

ISBA DIVERSITY INITIATIVE RESTRUCTURE PROPOSAL (“PROPOSAL”)

The ISBA Diversity Leadership Council (“DLC”) was charged by the Board of Governors (“Board”) Committee on Scope and Correlation (“Scope and Correlation”) to review and evaluate the current diversity structure, as previously adopted by the ISBA in 2009 (See Ex. A) and to recommend all necessary changes in order to continue to facilitate diversity and inclusion in the ISBA. In response, the DLC formed a subcommittee made up of the DLC Chair and one appointee from each Section Council and Standing Committee that comprise the DLC (“Constituent Committee(s”).¹ This subcommittee reviewed the 2009 Diversity Task Force findings and report (“the Report”) (See Ex. B) and evaluated the diversity initiatives that are currently in place as a response to the Report. The Subcommittee evaluation began with addressing seven (7) questions as follows:

1) What are the diversity goals of the ISBA?

Suggested Goals:

- Increase diversity among all ISBA members (collectively “ISBA Membership” and each individually an “ISBA Member”) and increase diversity on the Board, the ISBA Assembly, the office of ISBA President (defined below), and in member and officer roles on ISBA Section Councils (“Councils”) and ISBA Standing Committees (“Committees”).
- Increase diversity in the profession and practice of law

2) Are all diversity groups properly represented within the current ISBA structure?

No.

The 2009 diversity restructure seems to have had the inadvertent opposite effect of its original intention. The role of the DLC was intended to be a way to highlight, promote and acknowledge advancements and achievements in diversity throughout the ISBA. However, framing the DLC as an umbrella encompassing other section councils and standing committees deemed to be “diversity related,” has resulted in segregating these groups as separate and apart from the ISBA at large rather than becoming a vehicle for the promotion of organization-wide diversity.

Diversity initiatives in the ISBA have been rendered to a conglomerate of special interest groups vying to have their individual agendas prioritized, paid for, highlighted and advanced. That is not diversity.

Diversity should ultimately result in the inclusion of people from all backgrounds and experiences to allow for a multiplicity of perspectives on areas of substantive law and to expand the network of fellowship and inclusiveness among attorneys in the ISBA and the profession generally.

¹ The six (6) Constituent Committees are a subset of ISBA Section Councils and Standing Committees and include: Standing Committee on Racial and Ethnic Minorities, Standing Committee on Women and the Law, International Law and Immigration Section, Standing Committee on Disability Law, Standing Committee on Sexual Orientation and Gender Identity and Human Rights Section Council.

3) Is there any overlap in the current structure?

No. There are gaps that need to be filled.

4) Is there any inefficacy in how diversity agendas and goals are met?

Yes.

5) Are the DLC and its Constituent Committees given enough resources to properly communicate with the rest of the ISBA and ISBA Leadership (defined below)?

No. The required resources go beyond funding and include human capital. The appointment of actively engaged members is key.

6) Should the responsibilities of the DLC be expanded/contracted?

The responsibilities of the DLC should be more clearly defined as a vehicle to promote ISBA-wide diversity rather than a coalition of all “diversity-related” groups (meaning groups other than sections on a specific substantive area of law and groups dedicated to the interests of those who are not straight, white, able-bodied, financially prominent males) within the ISBA. An “us and them” mentality is contrary to achieving diversity and inclusiveness.

7) Is there an over/under representation of interest groups on the DLC?

This question highlights the essence of the problem. Diversity should not be a conglomerate of special interest groups vying for each of their interests to be promoted. It should be about enabling participation by anyone who desires to participate wherever she or he desires to have a place at the table, regardless of that person’s background, beliefs, or whether or not they fit into any particular diverse category.

With the forgoing as our guide, the DLC presents the following proposal to the Scope and Correlation for approval and further adoption by the Board of Governors. This Proposal is the product of multiple meetings of the Subcommittee and the DLC at large.

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**GOVERNING PRINCIPLES
&
ASSUMPTIONS**

1. The ISBA values diversity and holds as a priority the encouragement and inclusion of people within the practice of law, regardless of race, ethnic background, gender, sexual orientation, socio-economic background, national origin or disability.
2. Diversity and inclusion, while overlapping concepts, are qualitatively different.
3. Achieving diversity requires having more individuals of different backgrounds (as noted above) within the ISBA, while inclusion requires encouraging diverse individuals to be active throughout the ISBA, at all levels of Leadership (defined below) and in all Councils and Committees.
4. The ISBA values diversity and holds as a priority the inclusion and active participation of any and all attorneys licensed to practice law and in good standing in Illinois, with a particular emphasis on participating within the Leadership.
5. The ISBA Membership is inadequately diverse and insufficiently inclusive.
6. The Board, the ISBA Assembly, office of ISBA President,² and Councils and Committees (together “Leadership”), are inadequately diverse and insufficiently inclusive.
7. The DLC and its Constituent Committees have certain informational and procedural disconnects that must be cured in order to promote the goals outlined by this Proposal.
8. The ISBA budget will support reasonable efforts to improve diversity and inclusion within ISBA Membership and Leadership.
9. Any diversity or inclusion effort must be efficient and well planned so as to maximize the effects of such effort.

