

PROFESSIONAL DEVELOPMENT AND OPPORTUNITIES FOR MINORITIES

MINORITY REPRESENTATION IN THE PROFESSION

Race/Ethnic Recommendation VIII-1: Progress must be continued toward a representational bench throughout the State through the appointive authority, and by the support and recruitment of minority candidates for the bench.

Summary of condition prompting 1989 recommendation:

Minority presence was inadequate both in numbers and in terms of geographical distribution on the benches of the state in 1989.

Research Methodology in 1997:

Questionnaire to the Governor

Information provided by the State Court Administrative Office

Status of the implementation of the recommendation in 1997:

Since 1991, the Governor has appointed two majority woman, four majority males, one Arab-American male, and one African-American male to the Court of Appeals. Three majority females, two African-American females, twenty-nine majority males, and two African-American males have been appointed to the circuit and Recorder's courts in that time period. Three majority females, one African-American female and ten majority males have been appointed to probate courts since 1991. Five majority females, three African-American females, three African-American males, and thirty-four majority males have been appointed to district courts in that period. The number of women and minorities serving in all courts has increased since 1989, except in circuit courts, where the numbers have decreased.

The Task Force recognizes that in many parts of the state, there is not a substantial ethnic minority pool of candidates available from which to fill vacancies. Qualified women, however, are practitioners throughout the state. The Governor's office, in its response to the questionnaire, stated that where the vacancy occurs and when, is more of a predictor of who applies and how many applicants there are in the total pool.

Further, the State Bar of Michigan has a Judicial Qualifications Committee (JQC) which does screen and rate candidates whose names are submitted by the Governor to the JQC. Such screening makes it clear that to a large measure, the State Bar of Michigan does participate in the selection process through its rating of candidates presented for screening by the Governor. The Governor has stated his commitment to this process. This partnership can be extended to develop a joint recruitment approach so that the pool of qualified applicants for judicial vacancies becomes more diverse.

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Recommended Action:

This recommendation has been partially implemented. Further implementation requires:

- The Governor should continue to appoint more women to the bench.
- Consideration should be given to wider publication of the notice of vacancies, and extending the period of time within which to apply, in order to insure that a wider pool of candidates is developed.
- To the extent that the Governor's office itself does identify candidates for consideration to fill vacancies, the Governor should extend affirmative outreach to qualified minorities and women.
- As a matter of policy and in consultation with the Governor's office, the State Bar of Michigan appoints members to the Judicial Qualifications Committee taking into account the political party affiliations of the members. Each year, one co-chair is to be a Republican and one is to be a Democrat. By the same token, the State Bar of Michigan should insure diversity in other respects on the Judicial Qualifications Committee, given the important role it has in screening and rating what, hopefully, will be a diverse pool of candidates.

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Race/Ethnic Recommendation VIII-2: Courts, through their Chief Judges, should appoint referees, magistrates, and quasi-judicial personnel in numbers which accurately reflect the racial/ethnic demographics of the population they serve.

Summary of condition prompting 1989 recommendation:

Minority presence was inadequate both in numbers and in terms of geographical distribution on the benches of this state in 1989.

Research Methodology in 1997:

Questionnaire to the Governor

Information obtained from the State Court Administrative Office

Status of the implementation of the recommendation in 1997:

The State Court Administrative Office maintains statistics of magistrates and referees as part of a larger classification which includes other court personnel, including lawyers, probation officers, systems analysts, police, and fire captains. Because of the method by which the State Court Administrative Office collects this data, it is not possible to determine whether improvement in this area has occurred.

Recommended Action:

It is unclear whether this recommendation has been implemented. The State Court Administrative Office should collect data from the courts specifically as to the employment of magistrates, referees, and other quasi-judicial personnel by race, ethnicity, and gender. In the event that this data collection shows that females and minorities are under-represented in these positions, courts should appoint more females and minorities to serve as magistrates, referees, and in quasi-judicial positions in numbers sufficient to represent the demographics of the population they serve.

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Race/Ethnic Recommendation VIII-3: The appointing authority should increase the representation of racial/ethnic minority populations in quasi-judicial positions.

Summary of condition prompting 1989 recommendation:

The under-representation of minorities as public servants in the justice system, as assistant attorney generals, prosecutors, and public administrators, undermines confidence in, and the effectiveness of, the justice system.

