

# **Leadership Diversity Task Force**

Final Report (Informational)  
to the  
PBA Board of Governors  
and  
House of Delegates

Carl G. Cooper, Esq., Chair

May 25, 2006

## INTRODUCTION

In 2005, the Pennsylvania Bar Association (PBA), under the direction of President William Carlucci, formed the Leadership Diversity Task Force<sup>1</sup> 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 Minority Bar Committee (MBC) of the PBA was started in 1988 and was established to promote issues and concerns of minority attorneys; to review and make recommendations on legislation impacting on minorities in the Commonwealth; and to encourage greater involvement and participation by minority attorneys in the PBA.

The Commission on Women in the Profession (WIP) has been in existence since 1993 and it shares similar goals with the MBC as they pertain to women in the legal profession.

While there has been some progress over the years, there is still much work to be done if the PBA is to be reflective of the diversity that we currently have, both within the legal community and generally among the citizens of the Commonwealth.

While the MBC and WIP recognize that change does take time, the incremental gains achieved over the years have not kept pace with the increasing diversity of the legal profession, especially

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<sup>1</sup> Carl G. Cooper, Chair, Samuel T. Cooper, III, Rosa Copeland Miller, Pamela F. Cross, Derek S. Green, Jeanette Hsin Ho, Tsiwen M. Law, Gretchen A. Mundorff, Rhoda Shear Neft, Tyrone A. Powell, Michael H. Reed, Paul C. Troy, Samuel S. Yun

within the leadership ranks. Thus statistically, the leadership ranks of the PBA are less diverse than they were approximately ten years ago.

It took almost one hundred years for the PBA to have its first and only female president and it was only last year that the PBA had its first and only minority president. The leadership pipeline currently is woefully short of minority candidates who are posed to ascend to policy and leadership positions in the PBA.

It is hoped that this report will shed light on the continuing imbalance, encourage more minorities to become active within the PBA and result in changes to PBA leadership governance that will be more representative and reflective of our ever increasingly diverse bar.

## ORGANIZATIONAL STRUCTURE AND DEMOGRAPHICS

Precise figures for the number of minority attorneys licensed in Pennsylvania are unavailable since the applicants for the bar are not required to disclose their race or ethnic origin. The PBA has been able to gather some data over the past eighteen years since the formation of the MBC. This data was culled from lists of MBC members, attendees at the annual Minority Attorney Conferences, membership roles of various regional minority attorney associations and via word of mouth. The MBC used this data to issue a Minority Attorney Report Card in 1998.

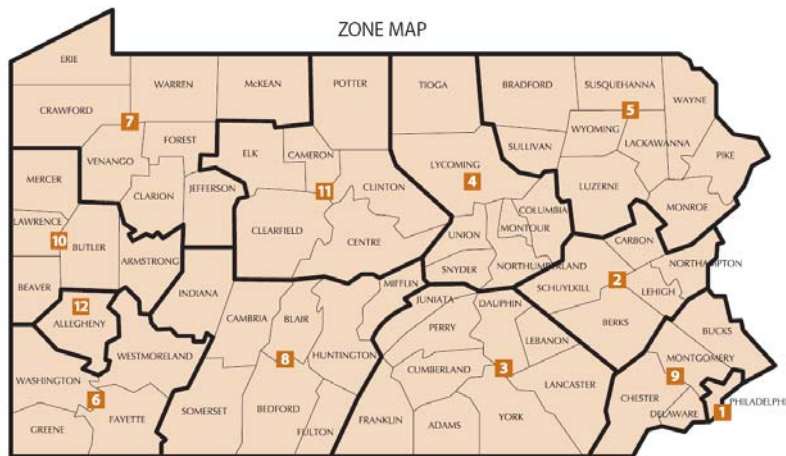
The WIP published its eleventh report card in 2005. Their report card is more detailed and drills deeper than the MBC Report Card as it was drawn from a larger pool of information.

County	Zone	Women	Total	% Women	% Minority
Adams	3	22	70	31%	
Allegheny	12	1226	4201	29%	
Armstrong	10	12	44	27%	
Beaver	10	34	174	20%	
Bedford	8	5	28	18%	
Berks	2	123	544	23%	
Blair	8	32	122	26%	
Bradford	5	9	49	18%	
Bucks	9	183	707	26%	
Butler	10	42	150	28%	
Cambria	8	37	196	19%	
Cameron	11	0	2	0%	
Carbon	2	13	57	23%	
Centre	11	56	182	31%	
Chester	9	248	863	29%	
Clarion	7	7	35	20%	
Clearfield	11	11	53	21%	
Clinton	11	4	35	11%	
Columbia	4	10	50	20%	
Crawford	7	25	106	24%	
Cumberland	3	137	499	27%	
Dauphin	3	573	1788	32%	
Delaware	9	291	1014	29%	
Elk	11	3	21	14%	
Erie	7	92	497	19%	
Fayette	6	36	126	29%	
Forest	7	1	2	50%	
Franklin	3	33	125	26%	
Fulton	8	2	8	25%	
Greene	6	10	32	31%	
Huntington	8	1	28	4%	
Indiana	8	14	66	21%	
Jefferson	7	7	37	19%	
Juniata	3	2	12	17%	

