



NEW YORK STATE BAR ASSOCIATION

2009 SECTION DIVERSITY REPORT CARD

JANUARY 2010  
COMMITTEE ON DIVERSITY AND  
LEADERSHIP DEVELOPMENT

## 2009 SECTION DIVERSITY REPORT CARD

### I. INTRODUCTION

In 2005, the Committee on Diversity and Leadership Development conducted its initial Section diversity survey, which was designed to evaluate the level of diversity in Section leadership, membership and activities, and to inform the Association of ongoing Section initiatives to enhance diversity. The Committee transposed the results of that survey into a Diversity Report Card, which the Executive Committee considered as an informational item at its June 23 and 24, 2005 meeting.

In general terms, the 2005 Section Diversity Report Card showed that nearly one-third of Section chairs were female, but that only 11 Sections had executive committees reflective of the gender composition of the Section membership. In addition, only nine of 23 Section executive committees had race/ethnic diversity equal to or greater than their respective Section membership. In an effort to improve Section diversity, by 2005, nearly half of the Sections had appointed a diversity chair and/or formed a diversity committee, and had developed a diversity plan.

The 2007 Section Diversity Report Card showed that only one-quarter of Section chairs were female, and that only 11 Sections had executive committees reflective of the gender composition of their respective Section membership. In 2007, 14 Section executive committees had race/ethnic diversity equal to or greater than the Section membership. In April 2008, the House of Delegates approved the 2007 Section Diversity Report Card and recommendations, which included using the report at the Section Leaders' Conference to encourage continued

progress in increasing diversity; publicizing the report on the Association's Web site and in the State Bar News; developing a strategic plan with the aid of the Association's Department of Bar Services to assist sections in collaborating with minority bar associations to enhance section diversity; and convening a joint conference of all Section diversity committees and/or leaders for the purpose of fostering collaboration among the Sections. Since that time some, but not all, of these recommendations have been carried out.

The most recent Section Diversity Survey was conducted in the spring and summer of 2009, and the results of that survey are included in this report.

In general terms, the 2009 Section Diversity Report Card showed that one-quarter of Section Chairs were female, as in 2007, but that only six of 25 Sections had executive committees reflective of the gender composition of the Section membership, as compared to 11 Sections in 2007. Only six Section executive committees had race/ethnic diversity equal to or greater than their respective Section membership, as compared to 14 in 2007. 2009 was the first year we sought information regarding the sexual orientation of Section members and leadership.

## **II. METHODOLOGY**

In 2005, the 23 Section chairs were asked to complete and return a survey reporting on the ethnicity, gender and disability status of leaders of their respective Sections, as well as the ethnicity, gender and disability status of publication editors, program chairs and program faculty from 2004. They were asked also to provide information about their Section's diversity plans, including whether the Section had a diversity chair and/or committee. All but one Section (Trial Lawyers) returned the survey.

In 2007, two automated surveys were used to collect this same information. The surveys were distributed by both email and regular mail, and Section leaders could respond either by using a link embedded directly in the email or by returning the information by regular mail or fax.

The first 2007 survey was a three-question census sent to 1,357 Section leaders, including officers, executive committee members, nominating committee members, committee chairs and the like, asking them to report their individual ethnicity, gender and disability status (2007 Census attached as Appendix A). Of the 1,357 leaders surveyed, 99% (1,343) volunteered information regarding their gender, 78% (1,056) volunteered race/ethnicity information, and 55% (743) volunteered information regarding disability status.

The second 2007 survey was a questionnaire sent to each of the 23 Section chairs, requesting a report on the ethnicity, gender and disability status of Section publication editors and program faculty from 2006, as well as the Section's diversity plan and officers, if applicable (2007 Section Questionnaire attached as Appendix B). We received responses from all 23 Section chairs.

Similarly, in 2009, two surveys were used: a four-question census sent to 1,445 Section leaders, and a questionnaire sent to each of the 25 Section Chairs (Appendix C). The 2009 census and survey were essentially the same as used in 2007, the only difference being the addition of questions seeking information about members' sexual orientation. In 2009, of the 1,445 leaders surveyed, 99% (1,434) volunteered information regarding their gender, 77% (966) volunteered race/ethnicity information, 63% (904) volunteered information regarding disability status, and 37% (532) volunteered information on sexual orientation. However, of the questionnaires sent to the 25 Section Chairs, which requested a report on the ethnicity, gender and disability status of

Section publication editors and program faculty from 2008, as well as the Section's diversity plan and officers, only 13 responded.<sup>1</sup>

### III. COMPARISON OF 2005, 2007, AND 2009

#### Gender

In 2009, females made up 34% of overall Association membership, 31% of all Section members and 26% of all Section Leaders. All of the sections reported on gender. However, it is important to note that Dispute Resolution and Senior Lawyers only reported in 2009 due to the fact that 2009 was their first year in existence. The percentage of female Association membership is up 4% from 2005 and the percentage of all Section members is up 4% from 2005.