Research Methodology in 1997:

Questionnaire to Attorney General

Questionnaire to Prosecuting Attorneys Association of Michigan

Questionnaire to Prosecuting Attorneys Coordinating Council

Questionnaire to Prosecuting Attorneys

Information from the State Court Administrative Office

Status of the implementation of the recommendation in 1997:

Neither the Prosecuting Attorneys Association of Michigan nor the Prosecuting Attorneys Coordinating Council maintain statistics on the race or ethnicity of assistant prosecutors. Information provided by the Attorney General's Office shows that there has been some progress toward the realization of the goals set forward in 1989. At that time eleven percent (11%) of non-supervisory Attorney Generals were minority. Current statistics show that figure has not increased. However, the number of supervising Attorney Generals has increased from six percent (6%) in 1989 to eight percent (8%) in 1997.

Recommended Action:

This recommendation has been partially implemented. Implement the 1989 Task Force recommendation with the following revisions to the wording:

- Appointing Authorities should continue to increase the number of minorities in policy-making positions and encourage their upward mobility to positions of influence in the offices of the Attorney General, in prosecutor's offices, disciplinary systems and as public administrators.
- Prosecuting attorneys should be required to maintain statistics regarding race, ethnicity, and gender, and report them to the Prosecuting Attorneys Association of Michigan on an annual basis.

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Race/Ethnic Recommendation VIII-4: The appointing authorities should increase the representation of racial/ethnic minority populations in policy-making positions in the offices of the Attorney General, State Public Administrators, Prosecutors offices, and Disciplinary systems.

Summary of condition prompting 1989 recommendation:

The under-representation of minorities in policy-making positions in the offices of the Attorney General, State Public Administrators, Prosecutors offices, and disciplinary systems affects public confidence in and the effectiveness of the system.

Research Methodology in 1997:

Questionnaire to Attorney General

Questionnaire to Prosecuting Attorneys Association of Michigan

Questionnaire to Prosecuting Attorneys Coordinating Council

Questionnaire to Prosecuting Attorneys

Questionnaire to Judicial Tenure Commission

Questionnaire to Attorney Discipline Board

Questionnaire to Attorney Grievance Commission

Information from State Court Administrative Office

Status of the implementation of the recommendation in 1997:

Neither the Prosecuting Attorneys Association of Michigan nor the Prosecuting Attorneys Coordinating Council maintain statistics on the race or ethnicity of assistant prosecutors; there is one African-American elected prosecutor (out of a total of 83 counties). Within the disciplinary system, the Judicial Tenure Commission has nine members, including seven attorney members, of whom five are majority males, one is a majority female and one a minority female. The Attorney Discipline Board consists of four majority males, two majority females, two minority males and one minority female member; and the Attorney Grievance Commission has seven majority males, one African-American male, one Arab-American female, and one majority female.

Information provided by the Attorney General's Office shows that there has been some progress toward the realization of the goals set forward in 1989. At that time eleven percent (11%) of non-supervisory Attorney Generals were minority. Current statistics show that figure has not increased. However, the number of supervising Attorney Generals has increased from six percent (6%) in 1989 to eight percent (8%) in 1997.

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MINORITY REPRESENTATION IN THE PROFESSION

Recommended Action:

This recommendation has been partially implemented. Implement the 1989 Task Force recommendation with the following revisions to the wording:

- Appointing Authorities should continue to increase the number of minorities in policy-making positions and encourage their upward mobility to positions of influence in the offices of the Attorney General, in prosecutor's offices, disciplinary systems and as public administrators.

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MINORITY REPRESENTATION IN THE PROFESSION

Race/Ethnic Recommendation VIII-5: Increase the number of minorities hired as law clerks, judicial assistants, and commissioners at all levels of the judiciary, but particularly at the appellate level.

Summary of condition prompting 1989 recommendation:

In 1989 there were few instances in the Michigan judiciary of majority jurists employing minority law clerks, judicial assistants, or commissioners.

Research Methodology in 1997:

Questionnaire to Michigan Supreme Court

Questionnaire to Michigan Court of Appeals

Status of the implementation of the recommendation in 1997:

Since 1994, the Court of Appeals has had one African-American male and one African-American female employed as law clerks, out of a total of twenty-eight clerks employed at a given time. The prehearing division has employed between sixty and seventy attorneys each year from 1994 to the present, and, of these, the greatest number of minorities at a given time was eight (in 1995) to the current low (three minority attorneys out of a total of sixty eight). Since 1994, the Court of Appeals has not had a non-majority commissioner.

