



**STATEMENT OF NEW YORK CITY BAR ASSOCIATION PRESIDENT,  
DEBRA L. RASKIN, IN SUPPORT OF ABA RESOLUTION 107 BY THE  
COMMISSION ON DIVERSITY AND INCLUSION 360**

**ABA HOUSE OF DELEGATES  
2016 MIDYEAR MEETING  
SAN DIEGO, CA  
FEBRUARY 8, 2016**

The New York City Bar Association (“City Bar”) supports this resolution, which encourages all state, territorial, and tribal courts, bar associations and other licensing and regulatory authorities that have mandatory or minimum continuing legal education requirements (MCLE) to modify their rules to include, as a separate credit, programs regarding diversity and inclusion in the legal profession of all persons, regardless of race, ethnicity, gender, sexual orientation, gender identity or disabilities, and programs regarding the elimination of bias (“D&I CLE”). The resolution does not call for an increase in the total number of MCLE credits required per cycle, nor does it specify the number of hours of D&I CLE required.

The resolution expands upon a 2004 House of Delegates resolution—Resolution 110—which amended the language of the Commentary to Section 2 of the Model Rule for Minimum Continuing Legal Education, to provide that regulatory systems require lawyers, either through a separate credit or through existing ethics and professionalism credits, to complete programs related to racial and ethnic diversity and the elimination of bias in the profession. The current resolution **expands the definition of diversity and inclusion** to include all persons regardless of race, ethnicity, gender, sexual orientation, gender identity or disabilities. Moreover, it encourages all licensing and regulatory authorities that currently require MCLE to include, as a **separate required credit**, programs regarding diversity and inclusion in the legal profession and programs regarding the elimination of bias.

Of the 45 states that currently have mandatory continuing legal education, only two—California and Minnesota—have adopted stand-alone D&I CLE requirements. Thus, the resolution, if adopted and implemented across all of those jurisdictions, would have a wide-ranging impact on attorneys currently licensed to practice in the United States.

The City Bar has long championed diversity and inclusion and the elimination of bias in the legal profession and we believe that strong programming must be part of that effort.

Our Office for Diversity and Inclusion works with New York City legal employers to foster more diverse and inclusive work environments while supporting and regularly tracking the progress of more than 145 signatory law firms and law departments on key diversity representation metrics. The Office and the City Bar committees within the Diversity and Inclusion group—including Minorities in the Profession, Minorities in the Courts, Women in the Legal Profession, LGBT Rights and the Disability Law Committee—host a number of programs to support excellence in innovation and execution on diversity and inclusion initiatives. The Office also provides a comprehensive pipeline initiative which supports high school, college and law students to develop necessary professional skills and gain exposure to the legal profession.

The City Bar has issued a Statement of Diversity Principles, designed to affirm the commitment of New York City area law firms and corporate legal departments to diversity goals that have specific time targets and milestones for achieving diversity. To date, the Statement has 145 signatories—125 law firms and 20 corporations. However, according to our 2014 Diversity Benchmarking Report, while signatory firms recognize the importance of firm engagement and investment in diversity progress and continue to increase the level of financial and staff resources devoted to diversity efforts, the attrition rate of minority attorneys at the signatory law firms remains disproportionately high. More work needs to be done to reverse this trend and we believe that more educational programming can help to move the needle.

To that end, last June, the City Bar hosted an all-day Diversity & Inclusion CLE that featured panels on a wide variety of topics including retention and sponsorship, implicit bias, diversity in the judiciary and a general counsels' forum. Speakers included state and federal judges, law school professors, in-house counsels and private practitioners. The program was well attended and well received and allowed us to engage a broader pool of stakeholders than our regular non-CLE diversity programming. Such CLE programs are an important tool to raise awareness of both explicit and implicit bias within the profession and to educate and empower those who can affect change, particularly law firm leaders. Folding diversity and inclusion training into the familiar CLE rubric, similar to an ethics requirement, also sends an important message: as lawyers, we have a responsibility to recognize and eliminate bias where we may not now see it, to uphold principles of justice and equality, and to ensure that our workplaces and institutions reflect those principles. D&I CLE programs will help lawyers to meet this responsibility and the profession will be better for it.

Resolution 107 is a positive and important step in promoting diversity and inclusion and the elimination of bias in the legal profession. The City Bar strongly supports this resolution.

February 2016