

DIVERSITY INITIATIVES: THE AMERICAN BAR ASSOCIATION AND THE STATE BAR OF NEVADA

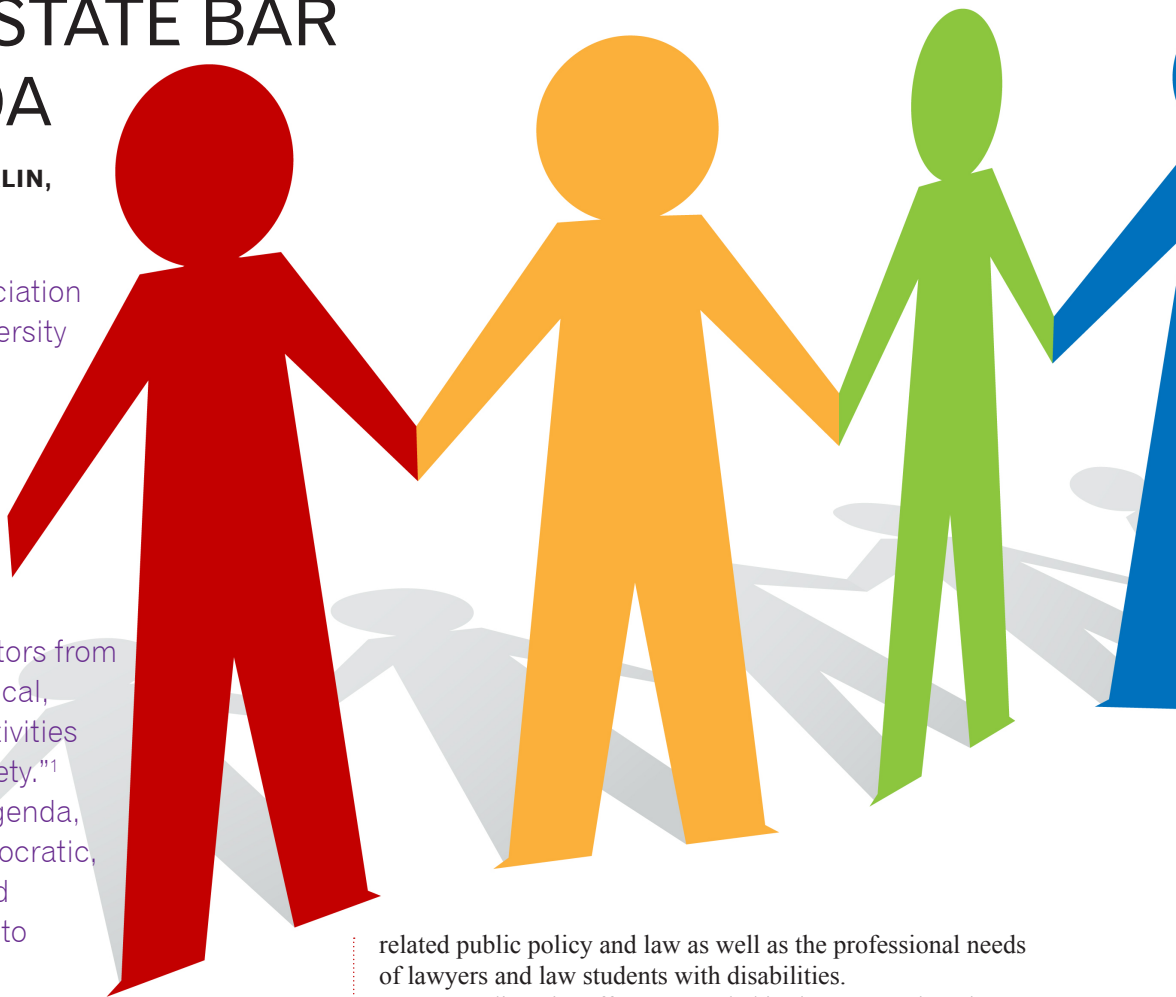
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The American Bar Association (ABA) has promoted diversity in the legal profession for some four decades. It defines its mission on diversity as “addressing a history of laws, practices and employment decisions that excluded broad sectors from participation in the political, economic and social activities and benefits of this society.”¹ In line with this broad agenda, the ABA developed democratic, business, leadership and demographic rationales to advance its goals.

The ABA’s first initiative in this area was the Commission on the Mentally Disabled, created in 1973. Acknowledging the advocacy needs of persons with mental disabilities, particularly those institutionalized, the ABA promoted their inclusion in society and comprehensive participation in the field of law. After Congress passed the Americans with Disabilities Act of 1990, the ABA changed the commission’s name to the Commission on Mental and Physical Disability and broadened its mission to serve all persons with disabilities. In recognition that the employment rate of persons with disabilities had not matched that of women and minorities in the legal profession, the commission held its first national conference on the employment of lawyers with disabilities in 2006 and a second in 2009. Today, the commission sponsors conferences, publications and activities addressing disability-

related public policy and law as well as the professional needs of lawyers and law students with disabilities.

