

MEMORANDUM

February 4, 2021

To: Catherine Clement, NALP Board Liaison
Claire Nash, NALP Member Services Coordinator

From: Alison Y. Ashe-Card, NALP Diversity, Equity & Inclusion Section Chair

Re: NALP Diversity, Equity & Inclusion Section Board Report, February 2021

The NALP Diversity, Equity & Inclusion Section continues to be a strong community within the NALP space. The Section has 588 members currently. Summaries of the reports for the current Vice Chairs for our Work Groups are below.

Vice Chair Reports

- **Annual Education Conference/Bulletin Article/Webinar Planning**
 - *Summra Shariff, Nirvana Dove, Annabrooek Temple*
 - 8 of the 10 RFPs submitted by the Diversity, Equity, and Inclusion Section were accepted for the Annual Conference.
 - 5 *Bulletin* article proposals (5 articles and 1 3-part series Feature) were submitted.
 - **Feature**
 - *Not Making Enough Noise: The Costs of Failing to Dismantle Racism and White Supremacy in the Legal Profession* by Alison Ashe-Card, Molly Stafford, and Nicole Netkin-Collins (January 2021) (part 2 of 3)
 - **Bulletin articles**
 - *We Stood Against Injustice; Where Do We Stand Now?* by Nirvana Dove, Tonya Gaskins, and Sonya Wilson (November 2020)
 - *If You See Something, Say Something: Moving From Bystander to Accomplice* by Rachael Bosch and Janelle Christian (December 2020)
 - *Perspectives: Attire for Non-Binary Legal Professionals* by José Bahamonde-González and Melanie Rowen (December 2020)
 - *Two Keys to Creating an Inclusive Environment in the Workplace* by Alfred Ray English (February 2021)
 - 12 months after George Floyd's death and the aftermath, where are we and where are we going (May 2021)
- **Mentoring**
 - *Shannon Burke*
 - Invitation to participate in mentoring program. Deadline to express interest is October 16, 2020.
 - *26 NALP members are participating in the program: 11 law school professionals and 15 law firm professionals.*
 - *The small mentoring groups have started to meet.*

- *Work group members will check in with the groups quarterly to see how their mentoring relationship is progressing, to offer any assistance, and to answer any questions they may have.*

- **LGBTQ**
 - *José Bahamonde-Gonzalez*
 - Bulletin article - *Perspectives: Attire for Non-Binary Legal Professionals* by José Bahamonde-González and Melanie Rowen (December 2020)

- **Legislative Monitoring**
 - *Traci Sharpe*
 - Sheila Simhan resigned her employment with Loyola University Chicago School of Law to become a stay-at-home mom.
 - Report is attached.

- **Environmental Scanning Work Group**
 - *Ray English, Alicia Currin-Moore, Justine Lewis*
 - The work group plans to post at least one article or current DEI topic on NALPconnect each month to generate discussion. They have posted the following:
 - [Red, White, And Inclusive: 3 Lessons To Adopt From The 2021 Presidential Inauguration](#) by Simone Morris (January 2021)
 - [The Day-to-Day Work of Diversity and Inclusion](#) by Gretchen Gavett (October 2020)

- **Recruitment Tools Evaluation**
 - Work Group Vice Chair position open.
 - Fayola Alibey resigned from the *NYC Law Department on January 8, 2021.*
 - *Last update:*
 - The work group was scheduled to meet on October 14, 2020 with the JD section to finalize the questions for the survey to send to NALP.

- **Member Relations**
 - *Michelle Jackson, Jessica Rivera*
 - The work group has continued to welcome new section members via email outlining resources available in the section and in NALP, as well as information on upcoming events. The work group has also reached out to departed members to inquire as to why they left. So far, the main reason given is change in position.
 - 70 new section members and 5 members who have left since 4-1-2020.

- **Knowledge Management**

- *Jernee Bramble*
- In December, Jernee sent a preliminary content log for the DEI section on NALP's website to Andy Hales. From there, he is going to assess where the KM inventory project is, generally, and address steps forward. So, as of now, she is waiting for direction from him and will communicate with the committee thereafter.

Environmental Scanning

During the quarterly call, members discussed the January 6 attack on the Capitol and its impact.

Section Calls

On November 17, the DEI section hosted a "Let's Discuss" open discussion session. We had approximately 15 participants and the discussion ranged from OCIs, OCI logistics, recruiting, programming and recruitment programs for diverse students, Beyoncé's partnership with Peloton and more. Many of the participants on the call were individuals with whom I had not had the opportunity to connect with prior to the call.

The following suggestions were made:

- Schedule a town hall discussion after spring OCIs to discuss what worked, what did not work, and changes that we might want to continue going forward.
- Create NALP affinity groups
- More DEI programming to provide practical tips to respond to bias, prejudice, microaggressions, and discrimination.

The third quarterly section call was held via Zoom on February 2. Catherine Clement was on the call. She advised the group that the NALP Board would be meeting in the coming weeks. It was noted that NALP recently released the 2020 Report on Diversity in U.S. Law Firms which shows modest gains in diversifying the legal profession.

DEI Section members who were selected for the slate of new Officers and Directors for 2021-2023 were recognized and congratulated. Section members who selected nominations as candidates for Regional Representative, Nominating Committee, and Conference Planning Coordinator were also recognized. Members were encouraged to cast their votes online from February 3-17. Members were also reminded of the February 5 deadline to answer the call for volunteer leaders.

