Pennsylvania Bar Association
Diversity Task Force

Recommendation

The Pennsylvania Bar Association Diversity Task Force is requesting the Board of Governors approval of the following recommendations:

1. To approve the proposal for a PBA Diversity Team (attached as Exhibit A); *Unanimously approved by the PBA Board of Governors on November 17, 2010

2. To approve hiring a PBA Diversity Officer (job description is attached as Exhibit B); *Unanimously approved, as amended, by the PBA Board of Governors on November 17, 2010 (The amendment was to hire a consultant to act in the capacity of a Diversity Officer as opposed to a full-time staff position.)

Report

In May 2010, the Pennsylvania Bar Association (PBA), under the direction of President Clifford E. Haines and President-Elect Gretchen A. Mundorff, formed the PBA Diversity Task Force to examine the structure of the PBA and provide recommendations for ways to promote, increase and maintain diversity in its leadership positions and membership throughout the organization.

The Task Force was specifically charged with developing a diversity plan to recommend modifications to institutional practices and structural elements of the Pennsylvania Bar Association to respond to the changing demographics of the legal profession in Pennsylvania and to improve opportunities for underrepresented members to participate in leadership roles within the Association.

The Task Force, comprised of 25 members, held its first meeting on May 25, 2010 under the leadership of Co-Chairs Samuel T. Cooper, III and William H. Pugh, V. The Task Force determined that it needed to create an action plan of recommendations for approval by the Board of Governors and/or House of Delegates that make changes to how the PBA conducts its business so as to create a path to leadership which will produce true diversity and reflect its diverse membership. There was a general consensus that the culture of the PBA would need to change so it could become a more diverse organization. It was determined from the discussion at that first meeting that several subcommittees would be formed to handle specific issues. The subcommittees are:

- Diversity Officer and Diversity Team Subcommittee
- PBA Diversity Efforts and Minority Associations Subcommittee
- Structure of the PBA Subcommittee
- Local Structure Subcommittee

Task Force members were assigned to the various subcommittees, which all have met several times and have reported their findings at each Task Force meeting.
Local Structure Subcommittee

Chaired by Terry D. Weiler, the Local Structure Subcommittee was charged with determining how the members of the House of Delegates and the Board of Governors were determined, to consider the processes at work that lead to their selection and whether there are ways to revise those processes to help ensure more diversity within the zones. This subcommittee also compiled information to be posted on the PBA website to determine how Zone Governors and House of Delegates members were appointed throughout the 12 PBA zones. It was felt that the local election processes should be transparent to all members of the PBA so any member who desired to become involved in leadership within the Association would have easy access to determine the procedure in his/her zone. To that end, this subcommittee, along with the Structure of the PBA Subcommittee, asked PBA staff to post the zone election processes on the PBA website and this has been done.

Upon review, the subcommittee found that there is no pattern or consistency among the zones, few, if any term limits and in some instances, exclusion of some counties all together in the process. Absent a mandate from the Board of Governors/House of Delegates and a Bylaws amendment, the subcommittee determined that it would be difficult to change the inconsistencies and the local patterns which have been ingrained for many years.

At the conclusion of the July 22, 2010 Task Force meeting, the Local Structure Subcommittee was disbanded as its charge had been fulfilled and its members were assigned to the remaining subcommittees.

Diversity Officer and Diversity Team Subcommittee

Chaired by Beverly H. Rampaul, the Diversity Officer and Diversity Team Subcommittee determined that the Diversity Officer, Diversity Team, PBA Executive Director and staff would work together to devise and help implement a diversity plan for the PBA with benchmarks which will be used as a gauge for determining the effectiveness of the Diversity Officer.

The subcommittee first discussed the creation of a PBA Diversity Team. It was felt that the diversity team would be the strength and core of the diversity office. The team would not be a policy-making body, but rather one that would monitor matters and report to the Board of Governors regarding goals for implementation of the diversity plan. The diversity team would act as a resource for members, committees, sections and related entities to ensure that diversity is occurring at all levels of the Association. It is essential to PBA's diversity effort and should be well respected within the Association. The Task Force at its September 16, 2010 meeting approved the proposal for the Diversity Team (Exhibit A). This recommendation will be considered by the Board of Governors at its November 17, 2010 meeting. If approved, the Diversity Team appointment process will begin and the team should be in place and ready to begin its work by the beginning of 2011.