From 2005 to 2009, the ratio of female to male Section leaders improved slightly from 75% male and 25% female in 2005 to 74% male and 26% female in 2007, but in 2009 that ratio of female to male Section leaders remained the same as that of 2007. Since the percentage of female Association membership and Section membership increased this unchanged ratio is even more significant.

In 2005, eight of the 23 Section chairs were female; in 2007, six of the 23 Section chairs were female and in 2009, six of 25 Sections chairs were female. In 2005, 11 Sections had an executive committee composition matching or exceeding their respective female membership. Those sections were Antitrust, Business, Commercial and Federal Litigation, Corporate Counsel, Elder, Environmental, Judicial, Municipal, Torts Insurance and Compensation, Trial Lawyers, and Trusts and Estates. In 2007, that number remained at 11 with those sections being Antitrust, Business, Commercial and Federal Litigation, Elder, Food Drug and Cosmetic, General Practice, Health, Intellectual Property, Judicial, Municipal and Torts Insurance and Compensation. In 2007, Trial Lawyers and Trusts and Estates no longer had executive committee composition matching or exceeding their respective female membership, but Food

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<sup>1</sup> The sections that responded are: Business Law; Commercial and Federal Litigation; Criminal Law; Dispute Resolution; Entertainment, Arts and Sports Law; Environmental Law; Health Law; Judicial; Municipal Law; Real Property Law; Senior Lawyers and Tax. The International Section submitted a questionnaire well after the deadline, and after the data had been compiled for the purposes of analysis and writing this report.

Drug and Cosmetic, General Practice and Health did. In 2009, only eight of 25 Sections had an executive committee composition matching or exceeding its female membership. Those sections were Business, Commercial and Federal Litigation, Entertainment Arts and Sports, Elder, Intellectual Property, Judicial, Senior Lawyers and Torts Insurance and Compensation.

In 2005, the percentage of Section leaders (i.e., officers, executive committee members, committee chairs, subcommittee chairs and the like) in the following 11 Sections matched or exceeded their respective female membership: Antitrust, Business, Commercial and Federal Litigation, Elder, Environmental, Judicial, Municipal, Torts Insurance and Compensation, Trial Lawyers and Trusts and Estates. That number increased to 14 Sections in 2007, including Antitrust, Business, Commercial and Federal Litigation, Corporate Counsel, Elder, Food Drug and Cosmetic, General Practice, Health, Intellectual Property, Judicial, Municipal, Torts Insurance and Compensation, Trial Lawyers and Trusts and Estates. This number changed by losing Environmental and gaining Corporate Counsel, Food Drug and Cosmetic, General Practice, Health and Intellectual Property. In 2009, that number dropped, leaving only nine Sections of 25 having the same or greater percentage of female leaders than their female membership. Those nine sections were Antitrust, Business, Commercial and Federal Litigation, Entertainment Arts and Sports, Elder, Intellectual Property, Judicial, Senior Lawyers and Torts Insurance and Compensation.

### **Sexual Orientation**

This is the first time the Association has surveyed our membership as well as Section leadership with regard to their sexual orientation. While the data we have collected from our general membership is disappointing (83% of Association membership either declined to answer or for whom we have no data), we can extrapolate that just under 3% of Association members are lesbian, gay, bisexual or transgendered (LGBT). Of the 22% of Section members reporting their LGBT status, 3% identified themselves as LGBT, which is consistent with our overall membership. While a far larger percentage of Section leaders, 37%, disclosed their sexual orientation, only 1% of whom identified themselves as LGBT.

The two Sections with the best overall survey response rate were Senior Lawyers (71%) and Judicial Section (66%). Other Sections with a response rate of 50% or more include Corporate Counsel, Family Law, Intellectual Property and Municipal Law.