The Michigan Supreme Court had one African-American male and one African-American female employed as law clerks in 1994 and 1995, and one Arab-American male employed as a law clerk in 1994, and no minority law clerks since 1995; the total number of law clerks from 1994 to the present is one hundred fifteen. Two African-American males have served as Supreme Court Commissioners (of a total of seventeen or eighteen) during that time period.

Recommended Action:

This recommendation has not been implemented. Implement the 1989 Task Force recommendation with the following revisions to the wording:

- The courts should increase the number of minorities hired as law clerks, judicial assistants, and commissioners at all levels of the judiciary, but particularly at the appellate level.

In addition, the State Bar of Michigan Task Force recommends:

- Law school placement offices should work with the appellate courts to increase the number of minorities in these positions.

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PROFESSIONAL ORGANIZATIONS AND BAR ASSOCIATIONS

Race/Ethnic Recommendation VIII-6: The Supreme Court should use its appointive powers to place minorities in leadership positions and to facilitate advancement within the leadership ranks of the bar. Specifically, the number of Supreme Court appointees to the Board of Commissioners should be increased by at the very least restoring the number to five. Additionally, the Court's policy prohibiting reappointment of their appointees to the Board of Commissioners should be revised to permit appointments for at least two terms, thereby enabling appointees to run for election for State Bar office including the presidency.

Summary of condition prompting 1989 recommendation:

Minorities could not obtain seats on the State Bar Board of Commissioners proportional to their numbers in the profession through the elective process.

Research Methodology in 1997:

Questionnaire to Michigan Supreme Court

Status of the implementation of the recommendation in 1997:

The Supreme Court has no formal policy for the appointment of women and minorities to the Board of Commissioners. While the Supreme Court does not have a formal policy for appointment of women and race/ethnic minorities to the Board, the Court has a long standing history of promoting diversity such that the majority of the race/ethnic minorities that have served on the Board have been by appointment of the Court. Since 1994, the court has appointed no majority Commissioners.

Recommended Action:

This recommendation has been partially implemented. Further implementation requires:

- The Supreme Court should continue to use its appointive powers to place minorities in leadership positions and to facilitate advancement within the leadership ranks of the Bar.
- Additionally, the Supreme Court's policy prohibiting reappointment of their appointees to the Board of Commissioners should be eliminated to permit appointments for at least two terms, thereby enabling appointees to run for election for State Bar office including the presidency.

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PROFESSIONAL ORGANIZATIONS AND BAR ASSOCIATIONS

Race/Ethnic Recommendation VIII-7: State Bar of Michigan Bylaws should be amended to delete any requirement that a minimum number of votes be cast for any vacant position on the State Bar Board of Commissioners and Representative Assembly.

Summary of condition prompting 1989 recommendation:

Minorities could not obtain seats on the State Bar Board of Commissioners proportional to their numbers in the profession through the elective process.

Research Methodology in 1997:

Information from State Bar of Michigan

Status of the implementation of the recommendation in 1997:

The Bylaws have not been amended.

Recommended Action:

This recommendation has not been implemented. Implement the 1989 Task Force recommendation with the following revisions to the wording:

- The State Bar of Michigan Bylaws should be amended by the end of the current fiscal year to delete any requirement that a minimum number of votes be cast for any vacant position on the State Bar Board of Commissioners and Representative Assembly.

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PROFESSIONAL ORGANIZATIONS AND BAR ASSOCIATIONS

Race/Ethnic Recommendation VIII-8: The State Bar of Michigan and local and special purpose bar boards should utilize their appointive powers to place minority lawyers into leadership positions and to facilitate advancement within their ranks.

Summary of condition prompting 1989 recommendation:

Local and special purpose bar associations did not actively recognize their responsibility to encourage and create opportunities for minority involvement.

Research Methodology in 1997:

Questionnaire to local and special purpose bar associations

Questionnaire to State Bar of Michigan

Status of the implementation of the recommendation in 1997:

Local and special purpose bar associations reported various methods utilized to increase minority representation in leadership positions, including the power of appointment.

