

MEMORANDUM

October 22, 2019

To: Neil Dennis, NALP Board Liaison
Claire Nash, NALP Member Services Coordinator

From: Lezlie A. Griffin, NALP Diversity & Inclusion Section Chair

Re: NALP Diversity & Inclusion Section Board Report, October 2019

The NALP Diversity & Inclusion Section continues to be a strong community within the NALP space. The Section has 551 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**
 - *Justine Lewis, Summra Shariff, Yakiry Adal*
 - Five bulletin article proposals were accepted, details are listed at the end of this report.
 - The D&I section supported the Driving Innovation: Strategic Flexibility Trends for More Diverse and Inclusive Environments webinar presented on September 25. 180 NALP members registered for the webinar. Description: “Is your organization a leader or follower when it comes to driving innovation with D&I programs? Any successful initiative requires clear focus, strong implementation strategies, and key players to effectively lead and engage in these activities. But a truly inclusive D&I program also needs to incorporate the best practices of flexibility trends. Research shows people want to work for organizations where they can thrive in and out of the office, and holistic flex policies such as reduced hours, formalized telecommuting, on/off ramping, and gender-neutral leave policies are effective and inexpensive ways to recruit and retain diverse, top talent. Whether you’re just starting to explore flex options or a seasoned pro, Manar Morales, President & CEO of the Diversity & Flexibility Alliance will highlight the latest workplace flexibility trends to help you revamp your organization’s strategic plan and implement a forward-thinking D&I program.”
 - The section is also supporting the upcoming webinar: Diversity Fellowships: Why They Work and How to Utilize Them, scheduled for 2:00 PM EST on December 10th. Description: “There has been increasing focus on improving diversity in the legal profession for more than a decade, and yet law remains one of the least diverse of any profession. The panelists will present information from the perspective of employers, law schools, and bar associations and will look at different kinds of JD Diversity Fellowships, specifically assessing their individual effectiveness (including through taking a “where are they now” approach), and how to get buy-in from local bar associations, employers, schools, and other collaborators for creation and/or participation in Diversity Fellowships.” (Presenters: Leah Adams, Nikki Harris, Tamara Stephen, Michelle Le Biavant)
 - A new webinar was recently proposed (by the LGBTQ work group vice chairs José Bahamonde-Gonzalez and Nicole Netkin-Collins) and approved, and it will likely take

place in the spring. This webinar will relate to the recent U.S. Supreme Court case *Bostock v. Clayton* and its implications for employers' non-discrimination policies.

- **Diversity Best Practices Guide**

- *Sherri Thomas, Alicia Currin-Moore, Niya Fonville*
- Vice Chairs met on October 21st, with the large group meeting on October 24th. Vice chairs have separated tasks amongst themselves, with each person overseeing different aspects of the 2019-2020 project. Other work group members will assist with the various identified projects. The group will also work on a project proposed during the June quarterly call- creating a list of diversity job fairs nationwide.

- **Mentoring**

- *David Cho, Jernee Bramble*
- We currently have nine mentors, and thirteen mentees participating in this year's program. Due to the limited number of mentors, we asked several mentors if they would be okay to double-up on mentees. Thus, four of the nine mentors have two assigned mentees.
- Our introduction email and supporting documents were sent on Oct. 11. As an aside, we reviewed last year's timeline and they did not make matches until October as well.

- **LGBTQ**

- *José Bahamonde-Gonzalez, Nicole Netkin-Collins*
- We worked with NALP's liaison to the National LGBT Bar Association (Gary Greener, UCLA Law School) to facilitate NALP's collaboration and participation in Lavender Law, including assisting with recruiting NALP members to volunteer during the counseling session. José attended the entire conference this year and served as both a panelist and career counselor.
- We're currently reviewing the LGBTQ resources and information on NALP's website and once we have decided what should be revised/updated, we'll reach out to NALP to request the changes.
- José's firm is planning to host a meeting in DC to gather various LGBTQ groups together (LSAC's Sexual Orientation & Gender Identity (SOGI) Subcommittee, ABA's Commission on Sexual Orientation & Gender Identity, etc.).
- We are planning to host a future webinar related to the recent U.S. Supreme Court case *Bostock v. Clayton* and its implications for employers' non-discrimination policies.