County	Zone	Women	Total	% Women	% Minority
Lackawanna	5	120	594	20%	
Lancaster	3	176	694	25%	
Lawrence	10	16	102	16%	
Lebanon	3	32	125	26%	
Lehigh	2	140	535	26%	
Luzerne	5	75	416	18%	
Lycoming	4	32	191	17%	
McKean	7	6	38	16%	
Mercer	10	22	135	16%	
Mifflin	8	5	34	15%	
Monroe	5	26	132	20%	
Montgomery	9	709	2529	28%	
Montour	4	8	23	35%	
Northampton	2	89	446	20%	
Northumberland	4	6	73	8%	
Out of State	X	1053	3216	33%	
Perry	3	6	24	25%	
Philadelphia	1	1844	5784	32%	
Pike	5	6	19	32%	
Potter	11	1	14	7%	
Schuykill	2	34	173	20%	
Snyder	4	6	23	26%	
Somerset	8	14	74	19%	
Sullivan	5	1	6	17%	
Susquehanna	5	4	26	15%	
Tioga	4	3	33	9%	
Union	4	7	34	21%	
Venago	7	11	69	16%	
Warren	7	10	39	26%	
Washington	6	73	294	25%	
Wayne	5	14	49	29%	
Westmoreland	6	119	483	25%	
Wyoming	5	9	22	41%	
York	3	109	450	24%	

## BOARD OF GOVERNORS

Pennsylvania is composed of sixty-seven counties, which has been parsed into twelve zones. Each zone is entitled to a Board seat (twelve Zone seats)<sup>2</sup>. The PBA Officers (the Executive Committee, comprised of the President, President-Elect, Vice-President and Immediate Past President, along with the Chair of the House of Delegates, Secretary and Treasurer) each hold a seat (seven seats). The Young Lawyers Division has three Board seats and there are two Governor-at-large seats, one each, for a minority and a woman. Hence there are a total of twenty-seven members on the Board of Governors. At present, there are two minority Governors and six women members on the Board.



<sup>2</sup> The selection process for selecting a Governor and House Delegate(s) is localized, with each Zone employing its chosen method for appointing/electing its Governor and House Delegate(s).

## NOMINATING COMMITTEE

The Nominating Committee is responsible for selecting the candidate that is to be presented to the House of Delegates for consideration for each PBA general office. The Nominating Committee has twenty-five members consisting of the twelve Zone Governors, the minority Governor, the woman Governor, the five living immediate past PBA presidents, the immediate past chair of the Young Lawyers Division, two Committee representatives and three Section representatives.

## HOUSE OF DELEGATES

The House of Delegates was formed in 1966 and is the body charged with policy-making authority for the PBA. The House is comprised of the PBA officers, all Zone Governors, one member from each Zone for every 100 PBA members within that Zone,<sup>1</sup> the president (or his nominee) of each local bar association, one additional member from each Zone where every local bar association within the Zone has adopted the Unit Plan of Membership, the living former presidents of the PBA and the five most recent living former chairs of the House, the most recent living former PBA Secretary and Treasurer, one additional member from each Zone designated as a Young Lawyer Zone pursuant to 904 of the PBA Bylaws and each former president of the American Bar Association. Currently, there are a total of 415 Delegates of which 95 are women and 20 are minorities

<sup>1</sup>

Zone	Total	Women	% Women	Minorities	% Minorities
1	73	15	21%	10	14%
2	28	4	14%	-0-	-0-
3	62	22	35%	6	6%
4	14	1	7%	-0-	-0-
5	28	3	11%	-0-	-0-
6	22	5	23%	-0-	-0-
7	17	5	29%	-0-	-0-
8	17	6	35%	-0-	-0-
9	70	13	19%	1	1%
10	12	2	17%	-0-	-0-
11	12	2	17%	-0-	-0-
12	60	17	28%	3	5%
All	415	95	23%	20	5%

## STANDING COMMITTEES

There are currently 56 standing Committees and Task Forces within the PBA led by 85 Chairpersons and 56 Vice Chairpersons.<sup>2</sup> Because there are 50% fewer Vice-Chairs than Chairs, the image presented by the percentage of women and minority Vice-Chairs is distorted. Projections for next year is 22 women chairs, 29 women vice chairs, 6 minority chairs, and 6 minority vice chairs.