Recommended Action:

This recommendation has been substantially implemented. Continued implementation of the recommendation is required. In addition, the State Bar of Michigan Task Force recommends:

- The State Bar of Michigan and local and special purpose bar boards should continue to utilize their appointive powers to place minority lawyers into leadership positions and to facilitate advancement within their ranks.
- The State Bar should provide information regarding the race, ethnicity and gender of the association's members to association leaders, and develop leadership programs in addition to the Presidents-Elect Conference.

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PROFESSIONAL ORGANIZATIONS AND BAR ASSOCIATIONS

Race/Ethnic Recommendation VIII-9: State Bar presidents should be encouraged to continue their efforts to recent years to appoint minorities as committee members and chairs in substantial numbers.

Summary of condition prompting 1989 recommendation:

The presence of minority representatives in Committees of the State Bar is a result of an aggressive policy on the part of State Bar leadership.

Research Methodology in 1997:

Information from State Bar of Michigan

Status of the implementation of the recommendation in 1997:

In the past few years the State Bar presidents have strengthened their efforts to appoint minorities as committee members and chairs.

Recommended Action:

This recommendation has been substantially implemented. Continued implementation of the recommendation is required. In addition, the State Bar of Michigan Task Force recommends:

- State Bar presidents should be encouraged to continue their efforts in recent years to appoint minorities as committee members and chairs in substantial numbers.

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PROFESSIONAL ORGANIZATIONS AND BAR ASSOCIATIONS

Race/Ethnic Recommendation VIII-10: State Bar sections must increase their efforts to recruit minority members and must aggressively pursue policies designed to increase the number of minorities serving on the section councils and as section officers.

Summary of condition prompting 1989 recommendation:

Sections of the State Bar have not aggressively recruited minority members in the past.

Research Methodology in 1997:

Questionnaire to State Bar Sections

Status of the implementation of the recommendation in 1997:

The status of this recommendation is unclear because approximately two thirds of the State Bar Sections did not respond to the questionnaire. Of those sections which provided responses, a variety of methods were used to recruit minority and female section members and leaders.

Recommended Action:

This recommendation has been partially implemented. Further implementation requires:

- The State Bar should require Sections to report the gender, race, and ethnicity of persons in positions of section leadership to the State Bar, and appropriate sanctions should be developed for sections which do not do so.
- State Bar Sections which have nondiverse section leadership should recruit and appoint minority members to leadership positions.
- The State Bar should establish recruitment goals for newly created sections.
- The State Bar should provide or identify resources for leadership training for women and minorities to achieve section leadership should be allocated where needed.

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Race/Ethnic Recommendation VIII-11: Rather than await the gradual change which will inevitably accompany a growing number of minorities admitted to practice, the State Bar of Michigan should develop methods of sensitizing local bar associations and special purpose organizations to the more subtle forms of discriminatory treatment, and by persuasion and example end them.

Summary of condition prompting 1989 recommendation:

Local and special purpose bar associations did not actively recognize their responsibility to encourage and create opportunities for minority involvement.

Research Methodology in 1997:

Questionnaire to State Bar of Michigan

Questionnaire to local and special purpose bar associations

Status of the implementation of the recommendation in 1997:

The State Bar reports that it addresses these issues at the annual Presidents-Elect conference and in articles in the *Michigan Bar Journal*.

Recommended Action:

This recommendation has been substantially implemented. Continued implementation of the recommendation is required. In addition, the State Bar of Michigan Task Force recommends:

- The State Bar of Michigan should evaluate existing methods and develop new methods of sensitizing local bar associations and special purpose organizations to the more subtle forms of discriminatory treatment.
- The State Bar leadership should determine whether additional methods would be more effective and, if so, implement them.

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Race/Ethnic Recommendation VIII-12: The Local Bar Liaison Committee, the "On The Road" publication, the Presidents-Elect Conference and other communications vehicles should be used to raise the consciousness of local and special purpose bar associations to the need for establishing a hospitable atmosphere for minority members.

Summary of condition prompting 1989 recommendation:

Local bar associations did not consistently provide a hospitable atmosphere for minority members.