OPERATIVE PROVISIONS

SECTION 1
ISBA-WIDE CHANGES

1.1 Adopt a Diversity and Inclusion Mission Statement

The ISBA shall consider and create an organizational diversity and inclusion statement that reflects the diversity and inclusion mission of the ISBA as a whole (“Diversity

² The DLC recognizes the great strides taken with the office of President and the DLC hopes that this trend continues.

Mission Statement”). The Diversity Mission Statement shall be made prominent on the ISBA website and in ISBA marketing and promotional materials. The Mission Statement shall be separate from and in addition to the mission statement of each Council and Committee and the ISBA Mission generally. The proposed Diversity Mission Statement:

The ISBA values diversity and prioritizes the inclusion and active participation of all attorneys licensed to practice law in Illinois at all levels of the organization. To that end, the ISBA takes affirmative steps to ensure that attorneys of all backgrounds, identities, and circumstances are included in every level of the organization. The ISBA’s investment in creating a more inclusive profession is broadly communicated and reflected by example, both within the Association and the wider legal community.

Comment: Having a Diversity Mission Statement in place will create a touchstone for diversity and inclusion across the entire ISBA.

1.2 Term and Member Limits

Unless otherwise specified by this Proposal, subject to the discretion of the ISBA President, and as specified in the ISBA Bylaws (as amended from time to time) (“Bylaws”), with respect to each Council and Committee the length of each membership term, number of membership terms, and number of seats should be adhered to. As used in this Proposal, the term “ISBA President” means the currently sitting ISBA President and/or the President Elect of the ISBA, as the context so requires or as further specified by the provision in which the term is used.

Comment: The ISBA President, when making appointments to Councils and Committees, should be mindful of term limits, authorized size of Committees and Councils, and participation level of current members. The President should make an effort to incorporate all of these considerations in the appointment process, while balancing the needs of each Council and Committee. This will naturally lead to more opportunities for more inclusive Councils and Committees across the organization.

1.3 Periodic ISBA Diversity Surveys, Evaluations and Reporting

(a) *Surveys Generally.* The ISBA shall periodically conduct a voluntary survey of all members of the ISBA that evaluates and measures diversity and inclusion in relation to race, ethnic background, gender, sexual orientation, nationality, national origin, age, religion and disability. Specifically, the surveys will measure:

(i) The diversity makeup of the ISBA Membership; and

(ii) The diversity makeup of the Councils and Committees (with special delineation as to who serves as officers within a Council or Committee).

(b) Survey as to ISBA Membership. The Board of Governors shall authorize the Standing Committee on Scope & Correlation, comprised solely of Board members, to construct surveys with regard to the diversity of ISBA Membership as a periodic self-assessment of the state of diversity in the ISBA, taking into account the issues and concerns brought to light in this proposal. The form, methodology and reporting of the surveys and their results shall be within the purview of the Scope and Correlation Committee with a full report to the Board of Governors; however, all surveys shall be voluntary and anonymous.

(c) Survey of Councils and Committees. The ISBA shall survey each Council and Committee and provide data to the DLC as to the diversity makeup of such Councils and Committees (the "Data"). In order to compile the Data, the ISBA shall, within 30 days after the ISBA Annual Meeting, send to every Council or Committee member a questionnaire to be completed by a date as determined by the ISBA. The questionnaire shall be distributed to each Council and Committee member online, via electronic mail or through other similar methods of distribution. The questionnaire shall be prepared by the DLC, and the chair of the DLC shall work together with the ISBA President and Board in creation of the questionnaire. The questionnaire shall be anonymous. The Data received from Council and Committee surveys shall be compiled by the DLC and made available to ISBA Membership in a document titled Annual Diversity Report. The Annual Diversity Report shall be published annually and no later than the Mid-Year Meeting. Publication shall be electronic and made available to ISBA Membership on the ISBA website. An agenda item shall be added to the ISBA Assembly meeting at the Mid-Year Meeting each year. The chair of the DLC shall present key points of the Annual Diversity Report at the Mid-Year Meeting.

Comment: The completed survey should be used comparatively in a number of respects. First, where possible, the ISBA should measure its overall diversity numbers against those of the legal population in Illinois. Second, the ISBA should consider the diversity numbers within the ISBA itself, comparing the diversity numbers found as a result of 1.3(a)(i) and 1.3(a)(ii). The form of the applicable questionnaires will need consideration; however, unnecessary delays in the creation and authorization of the questionnaires should be avoided. The questionnaires should be constructed in such a manner as to indicate when an individual chooses to be non-responsive. As noted through this Proposal, the goal is to foster a greater level of inclusion, which means diverse participation across all segments of the ISBA. Accordingly, certain data is required as necessary to measure performance and to evaluate the necessity of any adjustments. Finally, it is the understanding of the DLC that the ISBA has already began construction on a global survey regarding the diversity makeup of ISBA Membership as a whole. In creating such survey, the Leadership should take into account the concerns and issues raised in this proposal. The ISBA President is encouraged to use the Data and the Annual Diversity Report when making appointment decisions with regard to Councils and Committees.