The subcommittee also discussed the creation of a Diversity Officer position within the PBA. A number of different scenarios including a full-time diversity officer, part-time diversity officer and/or an existing staff person designated as a diversity officer were discussed. The Task Force asked the subcommittee to create, as its recommendation for a diversity officer, a job description. It was noted that this position would first need Board approval and then, if approved, PBA Executive Director Barry Simpson would be responsible for hiring the individual to fill this position. The subcommittee met to review the proposed job description for the
Diversity Officer, after which, it was sent to the Task Force for consideration. On October 12, 2010, the Task Force adopted the proposed job description for the PBA Diversity Officer (Exhibit B). This recommendation will be considered by the Board of Governors at its November 17, 2010 meeting.

**PBA Diversity Efforts and Minority Associations Subcommittee**

Chaired by the Honorable Norma L. Shapiro, the PBA Diversity Efforts and Minority Associations Subcommittee was charged with looking at diversity in PBA committees and sections and other bar associations. The subcommittee prepared a survey, which was emailed to all committee and section chairs. Participants of the survey were asked for the number of members in the committee/section, whether the committee/section had a diversity policy, and how many African American, Asians, Hispanics, and women were in the committee/section. The response to the survey was disappointing, with very few committees and sections responding.

This subcommittee came to the conclusion that it is important for social relationships to be established so members from the under-represented groups of PBA can become more aware of the opportunities and benefits available to all members of the PBA and feel welcome in the Association. There is a need for "cross-pollination" from the under-represented groups to the more well known groups in the PBA. It was a suggestion of this subcommittee to develop a roster of individuals who are interested in advancement in the PBA and then the appropriate groups could guide these individuals through the process of getting more involved and working up the leadership ladder. It was suggested that the committee structure could be used as an additional path to leadership as some felt that the current paths to leadership take too long. Another suggestion was that PBA officers who make appointments be reminded to encourage diversity in those appointments. It was noted that PBA officers have been making diverse appointments, but it was felt that this should be in writing as a reminder for future leaders.

This subcommittee offered the following recommendations for consideration by the Diversity Task Force:

1. Have the letter appointing each Chair include a copy of the PBA Diversity Policy and stress PBA commitment to it.
2. Ask that the Annual Report to the Board of Governors and/or House of Delegates include a statement of diversity efforts and results.
3. Have as a goal a committee membership for every new member.
4. Have the Minority Bar Committee and the Women in the Profession Committee provide their membership with other Committee membership availability, and prepare a roster of members interested in appointment to PBA committees with indication of areas of interest.
5. Make PBA membership more meaningful and attractive to minorities and women, especially to solo practitioners.
6. Consider regional membership events and continue telephone conference availability for statewide meetings if expense reimbursement is unavailable.
7. Consider reimbursement of expenses or compensation for PBA leaders in addition to the President.
8. Create structure for coordinated efforts by all groups concerned with diversity in our profession, i.e., Minority Bar Committee, Women in the Profession Committee, Committees on Civil and Equal Rights, Constitution, Gay and Lesbian Rights Committee, Legal Services to Persons with Disabilities Committee, etc.
9. Devise means for new members to feel welcome, i.e., buddy system or mentor for new members, especially at social events. The Task Force will consider these recommendations at a future meeting.

Mr. Encarnacion and Mr. Thomas volunteered to work on relationship building with the various minority bar associations throughout the Commonwealth of Pennsylvania. Two meetings were held with the minority bar associations from the eastern part of Pennsylvania to inquire as to how the Pennsylvania Bar Association could be more relevant to, and involved with, them. These meetings were successful and the representatives from the minority associations represented welcomed a closer affiliation with PBA. Since the majority of the members from the various minority bar associations are not PBA members, it will be very important to build lasting relationships. As a result, it was suggested that once the Diversity Team is set up and working that Messrs. Encarnacion, Thomas and S. Cooper work with the Diversity Team to propose a structure for a more formal working relationship with the minority associations.