Research Methodology in 1997:

Questionnaire to local and special purpose bar associations

Questionnaire to State Bar of Michigan

Questionnaire to State Bar Sections

Status of the implementation of the recommendation in 1997:

The State Bar of Michigan is continuing efforts to implement this recommendation through speakers at the annual Presidents Elect Conference and in *Michigan Bar Journal* articles. The "On the Road" publication revealed no articles relating to race, ethnic, or gender bias in 1996 or 1997. The efforts of the State Bar of Michigan are apparently unpublicized with local bar associations, as most local bar associations were unaware that State Bar resources were available to address race, ethnic, or gender issues.

Recommended Action:

This recommendation has not been implemented. The 1989 Task Force recommendation should be implemented as written. In addition, the State Bar of Michigan Task Force recommends:

- The State Bar of Michigan must take a leadership position in encouraging the participation of minorities in local bar associations and in promoting diversity.
- The Local Bar Liaison Committee and the "On The Road" publication and other communications mechanisms of the State Bar should be used to raise the consciousness of local bar associations to the need for establishing an hospitable atmosphere for new minority members.
- The State Bar of Michigan should continue to address these issues at the Presidents-Elect Conference.
- The State Bar of Michigan should publicize its efforts and resources for local bar associations.

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Race/Ethnic Recommendation VIII-13: State Bar efforts initiated under the leadership of its Committee on Expansion of Under-represented Groups in the Law to encourage the Michigan Judicial Institute, the Institute of Continuing Legal Education, and other educational programs to use more minorities on its faculties should be continued. Similar efforts should be directed at State Bar sections to recruit faculty for their fall and spring seminars and their programs at annual meetings. Minorities must be adequately involved as faculty for the Michigan Continuing Legal Education program for new lawyers.

Summary of condition prompting 1989 recommendation:

Minorities were under-represented on the faculties on legal education programs.

Research Methodology in 1997:

Questionnaire to Institute of Continuing Legal Education

Questionnaire to Michigan Judicial Institute

Questionnaire to State Bar of Michigan

Status of the implementation of the recommendation in 1997:

With respect to recruitment and use of women and minorities as faculty members in ICLE courses, the Institute of Continuing Legal Education has substantially implemented the recommendations of the 1989 Task Force. Between 1985-1988, the Institute of Continuing Legal Education had fourteen percent (14%) women and one percent (1%) minority speakers. Since that time it has adopted aggressive recruiting efforts and for many years ICLE's women and minority faculty participation rates have matched or exceeded the percentage of women and minorities in the profession.

The Institute of Continuing Legal Education provided a summary of its recruitment efforts, its minority and women faculty recruitment policy (adopted in 1990/91), statistics reflecting the results of its recruiting efforts (which have been reported to both ICLE's Executive Committee and the Committee on Under-represented Groups in the Law every year since 1989), and a small sampling of the letters it routinely sends out to bolster its ongoing recruitment efforts. As a result, an increased number of women and minority faculty members have contributed their time and skills to the Institute of Continuing Legal Education's educational programs.

The Michigan Judicial Institute has also made outstanding progress in this area. Significant improvement has occurred in the number of women and minority faculty in its programs. Targeted recruitment efforts have identified qualified faculty for many courses. In 1994 minority faculty was nine percent (9%). By 1996 it had reached nearly twenty-three percent (23%) and it is expected that it will remain at twenty-two percent (22%) for 1997.

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PROFESSIONAL ORGANIZATIONS AND BAR ASSOCIATIONS

Recommended Action:

This recommendation has been substantially implemented. Further implementation of this recommendation requires:

- State Bar efforts should be initiated under the leadership of the Committee on Expansion of Under-represented Groups in the Law to encourage the Michigan Judicial Institute, The Institute of Continuing Legal Education, and other educational programs to use more minorities as faculty.
- The State Bar should require that data be reported annually on the gender, race, and ethnicity of their faculty. Similar efforts should be directed at State Bar sections to recruit faculty for their fall and spring seminars and their programs at annual meetings. The Michigan Judicial Institute and the Institute of Continuing Legal Education should continue their significant progress in this area.

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PROFESSIONAL ORGANIZATIONS AND BAR ASSOCIATIONS

Race/Ethnic Recommendation VIII-14: Every effort should be made to hire additional minorities for the State Bar's executive staff.

Summary of condition prompting 1989 recommendation:

The State Bar Executive Staff did not have adequate representation of minority employees at the executive level.