We discussed the challenges and opportunities of the remote environment in which we are continuing to operate. It was noted that 2021 started with a "bang." One section member noted that she appreciates the grace that we continue to give each other during these difficult times, and another reminded us to take time to decompress.

One member shared that her school is hosting weekly Wednesday forums to discuss equity and the law in all aspects. She also inquired as to whether NALP had a list of scholars or scholarly work related to race

& law and other topics, including health. We were reminded that defining terms is an important part of these discussions. *Making Noise - Doing Our Part to Dismantle Racism and White Supremacy in the Legal Profession* (September 2020) brought to members attention as a good resource as well as *If You See Something, Say Something: Moving From Bystander to Accomplice* (December 2020). Members also suggested the following books for those working in this space: *Caste: The Origins of Our Discontents* by Isabel Wilkerson and *Hood Feminism: Notes from the Women That a Movement Forgot* by Mikki Kendall

The next quarterly meeting is scheduled for March 31 at 3pm (eastern).

Legislative Monitoring Work Report - February 2021

1 message

Traci Sharpe <tsharpe@usfca.edu>
To: "Ashe-Card, Alison" <asheay@wfu.edu>

Mon, Feb 1, 2021 at 10:44 PM

Hi Alison,

Here's the Report for February 2021.

Federal Legislative Updates

Immigration

Biden Exec Order 13993 - Revision of Civil Immigration Enforcement Policies and Priorities

The policy of my Administration is to protect national and border security, address the humanitarian challenges at the southern border, and ensure public health and safety. We must also adhere to due process of law as we safeguard the dignity and well-being of all families and communities. My Administration will reset the policies and practices for enforcing civil immigration laws to align enforcement with these values and priorities.

Biden Exec Order 13986 - Ensuring a Lawful and Accurate Enumeration and Apportionment pursuant to the Census

Reflecting this legal background, and the values of equal representation and respect that the Constitution and laws embody, it is the policy of the United States that reapportionment shall be based on the total number of persons residing in the several States, without regard for immigration status.

Innovation Law Lab vs Wolf (3-9-20) - filed with Supreme Court

The American Civil Liberties Union, Southern Poverty Law Center, and Center for Gender & Refugee Studies filed a federal lawsuit challenging the Trump administration's new policy forcing asylum seekers to return to Mexico and remain there while their cases are considered.

Pham vs Guzman Chavez (1-12-21) - filed with Supreme Court

Whether the Immigration and Nationality Act ("INA") requires a bond hearing for noncitizens who are detained by U.S. Immigration and Customs Enforcement ("ICE") while they seek protection from persecution or torture.

LGBTQ Rights

Biden Exec Order 14004 - Allows transgender individuals to serve in military

Biden Exec Order 13988 - Preventing and Combating Discrimination on the Basis of Gender Identity of Sexual Orientation

It is the policy of my Administration to prevent and combat discrimination on the basis of gender identity or sexual orientation, and to fully enforce Title VII and other laws that prohibit discrimination on the basis of gender identity or sexual orientation. It is also the policy of my Administration to address overlapping forms of discrimination.

Fulton vs City of Philadelphia - Waiting for Supreme Court decision

A case that could allow private agencies that receive taxpayer funding to provide government services - such as foster care providers, food banks, homeless shelters, and more - to deny services to people who are LGBTQ, Jewish, Muslim, or Mormon.

Racial and Gender Equity

Biden Exec Order 13985 - Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

It is therefore the policy of my Administration that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. Affirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole of our Government. Because advancing equity requires a systematic approach to embedding fairness in decision-making processes, executive departments and agencies (agencies) must recognize and work to redress inequities in their policies and programs that serve as barriers to equal opportunity...

The Federal Government's goal in advancing equity is to provide everyone with the opportunity to reach their full potential. Consistent with these aims, each agency must assess whether, and to what extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups. Such assessments will better equip agencies to develop policies and programs that deliver resources and benefits equitably to all.

National Coalition for Men et al vs. Selective Service System et al (1-8-21) - filed with Supreme Court

Whether the Military Selective Service Act, which allows the President to require young people to register for the draft only if they are men, discriminates on the basis of sex.

The petition is not asking the Supreme Court to require women to register for the Selective Service — it is asking the Court to declare that the men-only draft registration system discriminates on the basis of sex. Ending sex-based registration would be a significant advancement in equal protection law for men, women, and LGBTQ people.

California vs. Texas - awaiting decision

Protecting the Affordable Care Act. Dismantling the ACA would exacerbate the systematic disparities in access to health care that Black, Latinx, and disabled people face in this country.

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State Legislative Updates

Voting Rights

NAACP intervened in several state courts (Wisconsin, Michigan, Georgia) to prevent several Black voters from being disenfranchised in attempts to overturn the 2020 General Election results

NAACP v Trump (12-21-20) - US District Court in DC

For systematically trying to disenfranchise Black voters in states across the country.

Affirmative Action

Proposition 16 was rejected in California in the November 2020 election. On Election Day, approx 64.7 percent of Californians backed Joe Biden. He won 8.9 million votes, 4.3 million more votes than President Trump. California is [an extremely diverse state](#): 39 percent of state residents are Latinx, 37 percent are white, 15 percent are Asian American and 6 percent are African American, according to the 2018 American Community Survey. Those same voters had the chance to approve Proposition 16, which would have restored the right -- taken away by a vote, in a less diverse California, in 1996 -- of public universities to use affirmative action. The vote was 56.5 percent against Prop 16.

Warm regards,

Traci

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Traci Sharpe, JD

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(pronouns: she/her/hers)

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