The Task Force approved a motion to have Mr. Encarnacion and Mr. Thomas continue the outreach to the minority bar associations throughout the Commonwealth of Pennsylvania with the goal to reach some type of formal arrangement with them based on mutual respect and mutual interests and that this work will take place under the auspice of the PBA Diversity Team with the PBA Diversity Task Force making a recommendation that this work continue with Mr. Thomas, Mr. Encarnacion and the Chair of the Minority Bar Committee or his/her designee. Having the Minority Bar Committee represented in these efforts will ensure that its efforts with regard to outreach are not duplicated or neglected.

Structure of the PBA Subcommittee

Chaired by PBA President Gretchen A. Mundorff, this subcommittee was charged with looking at the structure of the PBA and determining the areas where change is needed to advance diversity within the Association. These areas would include those where there has been no change at all (i.e., things the Association has felt to be untouchable). This subcommittee probably has the most difficult work to accomplish as many of the items they are reviewing are steeped in tradition and making changes will require a change in the culture of the Association. Subcommittee members discussed what forces have worked against diversity in PBA, how to infuse new members in the House, while still maintaining a balance with the older members, whether there is a clear identification of what the path to leadership is, the nominating process, whether there should be rules on campaigning, the role of the Minority Bar Committee and the Women in the Profession Committee for the appointments to the At-Large Governor seats and the composition of the Board of Governors and the House of Delegates. Some of the issues the subcommittee has reviewed so far follow below:

**Term Limits in the House of Delegates**

The subcommittee discussed some of the impediments to service in the House of Delegates including, but not limited to:

- a concern that there are a lack of young lawyers wanting to get involved in the Association at this level
- in the more remote zones, attending House meetings can require 2-3 days out of the office and it is sometimes difficult to find individuals who are able to devote that amount of time twice each year
• in some zones, there is a tradition to appointments and the same individuals are often reappointed until they indicate they no longer wish to serve causing a problem where open seats are not available to other individuals who may have an interest in serving in this capacity
• some PBA members do not know what the House does and what their role in the House could be.

Ultimately, it was felt that instituting term limits in the House would further the goal of achieving a more diverse House of Delegates. However, subcommittee members also recognized that a "one size fits all" approach would not work. To that end, the subcommittee felt that each zone, in consultation with the zone governor, should develop a policy for diversity within the zone and explain how that policy would be implemented within the zone. Each zone would have a specified period of time to develop its policy and submit it in writing to the Task Force.

Another suggestion was that House members should be encouraged/allowed to bring mentees with them to the House meetings so other members can get engaged in the process.

**Composition of the Board of Governors**

The subcommittee discussed the size of the Board of Governors (currently 25 members) and did not think it was effective to make the Board any larger. As part of this discussion, it was noted that there are not rules to limit how many times an individual can serve as a zone governor. There was an overall feeling that zone governors should be discouraged from returning to the Board in the same capacity. After a thorough discussion, the subcommittee felt that a term limit should be set for zone governors; however, they did agree that the at-large governors and the young lawyers should be permitted to return to the Board in this capacity.

**Composition of the Nominating Committee**

The subcommittee reviewed a request from the Diversity Officer/Diversity Team Subcommittee to add a member of the Diversity Team to the Nominating Committee. It was felt that inclusion of the Diversity Team member on the Nominating Committee would ensure that diversity is considered during the nominating process. The subcommittee agreed and will recommend that this occur for a period of more than one year, possibly three years.

There was also discussion regarding the fact that the past presidents sit on the Nominating Committee for five years and this longer term could lead to geographic domination. While it was recognized that past presidents have considerable knowledge about the nominating process, subcommittee members felt that three years was adequate time to enable the past presidents to impart their knowledge and wisdom on the process. After a thorough discussion, it was felt that three years would be a good compromise for these seats.

This subcommittee also discussed fundamental changes in the process of how the Nominating Committee functions. The current process of self-nominating versus having the Nominating Committee seek out and recommend candidates was discussed quite extensively. It was felt that the perception of the Nominating Committee recommending candidates would only further that perception amongst membership that there are a lot of behind the scenes deals made. Overall, everyone felt that it was better to have self-nominations. It was pointed out, however, that the Nominating Committee, as it currently stands, does not have any recourse if the only
candidate is not qualified for the position. The subcommittee will continue to study this matter further.

