Bar Leaders Luncheon

February 8, 2008
Los Angeles, CA

Spirit of Excellence Awards Luncheon

February 9, 2008
Hyatt Regency Century Plaza
Los Angeles, CA

Commission Midyear Business Meeting

February 9, 2008
2:00 – 5:00 p.m.
Los Angeles, CA

Minority Caucus Meeting of the ABA House of Delegates

February 11, 2008
2:00 – 5:00 p.m.
Los Angeles, CA

March

Minority Counsel Program Spring Meeting

March 27-28, 2008
Newark, NJ

May

Minority Counsel Program Spring Meeting

May 8-9, 2008
Seattle, WA

Commission Spring Business Meeting

May 15-17, 2008
Location TBA

June

National Conference for the Minority Lawyer

June 25-27, 2008
Silicon Valley

August

ABA ANNUAL MEETING: 7-12

Minority Bar Leaders Luncheon

August 8, 2008
New York, NY

Commission Annual Business Meeting

August 8, 2008
2:00 – 5:00 p.m.
New York, NY

Minority Lawyers Reception

August 8, 2008
5:30 – 7:30 p.m.
New York, NY

State and Local Bar Diversity Committee Luncheon

August 9, 2008
New York, NY

Minority Caucus Meeting of the ABA House of Delegates

August 10, 2008
2:00 – 5:00 p.m.
New York, NY

Chair's Message

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keynote. I had never had a chance to meet her before. How glad I am to have rectified that. Seldom have I heard a more inspiring woman!

Ms. Martinez, a partner at Munger, Tolles & Olson, LLP in Los Angeles, gave inspirational reflections on 40 years of life as a minority lawyer. Beginning with her work with the NAACP Legal Defense Fund in 1967, Ms. Martinez described how she approached her work and the obstacles she faced as a woman of color at Cahill, Gordon & Reindel in New York and ultimately as President and General Counsel of the Mexican American Legal Defense and Educational Fund. She also explained the importance of her work as Chair of the University of California Board of Regents and her service on boards of directors for several major corporations.

An integral part of the National Conference is providing attendees with ample time and opportunity to meet each other. One activity at the National Conference allows attendees to talk about career and other professional issues with other lawyers in groups organized by age and experience: lawyers with fewer than 5 years of experience, lawyers with 5-9 years of experience and lawyers with 10 plus years of experience. The discussions in these groups featured lively exchanges of opinion and advice.

And at the end of the day, that's what the National Conference is all about: Networking. It's all about meeting each other, getting to know each other, and building bonds among lawyers from a variety of different minority groups. It's all about making us stronger as part of the bigger whole. We don't need to see everything eye to eye. We don't need to have all lived the same histories and experiences. But so long as the rest of the world insists upon grouping us all together, surely we can enjoy getting to know the others in the group.

So, save the date and plan on joining us next year for the National Conference for the Minority Lawyer, June 26-27, 2008 in Silicon Valley.

National Conference

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Upcoming Events

SEPTEMBER 2007

Minority Counsel Program Fall Meeting

September 6-7, 2007 • Chicago, IL

Commission Fall Business Meeting

September 15, 2007 • Chicago, IL

OCTOBER 2007

Running For Office

October 3-5, 2007 • Cambridge, MA

FEBRUARY 2008

ABA MIDYEAR MEETING

Minority Bar Leaders Luncheon

February 8, 2008 • Los Angeles, CA

Spirit of Excellence Awards Luncheon

February 9, 2008 • Los Angeles, CA

Commission Midyear Business Meeting

February 9, 2008 • Los Angeles, CA

Minority Caucus Meeting of the ABA House of Delegates

February 11, 2008 • Los Angeles, CA

For more and updated information about upcoming events, please visit our online calendar at www.abanet.org/minorities/events/home.html.

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