<sup>2</sup> Including Co-Chairpersons and Vice-Chairpersons.

	Total	Women	% Women	Minorities	% Minorities
Chairs	85	25	29%	6	7%
Vice-Chairs	56	18	32%	8	14%

## SECTIONS

The PBA has 18 Sections and membership is open to all PBA members who pay annual Section dues. Four of the 18 Sections have women Chairs and none have a minority Chairperson. All Sections have an executive committee or council to facilitate governance over the Section, which typically have substantially higher membership numbers than do committees. Projections for next year have one less women Chairperson and minorities will again have no Section Chair.

## YOUNG LAWYERS DIVISION

The Young Lawyers Division (YLD) is open to all attorneys that are either under the age of 35 or have been in the practice of law for less than five years. The YLD Executive Council consists of a Chairperson, Chairperson-Elect, Immediate Past Chairperson, Secretary, Treasurer, Division Delegate, ABA/YLD District Representative, At-Large Zone Chairs, and 1 or 2 Zone Chairs from each of the 12 zones. There are currently 4 minorities and 16 women on the Executive Council. The projection for next year is 2 minorities and 15 women.

## **METHODOLOGY**

The Task Force created several subcommittees, two of which reported out their findings and recommendations, which are attached to this Report as Appendices.

The Subcommittee on PBA Bylaws, chaired by Pamela F. Cross, focused on Section 907(g) of the Bylaws to see if this provision which aims at preventing or limiting over-representation from any one Zone on the Board, might negatively impact on the increase of representation by minorities and/or women. In the view of the Subcommittee, Section 907, as a whole, was such an important and necessary provision to ensure continued representation on the Board by a minority and a woman Governor-at-Large, that the section should be left intact for the foreseeable future.

The Subcommittee also reviewed the idea of term limits for the House of Delegates representation and determined that while there might be potential benefits in terms of increasing minority and women representation, it was, at best, optimistic speculation, or a long shot and the loss of Delegate's with "institutional knowledge" and persons who had given valuable service over the years was not a good enough trade-off, to tamper with this long standing policy and practice.

On balance it was determined that no Bylaw changes were in order and that the Subcommittee instead urged that "individuals at the Zone level of governance should proactively seek and promote diverse candidates for leadership in order to diversify

the House of Delegates." Moreover, the Executive Officers of the PBA should be encouraged to promote diversity as a core value of the Pennsylvania Bar Association.

The Subcommittee on Women in the Profession, chaired by Rhoda Shear Neft, looked at leadership positions, including Officers, Board of Governors, House of Delegates, Speaker of the House, Zone Governors, Chairmanships and Co-Chairmanships of Committees and Sections, and the Nominating Committee.

The Subcommittee concluded that in order to increase representation, women needed to be schooled in the way the PBA operates and that the PBA leadership should give more effort to developing women leaders for future office holding positions. To that end, it was recommended that the PBA should balance its slate of Officers, Board of Governors, House of Delegates, Chairs of Task Forces and the Nominating Committee to always include women in their ranks in proportion to the numbers of women who belong to the PBA. Indeed, it was recommended that election of officers should rest with the members of the PBA-at-large.

In sum, the Task Force does not believe that there are structural, or inherent obstacles to increasing representation of minorities, or women and recommends that the PBA take a leadership role in promoting Diversity throughout the organization at every level and at every opportunity. Leadership training should be offered to women and minorities from their entry in the Young Lawyers Division, through their recruitment onto Committees and into Sections, through their representation in the House of Delegates and their involvement on the Nominating Committee and finally,

more Board of Governor representation should be offered in providing more than one seat to each group.

Parenthetically, more women became members and were active during the presidency of the first woman and indeed, more minorities joined and became active during the presidency of the first minority. Having minorities and women in positions of power send the message much more clearly and loudly, than all of the rhetoric the organized Bar can muster. PBA must “walk the talk” and not merely “talk the talk” of inclusion! There is no “silver bullet,” or instant solution to overcoming years of exclusion, whether intentional, or unintentional. In fact, the PBA needs to start at the K-12 level with programs throughout the state which foster and nurture Diversity in the Law. Without a leak proof “pipeline” from the schools, into the legal profession, which consistently advocates and demonstrates Diversity, talk about diversity is a useless exercise. If we expect our citizenry to respect the rule of law, to aspire to become members of the legal profession, involved in the PBA, than they must see themselves represented in the law and the profession at every level and at all times.