The Section reporting the highest percentage of LGBT attorneys in leadership positions was Corporate Counsel, with 7.7% of that Section's leadership reporting LGBT status. One-third (1/3) of Corporate Counsel Section officers are LGBT, which is the highest reported among all the Sections. A number of Sections reported a higher percentage of LGBT members than what is reflected in the overall Association membership of approximately 3%. Those Sections include the Judicial Section with over 6% of their overall Section membership, one-third (1/3) of their officers and one-quarter (1/4) of their Committee chairs reporting LGBT status. Other Sections reporting higher LGBT status in overall Section membership than the Association generally included Food, Drug and Cosmetic at 5.7% of its Section membership, Intellectual Property at nearly 5% and International at 4.5% of their membership reporting LGBT status. Sections with particularly high leadership "decline or failure to respond" rates include Food, Drug & Cosmetic (86%), Tax (76%), Young Lawyers (68%), Real Property (66%) and Health Law (64%).

The Antitrust Section reported one of the higher Section LGBT overall membership status at 4.8%, with 6% of the Executive Committee reporting such status. Unfortunately, within the leadership of the Antitrust Law Section, the "failure to respond or no data" rate was a disappointing 77%. It is also worth noting that 6% of the Health Law Section Executive Committee and 12.5% of its committee chairs reported such status. For Tax, 14% of its Executive Committee and 29% of committee chairs reported such status. So it would appear to be a "good news-bad news" scenario for those Sections, given the rather high "decline or failure to respond" rates.

Only our newest Section, Dispute Resolution, has developed a plan to increase the diversity within their membership and leadership with respect to LGBT status, and we applaud that Section for its efforts.

Since this is the first of the Association's efforts to track the sexual orientation status of overall Section members as well as Section leadership, we are encouraged by the fact that we now have some baseline data. We were, however, disappointed by the response rates, and believe it would be helpful to engage the assistance of our new LGBT People and the Law Committee to assist with the collection of this information in the future, particularly given the feedback we received from a number of Section Chairs about the difficulty they encountered in identifying Section publication editors and program faculty as to their LGBT status. And by



partnering with the LGBT People and the Law Committee prior to the 2011 Diversity Report Card survey, we anticipate that the response rates regarding sexual orientation status will improve over time.

### **Ethnic and Racial Diversity**

In 2009, ethnic and racial minorities constituted 11.38% of the overall Association membership (based upon valid percentages), up from 10.78% in 2007 and 10.07% in 2005. The percentage of ethnic/racial minority participation in each of the Sections, however, varied greatly.

In 2009, 10 out of 25 Sections had membership percentages of ethnic/racial minorities greater than the 11.38% of the Association membership. The Sections with the highest percentages were the International Section (27.73%) and the Young Lawyers Section (24.91%). Other Sections with higher percentages were the Antitrust Law Section (15.01%), the Business Law Section (12.16%), the Corporate Counsel Section (15.55%), the Dispute Resolution Section (12.83%), the Entertainment, Arts and Sports Law Section (17.33%), the Food, Drug and Cosmetic Section (13.51%), the Intellectual Property Law Section (17.79%), and the Judicial Section (13.30%).

While the level of ethnic/racial minority participation in Section membership is important, the level of minority participation in Section leadership is equally important. Ethnic/racial minority participation in leadership encourages and sustains diversity in membership. Based on the data for "All Section Leaders" (which includes the executive committee members, officers, chairs of committees and the nominating committee of a Section), six Sections had a percentage of ethnic/racial minorities in leadership positions that was greater than the percentage in its membership.

The percentages of ethnic/racial minorities of executive committees of the Sections were mostly the same or close to the corresponding percentages for all section leaders. However, it should be noted that in 2009 the percentage of ethnic/racial minorities in the Executive Committee of the Association was 23.08%, in large measure due to the establishment of two diversity seats to encourage ethnic/racial minority participation.

In 2009, none of the chairs of Sections were ethnic/racial minorities. This is in contrast to 2007, when two of 23 Sections chairs were members of ethnic/racial minorities. Nevertheless, when compared to 2005 levels, there has been a broad-based increase in ethnic/racial minority participation in Section membership and leadership. Not counting the two newly established Sections (the Dispute Resolution and Senior Lawyers Sections), of the other 23 Sections, 18 Sections had increased their percentage of ethnic/racial minorities in membership over 2005 levels, and 16 Sections had increased percentage of ethnic/racial minorities in leadership positions over 2005 levels. While some of these increased percentages are incremental and others are more substantial, all are important to the Association.

