

## MEMORANDUM

**TO:** Lezlie Griffin, NALP Board Liaison  
Claire Nash, NALP Member Services Coordinator

**FROM:** Traci Sharpe, NALP Diversity, Equity & Inclusion Section Co-Chair  
Justine Lewis, NALP Diversity, Equity & Inclusion Section Co-Chair

**RE:** NALP Diversity, Equity & Inclusion Section  
2<sup>nd</sup> Quarterly Board Report

**DATE:** Thursday, October 21, 2021

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The NALP, Diversity Equity & Inclusion Section continues to be a strong community within the NALP space. The Section has 608 members.

### WORK GROUP REPORTS

#### Annual Education Conference / Bulletin+ Article / Webinar Planning

- *Co-Vice Chairs: Ray English and Nicole Llorenz*

14 RFP were submitted on behalf of the Diversity, Equity, and Inclusion Section, five Bulletin article proposals were submitted.

- Neurodiversity (Article)
- Pronouns Aren't Preferred (Article)
- Recruiting and Social Justice (Feature)
- Hair Tattoos and Piercing (Feature)
- Anti-Racism (Feature)

#### *Action Items*

- Curate webinar topics
- Support authors of Bulletin articles and RFPs
- Create helpful tips for next year's vice-chairs

## **Affinity Groups and Mentoring**

- *Co-Vice Chairs: Mary Johnson and Carlos Davila-Caballero*

No update to report.

## **LGBTQ+**

- *Co-Vice Chairs: Koshaneke Gilbert and Eric Stern*

## **Official Workgroup Charges & Action Items**

Work with NALP's liaison to the National LGBT Bar Association to facilitate NALP's collaboration and participation in the National LGBT Bar Association Annual Career Fair and Conference (Lavender Law).

- Grover Cleveland is NALP's liaison to the National LGBT Bar Asso. Grover will be participating on a panel at Lavender Law and will be soliciting volunteers for the conference's counseling project.
- *Action Item:* Recruit volunteers via NALP Connect (message sent on 6/9/21).  
Report from Grover:
  - Lavender Law was a great success. Volunteer counselors provided individual career guidance in one-on-one virtual meetings with almost 100 law students. And Grover moderated a career panel discussion that Fred Thrasher kicked off with an overview of the job market. Panelists then provided insights from a variety of perspectives on career success for LGBTQ+ students.

Work with NALP Director of Communications and Member Engagement to review LGBTQ resources and information on NALP's website and suggest revisions and updates.

- Carmia Caesar and Nicole Netkin-Collins will lead this charge. We will solicit volunteers to support them in this effort and aspire, by Fall, to review using suggested recommendations for revisions and updates.

*Action Item:* Recruit volunteers via NALP Connect (message sent on 6/9/21).

Report from Carmia and Nicole

- Starting this October, we will request volunteers and begin the preliminary review soon.

Consider RFPs for the Annual Education Conference or ideas for the Diversity Summit or other diversity programming.

*Action Item:* Solicit ideas via NALP Connect (message sent on 6/9/21).

UPDATE:

- On June 9, 2021 - message sent to several NALP Groups via NALP Connect to solicit more volunteers for different projects and to solicit ideas for RFPs and Bulletin Articles. To date, we have received no responses.

### **Other Informal Workgroup Initiatives**

*Always look at intersections - ensure that LGBTQ is a part of all DE&I Section-wide efforts*

No updates to report.

*Look for ways to commemorate Pride and other key LGBTQ milestones (consistent with DE&I-wide effort)*

No updates to report.

*Collaborate with the Task Force on Supporting Gender Non-Binary Individuals in the Legal Profession.*

#### Action Items

- Nicole Netkin-Collins (Task Force & LGBTQ member) will send separate message via NALP Connect to solicit volunteers to work on specific efforts.

The Task Force on Supporting Non-Binary Individuals in the Legal Profession list of article proposals.

- Potential series on the anti-trans legislation that's sweeping the nation (with a focus on anti-trans legislation regarding healthcare & athletics and the rhetoric surrounding such anti-trans legislation). Nicole will submit the article on behalf of the Task Force and on behalf of this Work Group. The lead authors are Melanie Rowen, Rafael Langer-Osuna (attorney-advisor to the Task Force), and Molly Stafford (with support from the rest of the Task Force).
- Another article (that Nicole will be taking the lead on) is "Pronouns aren't \referred." Nicole confirmed article submitted on behalf of the Task Force and the DE&I Section. This article will run in the Jan. 2022 NALP Bulletin submitted by Nicole and Courtney Carter.

