

MEMORANDUM

JENNER & BLOCK LLP

March 20, 2019

To: Neil Dennis, NALP Board Liaison
Meaghan Hagner, NALP Member Services Manager

From: Courtney Dredde Carter

Re: NALP Diversity & Inclusion Section Board Report – March 2019

The NALP Diversity & Inclusion Section continues to be a strong community within the NALP space. The Section has 550 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
 - Chandra Kilgriff & Kala Taylor
 - 7 great section programs at the 2019 Conference: Code Switch: Counseling Students Navigating Parallel Universes; Diversity & Inclusion Programs: Determining the Right Fit for Your Law School; It's Your Turn! Leading on Diversity & Inclusion Issues When (Perceived as) Non-Diverse; So You Want to Do D&I in a Law Firm or Law School?; Supporting First Gen Professionals in Law Schools and Law Firms; Supporting Non-Binary, Trans and Gender Non-Confirming Attorneys and Students; and They Wore What?! The Expectations and Costs of Covering Identifies.
 - 7 articles on behalf of the section will be published in the NALP Bulletin over the next few months on the following topics: first gen students and professionals, diversity in a changing climate, pre-recruiting and the impact on diverse students, D&I programming in the current climate, leading on diversity issues when perceived as non-diverse, 1L diversity fellowship programs, and teaching compassion.
- Diversity Best Practices Guide
 - Traci Sharpe, Nicole Netkin-Collins, Terrene Burke
- The working group has, with tremendous help from volunteers – Aisha Joseph, Ashley Julian & Jessica Ourk – made the following updates to the D&I Best Practices Guide:

- Replaced LGBT with LGBTQIA throughout the document
 - Added content regarding privilege – training leaders & attorneys to recognize & leverage it appropriately
 - Added content on supporting First Generation students
 - Added content regarding the use of gender pronouns
 - Updated all of the resource links. Added resources as appropriate, including a new podcast section.
- Additional content regarding training & establishing reporting guidelines in the wake of the MeToo movement will be added after the NALP conference (in light of the fact that there will be a presentation on this very topic).
- The final updated version will be submitted after the conference once the Me Too content is reviewed and inserted.

- Mentoring
 - Ashley Julian and Amy Weiss
 - Ashley and Amy conducted a second check-in with the eight pairs of mentors and mentees who are participating in the program. They encouraged the participants to meet with one another in person at the upcoming NALP Conference, if they are planning to attend, and sent the pairs the link to the American Bar Association's Executive Summary "Interrupting Racial & Gender Bias in the Legal Profession," which they hope will spark discussion on a critical topic.

- LGBTQ
 - Doug Ebeling
 - Doug put together an article for the NALP newsletter regarding our upcoming diversity plenary speaker at the NALP conference in San Diego, Judy Shepard.

- First Generation College Graduates
 - Lezlie Griffin & Jessie Howell
 - Lezlie and Jessie recently added a resource document containing a summary of some of the support and programs that law schools offer to incoming 1Ls that identify as first-generation.

- Legislative Monitoring
 - Sheila Simhan & Sherry Ann Smith-Gomez
 - The Vice Chairs will be monitoring federal and state legislation and litigation affecting LGBTQ rights. They will also monitor other legislative and regulatory developments that might impact law firm or law school diversity initiatives. Updates this quarter:

Status of Trump's Transgender Military Ban

The Pentagon said the transgender military ban will take effect on April 12 since a lower court had recently lifted an injunction on the ban. However, soon thereafter, Appellate Judge Kollar-Kotelly ruled that the military ban cannot take effect because an appellate court had not yet lifted their injunction on the ban. It's still not clear if Kollar-Kotelly's decision will change the Pentagon's timeline to implement the ban. A Trump memorandum recently released stated that the ban allows troops to personally consider themselves transgender but it will require the military to discharge service members who appear transgender or act transgender by failing to meet grooming, uniform, and other military standards for their birth sex. Transgender troops serving openly under a 2016 policy could continue to do so under a grandfather exemption. However, it will prohibit people from enlisting in the armed forces if they have transitioned from their "biological sex" to another gender.

Status of Harvard's Admission Case

We are awaiting the decision of a federal judge on whether Harvard University intentionally discriminates against Asian American applicants, an allegation made in a 2014 lawsuit that was debated in a final round of arguments on Feb. 13. Any ruling by this judge is expected to be appealed to the U.S. Supreme Court, which could lead to a broader ruling on affirmative action.

Other lawsuits to watch out for:

There have been a number of suits recently filed against law schools arguing that the law review journal uses race as factor in their membership selection. The outcomes of these suits could affect practices of many law review journals across the nation. A question arising in these cases is whether diversity, which is a compelling interest in law school admissions, carries over to law review activities. Additionally, a complaint has been recently filed against Harvard Law school arguing that the school illegally uses affirmative action policies in its process for hiring faculty.

- Diversity in Judicial Clerkships
 - Eric Stern – no updates

Environmental Scanning

- Diversity in Partner Promotions
- Open forum

Section Calls

Our fourth section call will be held Wednesday March 27. There was good conversation during the call, with particular engagement during the environmental scanning portion of the call. This continues to be an active, engaged group.