- **Legislative Monitoring**

- *Sheila Simhan, Fayola Alibey*
- Status of Harvard's Admission Case: Federal District Court ruled that Harvard's race-conscious admissions process is fair, and that it doesn't discriminate against Asian-American applicants. *Students for Fair Admissions v. Harvard* largely focused on whether Harvard violated the Civil Rights Act by discriminating against Asian Americans.

The plaintiffs plan to appeal the case. Supporters of affirmative action fear that if this case makes it to the Supreme Court race-conscious admissions could be eliminated.

- LGBTQ Supreme Court Cases: The Supreme Court heard oral arguments in three landmark LGBTQ+ rights cases, which could broaden protections for the LGBTQ+ community by prohibiting employers from discriminating against employees based on their sexual orientation, transgender-status, or gender identity under federal law. While the four liberals may side with the LGBTQ petitioners, it is unclear if one of the five conservative justices will join them. How the justices will rule will have significant impact on the rights of LGBTQ+ workers. A 2008 survey from the Human Rights Campaign reported that 42% of lesbian, gay and bisexual people reported having suffered from at least one form of employment discrimination. Data from the 2011 National Transgender Discrimination Survey found that nearly all of those surveyed -- 90% -- had experienced "harassment or mistreatment" on the job. Until a decision has been made in the Supreme Court, employers must continue to comply with state laws and municipal ordinances already including sexual orientation and gender identity within their protections.

- **Strategic Planning**

- *Alison Ashe-Card, Benjamin Cheng, Michele Bendekovic*
- The Strategic Planning Work Group met several times over the summer via conference call and held a conference call for D&I Section members on July 24th to solicit input and to discuss the recommendations related to D&I that would be submitted to the NALP Board and Strategic Planning Advisory Group for consideration in the 2020-2025 Long Range Strategic Plan. After careful consideration, the key recommendations/issues which surfaced from these discussions were summarized in a memo that was submitted to NALP leadership on September 10.

- **First Generation College Graduates**

- *Diane Fears, Crystal McMillan* (No Update)

Environmental Scanning

- During our October 10 call we discussed whether the new NALP Principles in effect this recruiting season impacted students/candidates from underrepresented groups differently than majority populations. A few school members mentioned that their diverse students received early offers and had to respond before OCI started. Those offers typically stemmed from spring semester diversity networking events or summer diversity job fairs. Additionally, firms have reached out much earlier this school year to request scheduling 1L networking events and diversity outreach. One firm member mentioned that they liked no longer having the 28-day guideline because they are smaller and it's helpful if they can get a quicker decision from a student. Everyone agreed that we should continue discussing this topic over the next few months as we enter 1L recruiting season.

Section Calls

Our second quarterly section call was held on October 10. On the call Neil Dennis gave a board report, and Mary Beal spoke about plans for the 2020 Annual Education Conference diversity

plenary and breakfast. Additionally, Vice Chairs gave work group reports summarizing their current projects. We also discussed this year’s recruiting season, as listed above in the environmental scanning summary.

Upcoming section calls:

Calls start at 3:00 PM (eastern time):

- 1) January 22, 2020
- 2) April 1, 2020

Five Bulletin Article Proposals Accepted

Month	Topic	Author(s)
October	D&I language within NALP and the legal industry	Carlos Davila-Caballero
December	Newer to D&I (how to learn, navigating acronyms, best practices for newer professionals) (<i>collaboration with newer professionals section</i>)	Justine Lewis Summra Shariff
January	How can students assess and evaluate employer D&I programs and how to counsel students through that process	Carmia Caesar Kourtney James
March	DACA recipients- how to support and advise students that may have concerns about immigration status throughout law school/job search (<i>collaboration with international section</i>)	Clara Solomon Sheila Simhan
April	Firm best practices regarding Affinity Groups - networking, sponsorships, and interactions	Courtney Dredde Carter