ABA diversity efforts expanded in the 1980s when the ABA spearheaded several initiatives designed to increase the number of underrepresented groups among its members. In 1986, mindful of the low percentage of persons of color in the profession, the ABA created the Commission on Opportunities for Minorities in the Profession. Now called the Commission on Racial and Ethnic Diversity in the Profession, the commission strives to improve economic opportunities and open leadership positions for lawyers with different racial-ethnic backgrounds by serving as a clearinghouse for information and providing technical assistance for start-up programs designed to promote minority attorneys. In 1987, the ABA established the Commission on Women in the Profession, signaling its commitment to increase the number and improve the position of women in the field of law. Two decades later, the ABA founded the Commission on Sexual Orientation and



Gender Identity to prevent discrimination against persons with diverse sexual orientations.

In 2010, the ABA released a comprehensive report, “Presidential Diversity Initiative – Diversity in the Legal Profession: The Next Steps.” Based on surveys, hearings,

summits and workshops, this multi-year study examined diversity in the legal profession, detailing achievements, listing disappointments and setting an agenda for the future. The report made the case that greater diversity strengthens the democratic process and creates a healthy business environment, that a “diverse legal profession is more just, productive and intelligent because diversity, both cognitive and cultural, often leads to better questions, analyses, solutions, and processes.”²

At the same time, the ABA report shows that “[d]espite our efforts thus far, racial and ethnic groups, sexual and gender minorities, and lawyers with disabilities continue to be vastly underrepresented in the

legal profession.”³ Judged by various indicators, the field of law is less diverse than most other professions (e.g., racial diversity in the ABA has actually decreased since 1995). The report put forth extensive recommendations for law schools, legal firms, corporate law departments, the judiciary, government and bar associations, concluding that the latter can play a central role in advancing diversity in their communities.

In the last decade, state and county bars around the country have joined the diversity conversation by establishing their own diversity committees and initiatives. Such efforts include roundtable discussions with the partners of law firms to improve hiring and promoting persons of diverse background; minority student summer clerkship programs; task forces to counter the underrepresentation of minorities among bar members; diversity websites; full-time diversity directors; and pipeline initiatives that encourage youngsters to consider careers in law by forming partnerships with elementary and high schools, organizing summer law camps, sponsoring court visits and promoting law days.⁴

Diversity Efforts in Nevada

Efforts to spur diversity in Nevada are of a recent vintage. In 2006, then-state bar president Rew Goodenow established the Diversity Committee and appointed as its chair Bryan K. Scott, Assistant City Attorney for the City of Las Vegas, 2005 Clark County Bar president and member of the State Bar of Nevada Board of Governors (BOG). Soon after, the BOG voted unanimously to make the Diversity Committee a permanent standing committee in the Nevada bar. Romeo Perez of Romeo Perez, P.C., currently chairs the Diversity Committee which consists of six members, two BOG liaisons and one staff support member.

The committee’s mission is manifold: to increase diversity within the membership and leadership of the State Bar of Nevada as well as the profession, raise awareness among bar members of the benefits of diversity, encourage opportunities for current and aspiring attorneys from underrepresented groups and increase cultural competence in the profession. To achieve these goals, the committee collects diversity statistics among bar members, has instituted a scholarship program at

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the Boyd School of Law, collaborates with bar Law Related Education (LRE) programs and conducts outreach to the specialty bars. The committee is currently initiating a series of diversity-related articles for the *Nevada Lawyer* and county bar publications, and a pipeline-mentorship program which relies on community involvement for its success.

Here are a few highlights of diversity-oriented projects in our community. In 2008, the bar and Boyd School of Law held a continuing legal education (CLE) presentation on diversity in the legal profession. Participants reviewed statistical and demographic data then focused on a variety of issues and concerns: reasons a more representative legal profession widens access to justice and promotes equal protection under the law, the positive impact of diversity initiatives on business, the best practices for hiring and retaining underrepresented groups (including an overview of failed and successful programs implemented at local businesses), and the importance of diversity to in-house counsel. The bar and Boyd School of Law held another CLE on Oct. 21, 2011, titled Culture Impacts of the Criminal and Civil Legal Systems. Rene Valladares, Federal Public Defender, presented a lecture on how an individual's culture impacts the case at different stages of the proceeding.

With help from the state bar's Lawyer Referral & Information Service Committee, the committee established a diversity scholarship open to students from the Boyd School

of Law. Approved in 2010, this award provides \$30,000 over a three-year period: two scholarships a year at \$5,000 per scholarship. From a pool of 23 applicants, the committee selected Patrick Benito and Colin Seale as its first recipients.

Recognizing the importance of gathering statistical data to track the patterns of diversity among Nevada lawyers, the committee developed a demographic survey. The survey was first mailed to active bar members in 2007, and then in 2008 and 2009, along with their dues notices. The survey was voluntary, but to increase the response rate, it was printed on a sheet collecting other mandatory information. No diversity survey was sent in 2010 and 2011. In the future, the bar plans to distribute the survey every three years in order to monitor diversity trends.

