

Diversity

A Little More Conversation, A Little More Action



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The legal profession is founded on a deep commitment to justice and fairness. For years, diversity has been the topic of conversation and debate within our profession. Everyone, it seems, has opinions on the causes of disparities that appear at the most visible positions of leadership in bar associations and law firm governance. Everyone, it seems, has opinions on how to remedy the problem. With the barrage of statistics and reports offering varying approaches, firms and businesses might seem overwhelmed or stagnated, in need of guidance to make their own self-assessments now and develop good practices in the future. Fortunately, the State Bar of Michigan has been strongly focused on the issue of diversity and has been working hard to offer suggestions for action.

The Problem

Each year, our country is becoming significantly more ethnically and racially diverse. For example, the U.S. Census Bureau projects that by the year 2050, the minority population—which includes everyone except for non-Hispanic, single-race persons who are white—will total 235.7 million; that's 54 percent of a projected United States population of 439 million. Still, statistics indicate that we have much to accomplish in our pursuit of a more diverse profession. The 2000 census showed that minority representation among professionals was 20.8 percent for accountants, 18.2 percent for college professors, 24.6 percent for physicians, and only 9.7 percent for lawyers. Among private practitioners, diversity is rarely seen in the ranks of equity partners and managing partners of law firms.

Why Should We Care?

In a speech he gave before the British Parliament, President Obama addressed di-

versity in terms of the "enormous strength" of our "patchwork heritage." He said:

Unlike most countries in the world, we do not define citizenship based on race or ethnicity. Being American or British is not about belonging to a certain group; it's about believing in a certain set of ideals—the rights of individuals, the rule of law. That is why we hold incredible diversity within our borders. That's why there are people around the world right now who believe that if they come to America, if they come to New York, if they come to London, if they work hard, they can pledge allegiance to our flag and all call themselves Americans; if they come to England, they can make a new life for themselves and can sing God Save the Queen just like any other citizen.

Yes, our diversity can lead to tension. And throughout our history there have been heated debates about immigration and assimilation in both of our countries. But even as these debates can be difficult, we fundamentally recognize that our patchwork heritage is an enormous strength—that in a world which will only grow smaller and more interconnected, the example of our two nations says it is possible for people to be united by their ideals, instead of divided by their differences; that it's possible for hearts to change and old hatreds to pass...

Certainly, diversity recognizes differences, but in the legal profession these differences unite us in a common bond—we all believe in promoting and pursuing justice. We all believe that the rule of law is paramount and should be zealously protected. We all believe that we can work harmoniously with others, despite different backgrounds or genders, toward this common goal.

Talk and Action: What the State Bar Has Been Doing

Achieving diversity requires an acknowledgment of the problem and a promise to make strides to improve. The State Bar of Michigan has been involved extensively in evaluating and discussing diversity in several ways.

First, this issue of the *Michigan Bar Journal* has a diversity theme. In it, you will see several articles that may help you better understand the issues, inspire and encourage you, and provide options for action.

Second, the State Bar's new Diversity and Inclusion Advisory Committee, co-chaired by Hon. Victoria Roberts of the U.S. District Court for the Eastern District of Michigan and Dean John R. Nussbaumer of Thomas M. Cooley Law School, has brought together several dedicated lawyers and judges. The committee began as the Task Force on Diversity

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during the presidency of W. Anthony Jenkins, my predecessor, and is now a full State Bar committee with this jurisdictional statement:

- Review concepts and ideas and make recommendations for support, implementation, or other appropriate actions to SBM leadership, committees, and other bar-associated entities about SBM initiatives and programs addressing inclusion within the profession, and approaches to measuring progress in the area of diversity and inclusion.
- Provide guidance concerning efforts by bar-associated entities such as the Diversity Project Workgroup of the Equal Access Initiative and subcommittees of SBM committees in seeking signatories to the Pledge to Achieve Diversity and Inclusion in the Legal Profession in Michigan.
- Identify tools and strategies to assess the current state of diversity and inclusion in the Michigan legal community that can be used to set meaningful benchmarks to measure improvements and progress.
- Develop concepts for recognizing best practices and exceptional achievements.
- Provide public support to the SBM leadership and staff regarding communications with members of the profession and others about the goals and outcomes of diversity and inclusion activities.

With a talented team of volunteers, this committee has already begun to secure information, develop suggestions for action, and gather resources that will eventually be shared with all bar members seeking to improve their commitment to diversity.

Third, the SBM Pledge to Achieve Diversity and Inclusion in the Legal Profession in Michigan launched in September 2010 and has received extensive support. All attorneys are encouraged to sign. The pledge was an outgrowth of three colloquia on diversity in the profession in 2010 that involved 100 attorneys at three law schools.

Fourth, the State Bar's internal management actively strives to lead by example. The Bar's Strategic Plan, Management Goal 4, states:

The State Bar of Michigan will be managed in a manner that is creative, innovative, uses best practices, and reflects the values of the profession it serves.

4.3 Foster a work environment that is culturally diverse, sensitive to the importance of differing viewpoints, and appreciates the value of diversity to the bar and the legal profession.

Fifth, with regard to bar leadership, Structure and Governance Goal 6 of the Strategic Plan states that "the State Bar of Michigan will be structured, organized, and governed to achieve its strategic goals and to facilitate timely broad-based decision-making and efficient use of resources." Goal 6.4 also states that the Bar will "[e]mbrace a culture within State Bar leadership and decision-making that is sensitive to differing views and recognizes the importance of diversity to the Bar and the legal profession."

Sixth, State Bar staff includes a full-time director of diversity, Greg Conyers.

Seventh, the Equal Access Initiative of the State Bar Committee on Justice Initiatives has been very busy assessing ways to improve diversity in the profession. Last

year, the Equal Access Initiative and the Alternative Dispute Resolution (ADR) Section convened an ADR Task Force on Diversity. The task force met with stakeholders from around the state, including experts on ADR and diversity issues. It was charged with evaluating, among other things, the best ways to include a more diverse group of practitioners in ADR proceedings.

Eighth, the State Bar consistently tries to work collaboratively with affinity bar associations that are committed to supporting diversity initiatives and strong mentor relationships such as the Wolverine Bar Association, Stonewall Bar Association, the Women Lawyers Association of Michigan, and numerous others. Before my presidency began, I contacted several organizations and encouraged them to invite applications for appointment to a State Bar committee.

Ninth, the State Bar's website offers a section on diversity and inclusion with links to the diversity pledge, best practices, reports on diversity, assessment tools, and links to articles and blogs on the subject. See <http://www.michbar.org/diversity/>.

Conclusion

Our society is composed of people of different backgrounds, genders, creeds, sexual orientation, and physical abilities. All bring different perspectives and approaches to the decision-making process. All deserve a voice. All deserve to be included.

As we begin 2012, I encourage you to renew your commitment to diversity. Consider positive changes. For example, if you have not already done so, please sign the State Bar's diversity pledge. Consider initiating flexible work arrangements that, for example, enable primary caregivers to meet family demands while also fulfilling client and law firm demands; technology, more than ever before, helps make this possible. Take advantage of the State Bar's many resources on diversity and check the State Bar's website for new developments and resources as the year progresses.

Also know that the State Bar is willing to consider improvements. If you believe there is anything we can do to advance diversity in our profession, please don't hesitate to contact me or State Bar staff. ■