## **Legislative Monitoring**

- *Co-Vice Chairs: Leanne Fuith and Nickey Woods*

The Legislative Monitoring workgroup will continue its work in monitoring federal and state legislation and other developments in the law regarding issues related to diversity, equity, and inclusion inside and outside of the legal profession. Our second report features information about changing norms and expectations in workplaces regarding Diversity, Equity, and Inclusion; financial watchdogs implementing ‘comply or explain’ policies for DEI accountability; a White House executive order related to DEI in the workplace, a narrow change in North Carolina law on the right to discriminate, and changes to the Public Service Loan Forgiveness Program.

Changing norms and expectations about diversity, equity, and inclusion in the workplace.

Organizations in and outside of the legal profession are embracing new tools and strategies to demonstrate a commitment to diversity, equity, and inclusion as workers and leadership return to the office following COVID-19.

- The Great Resignation Doesn’t Have to Threaten Your DE&I Efforts (Harvard Business Review, September 1, 2021).
- LCLD to Require Law Firm and GC Members to Make Public, Measurable Diversity Pledges, (American Lawyer, September 21, 2021)
- How Big Law Firms Are Using AI to Cut Down on Hiring Biases (American Lawyer, August 4, 2021)
- Diversity at Elite Law Firms Is So Bad Clients Are Docking Fees (Bloomberg, October 5, 2021)
- Law firm talent chiefs balance lawyers’ greater expectations after COVID-19 (Reuters, September 29, 2021)
- ABA’s inaugural Equity Summit will highlight importance of inclusion; guests include Justice Sotomayor (ABA Journal, Sept. 22, 2021)

Global financial watchdogs propose ‘comply or explain’ policies for DEI accountability. Companies are under increasing pressure to ensure that the membership of their boards reflects a commitment to DEI. Both the SEC and FCA (UK) are requiring minimum board diversity targets or explain in writing why they are not doing so.

- More Corporate Directors Welcome Rules to Boost Board Diversity (Bloomberg, October 2021)

- A changing boardroom climate: insurance planning with ESG in mind (Reuters, September 24, 2021)
- Inclusion, Equity, & Diversity Update – SEC Approves Nasdaq Rule on Board Diversity (JD Supra, August 23, 2021)
- UK financial watchdog cracks down on lack of diversity in boardrooms with ‘comply or explain’ proposal (CNBC, July 28, 2021)
- State Lawmakers Continue Push To Increase Diversity in Corporate Boardrooms (MultiState, March 17, 2021)
- How To Make Corporate Boards More Diverse (Center for American Progress, September 29, 2021)

White House Issues Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce President Joe Biden signed an Executive Order to advance diversity, equity, inclusion, and accessibility (DEIA) in the Federal workforce. According to the press release, “This Executive Order reaffirms that the United States is at its strongest when our Nation’s public servants reflect the full diversity of the American people.”

- Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce (White House, June 25, 2021)

### Changes to Public Service Loan Forgiveness

The Biden administration recently announced new changes to transform the troubled Public Service Loan Forgiveness (PSLF).

- Biden To Transform Public Service Loan Forgiveness With Huge New Changes: Key Details (Forbes, October 6, 2021)
- US Department of Education overhauls Public Service Loan Forgiveness program (CNN, October 6, 2021)

### Court Rules on Right to Discriminate Based on Religious Beliefs

- Supreme Court Issues Narrow Ruling In *Fulton Vs. The City Of Philadelphia* (Equality North Carolina, June 2021)

*Action Items:*

The Legislative Monitoring Committee will continue to monitor news in the legal and other related industries during Quarter 3 for advancements, updates, or changes to the law in areas of diversity, equity, and inclusion.

**Environmental Scanning**

- *Co-Vice Chairs: Shannon Burke and Erika Fadel*

Topics members have shared:

- 360 Reviews – has anyone been able to implement them successfully?
- Non-Partner attrition and retention – how is the hot lateral market affecting diverse attorneys?
- Calendar and budget planning for 2022
  - What trainings are people intending to implement in 2022?
  - Are budgets similar to pre-pandemic budgets or are people keeping pandemic-level reduced budgets?
- Survey season is upon is starting in the new year
  - What surveys are people completing?

*Action Items:*

1. Ask members what they're experiencing.
2. Contact the AEC Co-Chairs to share ideas regarding webinars and articles.

**Recruitment Tools Evaluation**

- *Co-Vice Chairs: Suzanne Schaefer and Sheryl Roberts*

We now have seven who have volunteered to join the work group and Sheryl Roberts agreed to co-chair the work group since Michelle Jackson's departure – thank you! We had a meeting scheduled on September 21 but we had many that had to cancel last minute. We have gathered resources to assist with developing the guide. These include an overview of assessment tools, the results of the NALP employer survey questions regarding assessment tools, and a list of firms willing to answer additional questions. Will reach out to the JD Career Advisors counterpart work group to see if there has been any additional surveys or information gathered on firms using assessment tools. Vice-chair attended the NALP Assessment Tool Summit (4 hours) on October 7<sup>th</sup>. Topics below:

- Analytics, AI and Bias: Foundational Knowledge for Accountability
- Meet the players in the Industry
- How Assessments Impact Law Students
- So How Does All This Really Work?