Research Methodology in 1997:

Questionnaire to State Bar of Michigan

Status of the implementation of the recommendation in 1997:

The State Bar reported that in December of 1989, five percent (5%) of the exempt (executive/salaried) staff were minorities. By October of 1997 that figure had increased to nineteen percent (19%), consisting of two minority males and five minority females. Overall representation of minorities within the exempt and non-exempt categories increased from eleven percent (11%) to twenty-six percent (26%) during that same time period, representing two minority male and eleven female employees.

Recommended Action:

This recommendation has been substantially implemented. Further implementation requires:

- The State Bar of Michigan should continue to recruit, hire, mentor, and retain minorities for the State Bar's executive staff.

PROFESSIONAL DEVELOPMENT AND OPPORTUNITIES FOR MINORITIES

EMPLOYMENT ISSUES FOR MINORITIES IN THE PROFESSION

Race/Ethnic Recommendation VIII-15: The State Bar should adopt the recommendations contained in the ABA Task Force on Minorities in the Legal Profession Report of January 1986, and provide leadership and assistance in increasing opportunities for minority attorneys within the profession.

Summary of condition prompting 1989 recommendation:

Minorities have traditionally been excluded from certain areas of the legal profession. This exclusion is reflected in the low percentage of participation by minorities in private law firms, on law school faculties, with corporations, and in the judiciary. Minorities experience unique difficulties in the profession related to their lack of advancement, lower hiring and recruitment, increased rate of attrition, and lack of access to professional development opportunities. Many of these problems are directly related to disparate treatment based on racial/ethnic bias.

Research Methodology in 1997:

Questionnaire to State Bar of Michigan

Status of the implementation of the recommendation in 1997:

The State Bar has implemented a Statement of Goals for Minority Hiring, Retention and Promotion and a Clearinghouse/Resume Bank in accordance with the goals of the American Bar Association recommendations. At the time of this Report, there are 35 law firm signatories and 4 corporate legal department signatories in the state. They are required to provide an annual status report to the State Bar of Michigan.

Recommended Action:

This recommendation has been substantially implemented. Continued implementation of the recommendation is required. In addition, the State Bar of Michigan Task Force recommends:

- The State Bar should provide leadership and assistance in increasing participation in this program and providing expanded employment opportunities for minority attorneys within the profession.

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EMPLOYMENT ISSUES FOR MINORITIES IN THE PROFESSION

Race/Ethnic Recommendation VIII-16: The Supreme Court should publicly acknowledge and support the Michigan Minority Demonstration Project and the American Bar Association Minority Demonstration Project. The Court, when appropriate, should encourage the increased participation and expansion of such programs.

Summary of condition prompting 1989 recommendation:

Minorities have traditionally been excluded from certain areas of the legal profession. This exclusion is reflected in the low percentage of participation by minorities in private law firms, on law school faculties, with corporations, and in the judiciary. Minorities experience unique difficulties in the profession related to their lack of advancement, lower hiring and recruitment, increased rate of attrition, and lack of access to professional development opportunities. Many of these problems are directly related to disparate treatment based on racial/ethnic bias.

Research Methodology in 1997:

Questionnaire to Michigan Supreme Court

Status of the implementation of the recommendation in 1997:

The Supreme Court has not acknowledged these projects.

Recommended Action:

This recommendation has not been implemented. The 1989 Task Force recommendation should be implemented as written.

PROFESSIONAL DEVELOPMENT AND OPPORTUNITIES FOR MINORITIES

LEGAL EDUCATION AND THE IMPACT OF RACIAL/ETHNIC BIAS

Race/Ethnic Recommendation VIII-17: Michigan law schools should receive the Task Force report, and incorporate consideration of the Task Forces' conclusions and recommendations in the following course areas:

- a. **Courtroom interaction:** to be included in clinical law and trial practice courses;
- b. **Ethics:** to be included in professional responsibility courses;
- c. **Substantive areas of the law:** to be included in courses covering said areas;
- d. **Task Force conclusions and recommendations where appropriate should be included in extra-curricular legal activities, such as moot court programs.**

Summary of condition prompting 1989 recommendation:

Law school curricula did not adequately incorporate racial/ethnic bias and discrimination discussions into substantive courses, and it was not a part of all professional ethics courses.