## MEMORANDUM

**To:** Carl Cooper, Chair  
PBA Leadership Diversity Taskforce

**From:** Pamela F. Cross, Chair  
Subcommittee on Bylaws

**Date:** December 30, 2005

**Re:** Subcommittee Report

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The Subcommittee on Bylaws met by conference call on December 19, 2005. The Subcommittee was charged with reviewing the Bylaws of the Pennsylvania Bar Association and assessing whether any barriers to diversity in leadership are inherent in the organizational structure of the PBA. The Subcommittee identified three areas that have the potential to serve as barriers to diversity in leadership. Our comments and recommendations are set forth below.

A. Section 907(g) of the Bylaws:

Section 907, in general, pertains to the manner of appointment of both the Minority Governor and the Woman Governor to the Board of Governors of the PBA. Subsection (g), in particular, provides “no Zone may have either a Minority Governor or a Women Governor if such appointment will increase such Zone’s representation on the Board of Governors to more than five at the time such appointment is made.” In the past subsection (g) has acted as a barrier to racial minorities. It was noted, for example, that several years ago the appointment of a racial minority from Zone 1 as the Minority Governor was rejected because such appointment would have increased the representation of Zone 1 on the Board to more than five. While the purpose of this provision is to limit the over-representation of any one Zone on the Board, the impact of this provision on racial minorities has the potential to limit their representation on the Board given that the overwhelming majority of racial minority attorneys are concentrated in Zones that encompass larger metropolitan areas. Despite the potential negative impact of subsection (g) on racial minorities, the Subcommittee believes that Section 907 as a whole is such an important and necessary provision to ensure continued representation on the Board by a minority and woman governor that this section, including subsection (g), should not be amended.

B. House of Delegates Term Limits:

The Subcommittee also discussed the issue of limiting the number of terms that a delegate may serve in the House of Delegates. Term limits would open up seats for more diversity in the House. However, there are benefits to retaining seasoned and experienced delegates in the House and term limits would not guarantee racial or gender



diversity. In addition, terms limits might be counterproductive because newly-elected diverse candidates would be deprived of the opportunity to gain the longevity in the House which is often a pathway to leadership positions. Thus, we do not recommend the adoption of term limits.

C. Geographic Diversity:

The PBA consistently attempts to achieve geographic diversity in its leadership structure. It was noted that the promotion of geographical diversity in leadership might sometimes make it more difficult to achieve greater racial diversity in leadership for the reasons noted in Part A above.

D. Recommendations:

1. Section 907(g) of the PBA Bylaws should not be modified or amended.
2. Individuals at the Zone level of governance should proactively seek and promote diverse candidates for leadership in order to diversify the House of Delegates.
3. The Executive Officers of the PBA should be encouraged to continue to promote diversity as an important goal of the PBA.

## MEMORANDUM

To: Carl Cooper, Chair  
PBA Leadership Diversity Task Force

From: Rhoda Shear Neft, Chair  
Subcommittee on Women in the Profession

Date: January 26, 2006

Re: Subcommittee Report

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The Subcommittee on Women in the Profession met twice by conference call on December 27, 2005 and January 24, 2006. The goal of this Subcommittee was to determine what impediments stand in the way of women succeeding to positions of leadership in PBA. The Subcommittee looked at the following leadership positions and how people ascend to them: Officers, Board of Governors, House of Delegates, Speaker of the House, Zone Governors, Chairmanship and Co-chairmanship of Committees and Sections and Nominating Committee.

It is the belief of the Subcommittee that women need to be schooled in the way the PBA operates and how it elects its officers, governors, house members etc. Most women are not aware of the processes nor are not encouraged to seek positions of leadership. The PBA leaders have not attempted to balance the House of Delegates, slates of officers or the Board of Governors to insure that the membership in these bodies reflects the percentage of women who belong to PBA. Women need to feel that the playing field is level and that if they seek a position of leadership they will succeed most of the time.

The Subcommittee likewise identified the election of officers and the composition of the Nominating Committee as an impediment to women. It is believed that more women would be elected to office if the entire membership of the PBA voted rather than the Nominating Committee. If the Board of Governors does not have a reasonable number of women sitting as governors and/or the Nominating Committee is not charged with presenting a balanced slate, it is unlikely that a woman will be elected to a position of leadership.

The one bright spot for women in PBA seems to be in the leadership of the Committees and Sections. Currently, 1/3 of the chairs or co-chairs of the committees or sections are women.

### Recommendations:

1. PBA should seek women to fill leadership positions.

2. PBA should balance its slate of officers, Board of Governors, House of Delegates, chairs of task forces and Nominating Committee to always include women in their ranks in proportion to the number of women who belong to PBA.
3. The election of officers should rest with the members of PBA.