



ACTION AND IMPLEMENTATION OF THE COLLEGE DIVERSITY STATEMENT

The College holds its membership out to be the best of the trial bar from the United States and Canada, and the premier professional trial organization in North America. Recently, the College adopted the following Diversity Statement:

Consistent with its Mission Statement, the College seeks to promote the treatment of every person with dignity and respect, and to foster an inclusive, collegial environment that values the unique background, experiences, perspectives, and contributions of all. Under a singular standard of excellence that values and appreciates differences in its membership, the College endeavors to identify talented and accomplished trial lawyers as possible Fellows, including women and persons of color, varying ethnicities, disabilities, and sexual orientation.

In adopting this statement, the College recognizes that in order to live up to its stated ideals and be the prestigious organization it desires, it has to make membership open to all of the best trial lawyers in the United States and Canada on an equal basis. By being open to identifying and considering more diverse candidates, the College can make sure qualified candidates are not being excluded or simply overlooked. This requires Regents and State/Province Chairs to strategically identify short-term and long-term actions which include procedural, administrative, as well as programmatic, strategies. The following recommendations for action and implementation should be followed in every Region unless, for good reason, they are determined to be infeasible in particular instances:

Action Recommendations

1. In adopting the diversity Statement set forth above, the College has formally acknowledged that its commitment to selection of the best of the best for membership in the College must and can be the continued focus of the organization. The College has also affirmatively embraced the concept that diversity is an integral component of having the best of the best as members.
2. It is important that all levels of the College, from the Executive Committee to the Board of Regents to the State/Province Chairs and Committees, recognize that diversity is an important aspect of the preservation of the organization and implementation of the College's mission. The College's current membership

demonstrates that the number of diverse Fellows does not reflect the diverse nature of the trial bar at large.

3. Each State and Province Committee should broaden its search for minority candidates to consider for Fellowship. The natural tendency is to seek recommendations from those already known to Fellows. State/Province Committees should “fish in deeper ponds.” This can be achieved by looking in non-traditional areas which will enlarge the pool of potential candidates. Such areas include, but are not limited to, the following:
 - a. Local and State/Province minority bar associations. Each State/Province Committee should inquire of these organizations for the names of outstanding trial lawyers within their memberships.
 - b. National minority bar associations (such as the National Bar Association, the Hispanic Bar Association and South Asian Bar Association). Many of these national associations have local or state/province chapters or affiliations.
 - c. State/Province Bar Associations with trial lawyer sections. These typically include some of the best trial lawyers in the State/Province.
 - d. Consider candidates in areas of trial practice where younger lawyers get a significant number of trials early in their careers. These may include, for example, federal, state, and local prosecutors (DAs/Crown Attorneys), public defenders, local city attorney offices, lawyers with prior service in JAG Corps, etc.
 - e. Seek information from members of the federal and State/Province judiciary regarding lawyers who appears in their courtrooms would be considered by them to be the best trial lawyers.
 - f. Consider membership from non-traditional practices, including practices where there is a concentration of minority lawyers such as family law, civil rights law, criminal law and personal injury law, among others.
 - g. Review membership of other groups, such as the International Academy of Trial Lawyers, International Society of Barristers, and ABOTA, to see if they have minority members that should be considered for the College.

While some of these individuals may be unknown to the members of the State/Province Committee, committee chairs should designate committee members to perform due diligence, possibly including observation of these individuals in trial or in court settings.

4. Identify talented lawyers currently serving in important “second-chair” trial positions, and include them on “watch lists” so that they can be considered for Fellowship as they move into bona fide “first chair” or “co-lead counsel” trial positions.
5. Modify and augment training (for example at yearly workshops) for Regents and State/Province Committee Chairs on the importance of diversity within the College.
6. Ensure that messaging is clear so that there is no misperception that the College is recommending or focusing on quotas; rather, it is articulating a belief that there are different avenues from which candidates for membership can be sought while maintaining the College’s high standards and still achieving the objective of diversifying the organization.

Implementation Recommendations

1. Designate the Diversity Subcommittee of the Admission to Fellowship Committee (“Diversity Subcommittee”) to work with Regents and State/Province Committees on their efforts to advance this initiative. While the College has an overall policy, it is understood that every jurisdiction is different and that there are recognizable differences in local demographics which could impact results.
2. Require each State/Province Committee to designate a State/Province Diversity Liaison to be primarily responsible in assisting the State/Province Chair in encouraging the outreach initiatives directed towards increasing diversity within the College and to participate in twice yearly calls with members of the Diversity Subcommittee to discuss new and innovative methods of identifying diverse candidates for membership. Since State/Province Committee Vice Chairs often move to the Chair position, they may be likely candidates for the Diversity Liaison responsibility.
3. As part of the formal Fall and Spring national meetings of the Board of Regents, each Regent should be required to include, as part of his or her formal report to the Board, a statement describing what the State/Province Committees within the Region have done to implement the recommendations in this statement. These reports should also be provided to the Diversity Subcommittee. The Diversity Subcommittee should also submit semi-annual reports to the Board on its efforts and their results.
4. Ask that each State/Province Committee identify within its jurisdiction yearly the best 2 to 5 lawyers under 45, the best 2 to 5 minority lawyers, and the best 2 to 5 women lawyers. These lawyers should be maintained on active “watch lists”. Regents may establish the precise number to target in each category (which may be a number less than 2 if the Regent determined that a larger number is not feasible in a particular geographic area.)
5. Provide implicit bias training to all members of the Board of Regents and State/Province Committee Chairs on at least a biennial basis.

6. Review the language of all College manuals regarding recruitment and admission to ensure that the language of the manuals sufficiently articulates the diversity objectives of the College.
7. Prepare a letter from the President of the College to be sent on an annual basis to each State/Province Membership Committee reminding the members of the importance of considering diversity in its recommendations of membership.
8. Ensure that each State/Province Committee has among its members an appropriate number of Fellows (depending on the size of the Committee) who have recently been inducted – emphasizing younger Fellows for membership. When available and willing, minority Fellows should also be included on State/Province Committees.