Research Methodology in 1997:

Questionnaires to Law School Deans

Questionnaires to Law School Professors

Focus Group with Minority Law School Administrators and Professors

Status of the implementation of the recommendation in 1997:

Forty percent of the law school professors responding to the questionnaire reported that their law school had no courses on racial/ethnic bias. One law school dean reported that "these items receive episodic consideration" while Cooley reported that these topics were included in clinical classes, moot court, and trial practice exercises. Wayne State reported that its Professional Responsibility courses include these topics, a one credit course on lawyering devotes one class session to these issues, and first year students are given the *McGrate Report* which contains material on fundamental values of the profession and urges the elimination of bias.

Recommended Action:

This recommendation has been partially implemented at some law schools. Implement the 1989 Task Force recommendation. In addition, the State Bar of Michigan Task Force recommends:

- The State Bar should conduct a survey every three years of Michigan law schools regarding the gender, race, and ethnic composition of their students, administrators and faculty. Statistics about the faculty should be categorized by tenured/nontenured/adjunct/instructor status, by

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LEGAL EDUCATION AND THE IMPACT OF RACIAL/ETHNIC BIAS

number of years on the faculty and other relevant variables. The results of the survey should be published in the Michigan Bar Journal.

- The State Bar should send a letter notifying the governing bodies of law schools which do not respond to this survey.
- The State Bar should adopt an Honor Roll of law schools which comply with the State Bar Task Force recommendations.
- The State Bar should establish a Forum for Women and Minority Faculty.

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LEGAL EDUCATION AND THE IMPACT OF RACIAL/ETHNIC BIAS

Race/Ethnic Recommendation VIII-18: Law schools should adopt and follow policies aimed at the recruitment, advancement toward tenure and retention of minority faculty members.

Summary of condition prompting 1989 recommendation:

There was a small number of racial/ethnic faculty at the five Michigan law schools and an even smaller number of tenured minority professors. The absence of minority faculty, or their minor presence, directly affected minority students by denying them role models and had an untoward effect on the quality of legal education for all students and the professional development of law faculty.

Research Methodology in 1997:

Questionnaires to Law School Deans

Questionnaires to Law School Professors

Focus Group with Minority Law School Administrators and Professors

Status of the implementation of the recommendation in 1997:

No faculty members believed their school had a highly effective policy aimed at the recruitment, advancement toward tenure, and retention of minority faculty members. Seventy percent of the respondents believed their school was average or worse than average on this issue. On the other hand, of the three law school administrators who responded to this question, one reported implementation of this recommendation; another stated that there were no tenured minority faculty members at the school and the school had attempted to assist its two nontenured minority faculty members by making funds available to them to attend national conferences and meetings; and the third dean reported that the law school had adopted such policies.

Recommended Action:

This recommendation has not been implemented. The 1989 Task Force recommendation should be implemented as written. In addition, the State Bar of Michigan Task Force recommends:

- Outstate schools with good records in recruiting and retaining tenured minority faculty should be studied and their policies adapted to Michigan law schools.

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LEGAL EDUCATION AND THE IMPACT OF RACIAL/ETHNIC BIAS

Race/Ethnic Recommendation VIII-19: Textbooks, course materials and classroom presentations should be reviewed and altered where necessary to eliminate overt and subtle race/ethnic bias.

Summary of condition prompting 1989 recommendation:

Law school curricula did not adequately incorporate racial/ethnic bias and discrimination discussions into substantive courses, and it was not a part of all professional ethics courses.

Research Methodology in 1997:

Questionnaires to Law School Deans

Questionnaires to Law School Professors

Focus Group with Minority Law School Administrators and Professors

Status of the implementation of the recommendation in 1997:

Fifty percent of the professors reported an awareness of complaints at their school regarding racial/ethnic bias in textbooks, course materials, and classroom presentations during the past three years. Ninety percent of the respondents reported that their school had no policies or procedures to review and revise (as necessary) racial/ethnic bias in textbooks, course books, and classroom presentations and seventy three percent were aware of allegations of racial/ethnic bias by faculty, the administration, or students at the school.

Deans, on the other hand, reported in one instance that "publishers have improved in this regard," another relied on publishers and "the increased numbers of minority and women in the student body [who] operate as a reminder to all of our instructors of the need to treat all of our students with equal respect," and a third stated that the "elimination of race/ethnic bias from classroom materials is regarded as part of the professional obligation of the faculty."

Recommended Action:

This recommendation has not been implemented. Implement the 1989 Task Force recommendation with the following revisions to the wording:

- Law schools should develop policies to review, recommend and supplement textbooks, course materials and classroom presentations where necessary to eliminate overt and subtle race and ethnic bias.