Another suggestion that was discussed was to eliminate the past YLD chair from the Board of Governors and the Nominating Committee and then add another minority at-large governor and woman at-large governor, both of which would have to be young lawyers. It was felt that this would be another way to achieve greater diversity on the Nominating Committee as well as the Board. This suggestion is just in the initial stages of discussion and the subcommittee will continue to study this matter further.

This subcommittee also discussed campaigning and the burden it puts on candidates. A larger Nominating Committee adds more burden to campaigning, especially if a candidate travels to meet with each member of the Nominating Committee, which can become quite time consuming and expensive depending on where the candidate lives. While no conclusion has been reached at this time, it was felt that there is a better way to campaign and this will be discussed further.

With regard to the issue of "deals being struck," the subcommittee felt that better communication is needed to explain that the Association does not condone these types of "deals." If an individual decides to step aside one year to let someone else run, there is no guarantee the next year that there will not be a contested election. It was felt that it should be communicated to members that the election process can be a political process, but the "power brokers" do not have authority to make these "deals."

The Structure of the PBA Subcommittee has developed several recommendations. However, the Task Force believes that it needs more time to deliberate on them and, therefore, has decided not to seek consideration of them by the Board of Governors and House of Delegates at this time. The Task Force would rather have these recommendations and the other suggestions in the report discussed at the local level, with feedback to the Task Force. Further review will continue and a final report with recommendations will be brought before the Board of Governors for consideration on or before May 4, 2011 and before the House of Delegates for consideration on May 6, 2011.

Respectfully submitted,

Samuel T. Cooper, III, Co-Chair
William H. Pugh, V, Co-Chair
PBA Diversity Task Force

October 12, 2010
PBA DIVERSITY TASK FORCE

Proposal and/or Recommendation of Diversity Officer and Diversity Team Subcommittee

PBA Diversity Team

The PBA Diversity Team establishes resources and forums for enhanced communication among PBA groups with diversity initiatives. The Diversity Team is committed to work collaboratively with PBA leadership, staff and all other PBA related groups and entities including the Pennsylvania Bar Foundation, the Pennsylvania Bar Insurance Fund and Trust Fund, PABAR-PAC and the Pennsylvania Bar Institute to promote and enhance diversity. Each member of the Diversity Team (Diversity Ambassadors) work collaboratively with PBA groups to promote and enhance their existing diversity initiatives and/or assist with creating new opportunities. These efforts may include, *inter alia*, the following:

- Consulting on creating and updating PBA diversity plans
- Assisting with identifying diverse speakers and presenters
- Assisting with the promotion of diversity programming for PBA Committees/Sections/Divisions/Commissions
- Assisting with diversity training for PBA Committees/Sections/Divisions/Commissions leadership
- Facilitating PBA Committees/Sections/Divisions/Commissions outreach efforts to diverse organizations and individuals
- Encouraging liaison relationships with minority/affinity bar associations
- Concentrating on PBA’s mission regarding minority professional membership
- Assisting in implementing PBA’s Diversity Policy
- Monitoring and evaluating the PBA’s diversity efforts

The PBA Diversity Team will work together with the Diversity Officer, PBA Executive Director, and other PBA staff in order to devise and assist with implementing a diversity plan for the PBA with benchmarks which will be used as a gauge for determining the effectiveness of the Diversity Officer.

The PBA Diversity Team consists of 13 Diversity Ambassadors comprised of a Chair, Vice Chair, a member from each of the following: the Civil & Equal Rights Committee, Gay & Lesbian Rights Committee, Legal Services to Persons with Disabilities Committee, Minority Bar Committee, Commission on Women in the Profession, Conference of County Bar Leaders, Solo and Small Firm Practice Section, Young Lawyers Division, and Leadership Training and Recruitment Committee, and two additional members to be named by the PBA President. The PBA President will appoint the Chair, Vice Chair and the two remaining Diversity Ambassadors. The other Diversity Ambassadors will be appointed by each of the
Committees/Sections/Divisions/Commissions named above. The Chair and Vice Chair will rotate between the At-Large Governors at the discretion of the PBA President.

The PBA Diversity Team will meet quarterly at a minimum. The Diversity Team will make formal reports to the Board of Governors and the House of Delegates. The Chair will prepare a written or oral report of the Diversity Team’s activities to the Board of Governors and the House of Delegates. The Diversity Team will establish its own bylaws/operating procedures subject to the approval of the Board of Governors. Additionally, the Diversity Team will operate under the procedures of a Committee as defined in the PBA Bylaws. The Diversity Task Force will assist the Diversity Team with the setup, and help to work out any issues that may occur in the beginning stages.