A brief overview of survey results is instructive. In 2007, the State Bar of Nevada had 7,868 members, all of whom received the diversity survey. Of the total membership, 4,036 lawyers (51.29 percent) returned the survey answering at least one question. The response rate went up in 2008, with 5,886 of the 9,945 bar members (59 percent) filling out all or parts of the survey. In 2009, 9,273 surveys were mailed, with 6,867 (74 percent) lawyers answering at least one question. The 2008 and 2009 surveys included questions on disability. The following table summarizes the results with ABA diversity data provided for comparison.

Table 1. ABA and Nevada Bar Diversity Data

Socio-Demographic Category		ABA 2000 Percentage	Nevada 2007 Percentage and Total	Nevada 2008 Percentage and Total	Nevada 2009 Percentage and Total
Gender	Men	73	69.8 (6,582)	69.6 (6,696)	N/A
	Women	27	30.2 (2,844)	30.4 (2,919)	N/A
Race Ethnicity	Asian/Pacific	2.2	4.4 (179)	3.9 (227)	3.8 (264)
	African/American	4.2	1.4 (56)	1.5 (88)	1.7 (113)
	Hispanic/Latino	3.4	3.7 (148)	3.3 (195)	3.1 (213)
	Native American	0.2	.60 (24)	0.5 (32)	0.4 (30)
	White/Caucasian	88.8	87.9 (3,549)	89 (5,243)	87 (5,972)
	Other	N/A	1.8 (74)	1.7 (100)	4.0 (275)
Disability	Auditory	N/A	N/A	0.8 (44)	0.6 (42)
	Orthopedic	N/A	N/A	1.4 (80)	1.5 (99)
	Visual	N/A	N/A	0.4 (24)	0.3 (23)
	Other	N/A	N/A	1.1 (64)	0.9 (59)
	Don't Specify	N/A	N/A	0.3 (15)	N/A

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The fact that the response rate increased each year the bar administered the survey is a positive sign, although further improvements along these lines would be welcome. In terms of recommendations for the future, surveys should include questions on sexual orientation in line with ABA committee efforts and recommendations.⁵ Additional information items might be added to reflect the respondent's dis/satisfaction with the state of diversity in Nevada and accommodations for persons with a particular kind of disability.

The ABA diversity findings are from the 2000 U.S. Census, and thus, are clearly out of date (2010 Census data will not be available for some two years). If we use the 2000 ABA data as a baseline,⁶ however, we can see that women lawyers fare marginally better in Nevada, though in both populations women comprise less than a third of the profession. The percentages of persons of Asian Pacific origins and Native American lawyers are also slightly higher in Nevada. The same cannot be said about Nevada African-American lawyers. The latter's percentages barely changed between 2007 and 2009, rising from 1.4 percent to 1.5 percent to 1.7 percent, and significantly trails the ABA figure of 4.2 percent. For the period in question, the percentage of White-Caucasians remains relatively stable, decreasing marginally from 87.93 percent in 2007 to 86.97 percent in 2009 and is comparable to the ABA statistic of 88.8 percent.

The ABA reports that 6.87 percent of its members identify themselves as persons with a disability.⁷ This is much higher than in our state. The percentage of Nevada bar members who identified themselves as persons with a disability was 4 percent in 2008 and 3.34 percent in 2009. Orthopedic disabilities (1.5 percent) are the most common form of disability in 2009, followed by 0.9 percent who chose the category "Other" (amputee, heart disease, stroke, neurological), 0.6 percent of lawyers with auditory disabilities and 0.3 percent with visual. The ABA does not provide a breakdown for disability types.

The Diversity Committee understands that its efforts to create a more diverse legal community must be ongoing. If you have any questions about the committee or would like to participate in its initiatives, please contact Chair Romeo Perez, bar staff member Lisa McGrane or committee members.⁸ Contact information for the committee members is available on the committee website at: www.nvbar.org/diversity. ■

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1 ABA Presidential Diversity Initiative – Diversity in the Legal Profession: The Next Steps 2010 at 9, <http://mldc.whs.mil/download/documents/Readings/Next%20Steps%20Final-Virtual%20Accessible%20042010.pdf>.

2 *Id.* at 5.

3 *Id.*

4 Go to www.americanbar.org/groups/bar_services/awards/home.html to view award-winning bar association projects (ABA Partnership Awards Program) seeking to diversify the legal profession.

5 See Minority Corporate Council Association's 2010 report *The New Paradigm of LGBT Inclusion: A Recommended Resource for Law Firms*, http://mcca.com/_data/global/images/Research/2010_LavBook_%20Final.pdf.

6 For ABA Lawyer Demographics, see <http://www.abanet.org/legaled/statistics/stats.html>. The source of its statistics on Race/Ethnicity is the 2000 U.S. Census. The source of its gender data is *The Lawyer Statistical Report of the American Bar Foundation*, 1985, 1994, 2004 editions. More recent data on gender diversity can be found in the *A Current Glance at Women in the Law 2011* report, http://www.americanbar.org/content/dam/aba/uncategorized/2011/cwp_current_glance_statistics_2011.authcheckdam.pdf.

7 ABA Disability Statistics Report 2011 at 2. www.americanbar.org/.../aba/.../20110314_aba_disability_statistics_report...

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