### *Action Items:*

We will schedule a meeting after the October 7th Summit to discuss whether we would schedule demos with the assessment tool organizations to gather more information and whether we have gathered enough information to prepare a reference guide.

### **Section and Group Collaborations**

- *Co-Vice Chairs: Lauren Jackson and Kim Price*

### **Committee Communications**

- Vice Chairs met virtually on September 20, 2021, to discuss goals for sub-committee and best ways to execute.
- Vice Chairs decided it would be great to begin with contacting NALP committees to ask about collaborating on bulletins for upcoming issues.

### **Outreach**

- E-mailed the Chair of the judicial clerkship committee and connected with their Diversity Sub-Committee chairs.
- Awaiting meeting time to discuss possible collaboration ideas and article themes with the Vice-Chairs of the Diversity, Equity, and Inclusion Work Group, Amy Nixon and Andrea Saavedra.
- Contacted the Chairs of the Well-Being Section (Marta Ricardo) and Task Force on Supporting Gender Non-Binary Individuals in the Legal Profession (Nicole Netkin-Collins)
  - Well-Being Section
    - The partnership conversations have focused on the intersection between well-being and equity/inclusion.
    - Next steps include bringing the topic to an upcoming well-being circle hoping to find NALP Bulletin or programming topics from that discussion. Awaiting Marta's follow-up.
  - Task Force on Supporting Gender Non-Binary Individuals in the Legal Profession
    - The Task Force is creating a document to assist in making dress codes more inclusive.
    - The thought is to create inclusive "dress code considerations" as a tool for employers and law schools. Melanie Rowen of the Task Force is the primary contact. There is a meeting on October 11 to discuss further.

*Action Items:*

- Lauren Jackson working with Andrew Parker to solidify submission for article regarding social justice pro bono opportunities included the recruitment strategies of private companies seeking diverse candidates.
- Kim Wolf Price will attend Task Force meeting and work on “dress code considerations” in collaboration with the Task Force work group, bringing questions and issues back to the DEI Section.
- Kim Wolf Price will share the date of the Well-Being Section’s well-being circle on the nexus of DEI/well-being.

**Member Relations**

- *Co-Vice Chairs: Kelly Ryan and Crystal Deazle*

The section has welcomed 44 new members over the past three months, bringing the section’s total to 608 members. New members’ feedback is diversity is a part, but not the focus of their jobs. They are looking to stay abreast of developments and find resources on incorporating diversity into their role. New members surveyed about what brings them to the section and what resources would be helpful. The workgroup continues to look into providing resources where possible.

*Action Items:*

- Welcome new members via NALP Connect
- Survey new members to see what discussion topics and/or resources would be helpful
- Inform new members of upcoming webinars and section meetings

**Disability Inclusion**

- *Co-Vice Chairs: Robin Thorner and Meredith Wiggins*

The Disability Inclusion Workgroup has conducted outreach to employers and schools regarding what resources would be helpful for education about supporting disabled candidates and proactively creating disability-inclusive environments. We currently compile that information. Multiple members of the Workgroup attended the National Disabled Law Student Association (NDLSA) webinar forum on supporting disabled law students and attorneys, where several attendees from schools and employers expressed hope that NALP would provide additional resources.

*Action Items:*

- Complete targeted environmental scanning
- Draft resource for law school professionals

**Knowledge Management and Resource Implementation**

- Co-Vice Chairs: Courtney Carter and Devra Herмосilla

Provided the KM co-chairs with our ideas on topics relevant to DEI that should be a part of the new KM system / process. We are awaiting next steps from the co-chairs.

**SECTION CALL**

The section's 2<sup>nd</sup> Quarterly Meeting was Wednesday, October 13, 2021 on Zoom.

The call was informal. We shared upcoming programming information - the DE&I Symposium on November 3 & 4 and the Professional Development Institute on December 2 and 3 in DC.

Our workgroup vice-chairs gave a brief update, incorporated into the Board Report. We allowed time for people to discuss other topics. Justine raised the questions of what best practices/suggestions others had on ways to combat the overwhelming seemingly non-stop work and the assault on your energy and spirit. Many members shared insights, best practices, and suggestion. Some included taking the time to recharge yourself, use your support groups, family/friends and to take time off. The conversation was well-received, one member chimed in to say that the conversation reminded and encouraged her to schedule time off and others expressed that the conversation is illustrative of the benefits of being a member of NALP and this section.

**NEXT SECTION CALL**

The 3rd Quarterly Call is scheduled for Wednesday, January 26 @ 2:30 pm CT / 3:30 pm ET.