September 15, 2010

*Approved by the PBA Diversity Task Force on September 16, 2010*
Title: DIVERSITY OFFICER

Qualifications:
1. Bachelor's degree required; J.D. or equivalent experience preferred.
2. Vision, creativity and a passion for improving diversity in the legal profession.
3. Excellent writing and speaking skills.
4. Familiarity with word processing and PCs.
5. Association experience preferred, but not required.
6. Understanding of issues facing members of the legal community who are under-represented and demonstrated commitment to these groups.
7. Demonstrated experience in the development of program plans, leadership, project coordination and consensus-building skills.

Essential Functions:
1. Ability to prepare written reports and make oral presentations before groups as required.
2. Ability to use a personal computer, telephone, fax machine, photocopier and various other types of office equipment.
3. Ability to travel as required, both locally and to more distant sites.

Reports To: Executive Director

Position Summary: The Diversity Officer is responsible for overseeing and facilitating PBA's efforts to improve diversity in the legal profession in the Commonwealth of Pennsylvania and works closely with the PBA Diversity Team. The Diversity Officer also works with the PBA Diversity Team to devise and assist with implementing a diversity plan for the PBA and to foster relationships with various minority/under-represented communities. The Diversity Officer, in conjunction with the PBA Diversity Team, coordinates and monitors the planning, logistics and execution of PBA's diversity programs and works with the legal community to provide resources and tools in support of diversity goals, objectives and initiatives. The Diversity Officer reports directly to the Executive Director and is the primary staff support to the PBA Diversity Team.

Duties and Responsibilities: In addition to performing any duties that may be assigned by the Executive Director, the Diversity Officer, in conjunction with the PBA Diversity Team, plays the primary role in the strategic development and programmatic direction of PBA's efforts to improve diversity in the PBA and the Pennsylvania legal community. In addition, he/she is responsible for the following:

1. Recruit minority members and increase minority participation and retention in the PBA.

2. Developing and overseeing implementation of diversity programs, outreach efforts and events, other than those organized by other PBA Committees and/or Sections, and communicating with other bar associations and organizations on matters of diversity.

3. Working with the PBA Diversity Team and senior staff in developing organizational policies and strategies, including the development and implementation of an organizational strategic plan, as approved by the Board of Governors, to improve diversity in the legal profession.

4. Providing relevant diversity data and talking points for PBA presentations, internal requests for data and external communications.

5. Promoting and/or supporting diversity-specific events and programs implemented by PBA.

6. Providing leadership, guidance, strategic direction and support on matters of diversity to all PBA programs, events, committees, sections and staff.

7. Identifying opportunities for increasing diversity amongst the composition of PBA's committees, sections, and when applicable PBI's, MCLE panels and other groups.
8. Evaluating the effectiveness of PBA's diversity efforts and policies, making recommendations for future diversity endeavors.

9. Conducting research on possible strategic partnerships with local and national diverse organized bar associations and law schools.

10. Representing PBA at meetings and events and providing a point-of-contact for diversity related programs and issues, at the discretion of the Executive Director.

11. Developing and implementing written and electronic materials addressing issues of diversity in the legal profession, as well as, educational programs and panels for lawyers on diversity and the elimination of bias.

12. Working with PBA's Communications Department to advance public relations, press conferences and marketing activities for PBA's various diversity efforts. Creating and supplementing content to PBA's website.

13. Maintaining a calendar of diversity-related activities within the Pennsylvania legal community.

14. Working with PBA staff and Committee and Section chairpersons on diversity-specific projects and events, as well as ensuring that diversity goals are developed and implemented.

15. Attending local, state and national events on increasing diversity in the legal profession, at the discretion of the Executive Director.

16. Propose and manage Board approved budgets related to diversity activities, including fund development through foundation and government grants.

17. Develop and maintain a general knowledge of PBA activities in an effort to provide exceptional customer service to all PBA members.

Group Classification: Group V

Term of Employment: Full-time position

Evaluation: Performance evaluated annually by the Executive Director