SECTION 2

CHANGES TO THE DIVERSITY LEADERSHIP COUNCIL AND CONSTITUENT COMMITTEES

2.1 Composition of Constituent Committees

All Constituent Committees will remain intact and be operated pursuant to the rules in place for all ISBA Councils and Committees, however subject to the changes indicated in this Proposal as related to such Committees.

Comment: While this Proposal seeks to foster interaction and efficiency among Constituent Committees, such goal should not come at the expense of reducing diverse viewpoints. Each Constituent Committee should be able to set its own agenda and programs while also working within a structure that promotes harmony among their various constituencies. This Proposal is meant to foster such harmony. Furthermore, a sufficiently sized and diverse body within the ISBA is required to facilitate the provisions of this Proposal.

2.2 DLC Interaction with Board of Governors

The DLC shall have two Board liaisons, including the President Elect of the ISBA and one other Board member.

2.3 Appointment to DLC

(a) Composition of the DLC. The DLC shall be restructured to consist of 18 seats. Appointment to each seat shall be made as follows:

(i) Twelve (12) seats shall be filled by members from the six (6) Constituent Committees that make up the DLC and shall include the chair of each (“Chair”) and one other member of each as appointed by the ISBA President; and

(ii) The six (6) remaining seats shall be appointed by the ISBA President and chosen from the ISBA Membership (exclusive of membership found on a Constituent Committee).

(b) DLC Officers. The DLC shall consist of three officers, such being, in order of lowest to highest office: Secretary, Vice-Chair, and Chair (“DLC Officer(s)”). The ISBA President shall appoint DLC Officers (currently such policy provides the President to appoint the Officers) and give due consideration to appointing DLC Officers from the 18 members who comprise the DLC. The ISBA President may appoint Officers so that their service in the applicable Officer position extends two consecutive years. Vacancies in any DLC Officers position, regardless of cause, shall be filled according to established ISBA policy.

(c) DLC Term Limits. Unless otherwise specified herein, the DLC shall adhere to the term and member limits with respect to Committees and as specified at Subsection 1.2 herein. The length of time an individual may serve on a related Constituent Committee may be extended in order facilitate such individual's tenure on the DLC.

Comment: Having DLC members who are not necessarily associated with the Constituents will help broaden discussion and help promote greater inclusion and diversity of opinion. Finally, while appointments are made annually, preference, if possible, should be given to past appointments when considering new appointments for a new bar year, taking into consideration all applicable term limits. The intention is to provide enough flexibility to allow for needed changes to DLC membership while encouraging continuity.

2.4 Meetings of Constituent Committees

The Constituent Committees shall plan business meetings so as to facilitate interaction with the DLC. All Constituent Committees shall make a reasonable effort to schedule business meetings within 10 business days of each other and before any DLC meeting and, with respect to the ISBA Midyear Meeting and ISBA Annual Meeting, the DLC meeting shall occur after the meetings of the Constituent Committees. To the extent possible within ISBA scheduling guidelines, the chair of the DLC shall set the DLC meeting schedule for the year within forty-five (45) days after the beginning of the bar year.

Comment: One of the goals of this Proposal, as noted above, is to promote communication among all Constituent Committees, with the DLC serving as a hub for such communication. To that end, better meeting planning is required. Optimally, Constituent Committees should meet, and the DLC should meet thereafter. It is imperative that the Constituent Committees meet prior to the DLC during the bar year, as this will lead to more effective DLC meetings, whereby the status of each Constituent Committee is properly taken into account. Coordination for this effort will fall primarily on the staff liaison for the Constituent Committees and DLC.

SECTION 3 DIVERSITY RELATED PROGRAMS

3.1 Diversity Fellow Programs

Pending approval of the ISBA Board, the Diversity Fellows Program ("Program") shall continue. The Program shall be renewed for the next two (2) bar years; however, during the pendency of the two year period the Program shall be evaluated and changes considered so that the program operates in accordance with its current goals.

Comment: The Program was tasked with the mandate of bringing more diverse attorneys into the ISBA. This goal is important and any program designed to further its

achievement should not be discontinued. However, after discussion with the current Fellows, it is apparent that the current guidelines should be periodically reviewed to ensure that they meet the goals of the Program, as those goals and objective may change from time to time. Simply put, the Program needs better management. As the Program continues under its current formal guidelines, it is imperative that the Fellows be given opportunity to participate in the Section Council and Committees of their choosing, as this encourages greater Fellow retention.

3.2 Count Me In Reception

The Count Me In reception (the “Reception”) shall be an annual event to occur at the Mid-Year Meeting. Funding for the Reception shall be subject to inclusion in the ISBA budget on a yearly basis. The Reception shall be continually evaluated and changes considered to ensure that the Reception operates in accordance with its stated goals. The DLC shall advise the marketing and promotion of the event as part of Midyear Meeting planning.

Comment: The Reception creates a unique opportunity for the ISBA to associate itself with the diversity related bar associations located in and around Illinois. This exposure is meant to facilitate gains in new ISBA Membership through diverse individuals being introduced to the ISBA. However, the format of the Reception, where it’s held, how it’s marketed, and its overall goals should be evaluated from time to time.