

## **Pennsylvania Bar Association Diversity Task Force**

### **Recommendations**

The Pennsylvania Bar Association Diversity Task Force is requesting approval of the following recommendations to amend the PBA Bylaws with regard to composition of the Board of Governors and composition of the Nominating Committee:

1. To create a new seat on the Board of Governors for a second Minority At-Large Governor. This Minority At-Large Governor will have all of the rights and privileges as the other At-Large Governors, including a seat on the PBA Nominating Committee. If approved, this recommendation will take effect at the conclusion of the May 6, 2011 House of Delegates meeting.
2. To amend the PBA Bylaws to change the composition of the Nominating Committee as listed below:
  - 1) Create a seat for a representative of the Young Lawyers Division (currently one seat held by the living immediate past chair of the YLD) to be selected by the Executive Council of the Young Lawyers Division, immediately following its annual meeting;
  - 2) Create one seat for a representative of the Gay & Lesbian Rights Committee and the Legal Services to Persons with Disabilities Committee, which will rotate between these two groups each year and to be selected by the members of the respective Committee;
  - 3) Create one seat for a representative of the Solo & Small Firm Practice Section to be selected by the Executive Council of the Solo & Small Firm Practice Section, immediately following its annual meeting. If approved, this recommendation will take effect at the conclusion of the May 6, 2011 House of Delegates meeting.

***\*\*Approved as amended by the PBA House of Delegates on May 6, 2011***

*- Report follows on next page -*

## Report

The Diversity Task Force has continued its work and at its recent meeting on Monday, March 14, 2011 it considered the recommendations of the Structure of the PBA Subcommittee. Gretchen Mundorff, Structure of the PBA Subcommittee Chair, indicated that the proposed recommendations required amendments to the PBA Bylaws.

### ***Composition of the Board of Governors – Zone Governor***

The Structure of the PBA Subcommittee discussed the current composition of the Board, which is currently comprised of 25 members. The 2010-2011 Board has 12 women members, 2 minority members and 3 young lawyer members. The Subcommittee also discussed whether these numbers represent these groups in the overall PBA membership and it was felt that more needed to be done to increase the minority representation on the Board. As a result of the discussion, the Subcommittee recommended to the Task Force a proposal to amend the Bylaws to indicate that a Zone Governor should not be permitted to repeat serving as a Zone Governor on the Board. The Task Force unanimously approved recommendation #1 listed above. It was felt that this change would allow for more members to be appointed to the Board and as a result, generate another way for members to become more involved in the Association.

### ***Composition of the Board of Governors – Minority At-Large Governor***

The Structure of the PBA Subcommittee in its discussion on the composition of the Board, also felt that there was a need to have more representation from minorities at this level of leadership. The Subcommittee discussed the representation on the Board of young lawyers, women and minorities and ways to increase the minority presence on the Board. Several suggestions were discussed with regard to removing current seats on the Board and adding a new seat for another minority representative, but in the end, it was determined that it would be in the best interest of the Association to create one additional seat. As a result of that discussion, the Task Force unanimously approved recommendation #2 listed above.

During the discussion, it was noted that the Minority Bar Committee would need to revise its Operating Procedures to only allow PBA members to vote on the nomination for the seat on the Board of Governors and Ms. Rampaul, the current Minority Bar Committee Chair, indicated she would address this issue.

### ***Composition of the Nominating Committee***

The Structure of the PBA Subcommittee discussed the composition of the PBA Nominating Committee. The Nominating Committee is currently comprised of 29 members. The 2010-2011 Nominating Committee has 12 women members, 3 minority members and 1 young lawyer member.

There was discussion regarding the fact that the five most recent living past presidents sit on the Nominating Committee and while it is necessary to have some of the past presidents knowledge it was felt that as much as five years was not necessary. A thorough discussion occurred regarding limiting the number of past presidents to three and how to utilize the other two seats to achieve more diversity. As a result of that discussion, the Task Force unanimously approved recommendation #3 listed above.

The addition of these new seats would increase the size of the Nominating Committee by two to 31 members. It was felt that this configuration would work at this time, but should be revisited in the future, if approved. It was also noted that these seats would have to be filled by Active Members of the PBA, as defined in the PBA Bylaws.

### ***Term Limits in the House of Delegates***

The Structure of the PBA Subcommittee discussed the composition of the House (see *Exhibit A*) and determined that it would focus on the position of Zone Delegate at this time. Currently Zone Delegates serve a term of three years and there are no term limits. It was felt that the fact that there are no term limits prevents, to some extent, the ability to get new members involved in the House. Some of the discussion centered on applying term limits and whether it should be just to new delegates coming into the House or to all current members in the House. A suggestion was made to create a possible waiver of a term limit for those individuals trying to work their way into leadership of the Association. There was also some discussion regarding how to preserve the institutional memory of the House and keep the older, more senior members of the House active and involved. A suggestion was made to possibly create staggered terms. Another suggestion was to possibly permit two consecutive, three-year terms.

After a thorough discussion, the Task Force unanimously approved the recommendation to amend the PBA Bylaws to create term limits for Zone Delegates in the House of Delegates by allowing three consecutive, three-year terms for all Zone Delegates and to require Zone Delegates to sit out for at least one three-year term before being eligible for reappointment to the House of Delegates as a Zone Delegate with the caveat that this recommendation be presented to the Board and House for approval at the November 2011 meetings. Since the current election term has already occurred, the Task Force recognized that there was no time urgency in presentation of this recommendation and that it could occur at the November 2011 meeting. If approved, this would be implemented for the 2012 election.

### ***Update on Previous Board Action***

The PBA Diversity Team has been constituted and is holding its first meeting on March 23, 2011 at PBA Headquarters. Mr. Simpson has been working on identifying candidates for the Diversity Consultant position and that the job announcement had been sent to several list serves and was posted on the PBA website.

The Task Force will continue its work and bring further recommendations for consideration at the November 2011 Board of Governors and House of Delegates meetings.

Respectfully submitted,

Samuel T. Cooper, III, Co-Chair  
William H. Pugh, V, Co-Chair

March 14, 2011

*Exhibit A*

<b>Position</b>	<b>Term</b>	<b>Term Limit</b>
PBA Officers (voting)	3 yrs., except HOD Chair is 2 yrs.	No, can come back on BOG after 1 yr. off
Zone Governors (voting)	3 years	No, can come back on BOG after 1 yr. off
Zone Delegates (voting)	3 years	None
County Bar Representatives (voting)	1 year	None
Young Lawyer Division Delegate (voting)	3 years	Yes-may not serve successive terms
Former Presidents (voting)	Lifetime	No
Former President, ABA (voting)	Lifetime	No
Former Secretary/Treasurer (voting)	3 years	Yes
Former Chair, House of Delegates (voting)	5 years	Yes-after term, they hold a non-voting position for their lifetime
Former Chair, House of Delegates (non-voting)	Lifetime	No
Former Board of Governors (non-voting)	3 years	Yes
Section Delegates (non-voting)	2 years	None
Law Student Representatives (non-voting)	1 year	None
Law School Deans (non-voting)	Lifetime, but must maintain PBA membership	None
HOD Miscellaneous Offices (non-voting) PA State Delegate to the ABA House Attorney General of PA Court Administrator of PA	As long as they hold their position	None