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LEGAL EDUCATION AND THE IMPACT OF RACIAL/ETHNIC BIAS

Race/Ethnic Recommendation VIII-20: Faculty and administrative policies should reinforce law schools' commitment to train attorneys who will be sensitive to and aware of manifestations of race/ethnic discrimination and its effects.

Summary of condition prompting 1989 recommendation:

Law schools have a very important role in educating future lawyers regarding the nature and impact of gender and race/ethnic bias in the profession. Law school curricula did not adequately incorporate racial/ethnic bias and discrimination discussions into substantive courses, and it was not a part of all professional ethics courses.

Research Methodology in 1997:

Questionnaires to Law School Deans

Questionnaires to Law School Professors

Focus Group with Minority Law School Administrators and Professors

Anecdotal information from students and faculty

Status of the implementation of the recommendation in 1997:

Sixty percent of the law school professors who responded to the questionnaire stated that their school had no such policies, and seventy-three percent reported an awareness of allegations of racial/ethnic bias by faculty, the administration, or students at their school. The three law school administrators who responded reported that this recommendation had been implemented.

Since the 1989 Reports, there have been a number of incidents at Michigan law schools involving racist conduct or statements by students or faculty. In some cases law school administrators appear to have responded appropriately to such incidents. In others, there appears to have been a reluctance on the part of law school administrators to take appropriate action. No Michigan law school should permit racist conduct or statements by students, faculty or staff.

Recommended Action:

This recommendation has not been implemented. Implement the 1989 Task Force recommendation with the following revisions to the wording:

- Law school faculty and administrative policies should reflect a commitment to train attorneys who will be sensitive to and aware of manifestations of race/ethnic discrimination and its effects.

PROFESSIONAL DEVELOPMENT AND OPPORTUNITIES FOR MINORITIES

LEGAL EDUCATION AND THE IMPACT OF RACIAL/ETHNIC BIAS

Race/Ethnic Recommendation VIII-21: Professors should be taught ways to integrate race/ethnic issue discussions into a range of classes. All professional ethics classes should cover racial/ethnic bias and discrimination as it affects law practice, treatment of fellow professionals and treatment of court users.

Summary of condition prompting 1989 recommendation:

Law schools have a very important role in educating future lawyers regarding the nature and impact of gender and race/ethnic bias in the profession. Law school curricula did not adequately incorporate racial/ethnic bias and discrimination discussions into substantive courses, and it was not a part of all professional ethics courses.

Research Methodology in 1997:

Questionnaires to Law School Deans

Questionnaires to Law School Professors

Focus Group with Minority Law School Administrators and Professors

Status of the implementation of the recommendation in 1997:

Sixty percent of the law professors reported that their school had a course on racial/ethnic bias. Two of the three deans reported that this recommendation was in progress, and the third reported that it had been implemented.

Recommended Action:

This recommendation has been partially implemented. Further implementation requires:

- Training should be offered to all law school professors regarding the need for and use of race, ethnic and gender issues discussions in substantive law courses.
- All professional ethics classes should cover race, ethnic and gender discrimination as it affects law practice, treatment of colleagues, treatment of court users, and sexual harassment.

PROFESSIONAL DEVELOPMENT AND OPPORTUNITIES FOR MINORITIES

LEGAL EDUCATION AND THE IMPACT OF RACIAL/ETHNIC BIAS

Race/Ethnic Recommendation VIII-22: Law school placement offices should work with professional associations, bar organizations, and the courts to facilitate the entry of minority students into summer clerkships and other opportunities which lead to professional development.

Summary of condition prompting 1989 recommendation:

There were few instances in the Michigan judiciary of majority jurists employing minority law clerks, judicial assistants, or commissioners.

Research Methodology in 1997:

Questionnaires to Law School Deans

Questionnaires to Law School Professors

Focus Group with Minority Law School Administrators and Professors

Status of the implementation of the recommendation in 1997:

Seventy-three percent of the professors reported that their school's efforts toward the implementation of this recommendation were effective. Two of the law school deans reported that this recommendation has been implemented, in conjunction with the Wolverine Bar Association's summer clerkship program.

Recommended Action:

This recommendation has been fully implemented. Continued implementation of the recommendation is required.