### Disability

The data reported regarding members with disabilities calls into question whether the data itself is reliable. This is illustrated by the overall numbers of members reported as disabled. For 2008-09, for the Bar as a whole, 395 members out of a total membership of 74,000 identified themselves as disabled, for an unadjusted percentage of .53%. 22,407 members were identified as not disabled, 3,994 declined to answer, and there was no data for 47,204 members. Adjusting the percentages for those identified as disabled or not, the 2008-09 "valid" percentage was 1.73% disabled. In 2006-07, 283 members were identified as disabled, but there was a far greater number of members for whom there was no data. The same was true in 2004-05, when 203 members were identified as disabled. The "valid" percentages for the three periods were:

2008-09:	1.73%
2006-07:	3.61%
2004-05:	3.37%

That the actual percentage of members of the State Bar with disabilities would have declined by more than half in a two-year period seems unlikely. What is more likely is that the data itself is flawed. We do not know what standard individuals used in making the declaration of disability. It may have something to do with the nature of legal practice, or the nature of lawyers. Does the attorney with a hearing aid consider him or herself disabled? If an attorney is able to work full-time despite a physical ailment, is that individual regarded as disabled? We

do not know what standard was applied, or if any standard was applied, but the decline in the number is striking, and strongly suggests a flaw in the data.

The same trend in the numbers is seen in the report of total section membership. For 2008-09, 137 section members out of 33,482 were identified as disabled, for a "valid" percentage of 1.09%. Yet, in 2006-07 and 2004-05, the "valid" percentages were 2.05 and 2.56 respectively.

With the percentage of all section members with disabilities at 1.09%, the actual percentage of section leaders with disabilities would be expected to be low, and it is. For 2008-09, one out of 25 section chairs is reported to have a disability. That number is actually up from the prior two reporting periods, when it was zero. For all section leaders, the number is 18, the same number as in the prior period, and down one from 2004-05. For many sections, no person with a disability was identified as among the section leaders. This has not changed across the reporting periods. The Elder Law, Commercial and Federal Litigation, and Labor and Employment Sections each reported four persons with disabilities among their leadership. Among section members, 25 members of the Trust and Estates Section were reported with disabilities, but by "valid" percentage, the highest number was 2.47%, based on a raw number of 18 members of the Senior Lawyer Section.

Without a better reporting mechanism, no meaningful judgment can be drawn regarding the Bar's efforts to include members with disabilities in its activities.

## V. RECOMMENDATIONS

(1) This report should be published on the Association's Web site and the results should be reported in the State Bar News. To provide Section leaders and the House of Delegates with adequate time to review and comment on the report and recommendations, the Committee recommends that publication occur after the 2010 Section Leader's Conference and the House of Delegates' June 2010 meeting.

(2) A strategic plan should be developed in collaboration with the Association's Department of Bar Services, in consultation with the Manager of Bar Services and the Chief Section Liaison and building from past strategic plans insofar as they dealt with increasing diversity, to provide Section leaders with the support needed to collaborate with minority bar

associations in an effort to attract new Section members. Therefore, this plan should continue to include events that would bring together Section leaders with minority bar association leaders.

(3) The Committee on Minorities in the Profession conducted a program at the 2009 Annual meeting, which brought together minority bar association leaders from throughout the State. This was an informative and effective program. We suggest that efforts like this be maintained by all areas of the Association to continue to express and promote the Association's focus and dedication to increasing diversity in its leadership and membership.

(4) In order to address the poor response rate from Section Chairs regarding Section publication editors and program chairs and faculty, and to enhance not only response rates but the accuracy of the data collected, we have consulted with the Director of Meetings and the Director of CLE to begin the process of collecting such data on IMIS by requesting program Chairs and faculty to self-report their diversity status at each Section and/or CLE program. With respect to Section publication editors, they too will be surveyed in order to self-report their diversity status. In the future, Section Chairs will only be surveyed with respect to the development and implementation of their diversity plan and whether they have appointed a Diversity Committee.

(5) The administration of the survey and analysis thereof requires significant staff support and we are most grateful for the guidance and support provided by Sebrina Barrett in that regard. This year the Chairs and the Committee members were called upon to provide far more volunteer time than in the past, in terms of securing the participation of the Section Chairs, analyzing the raw data and in the preparation of the 2009 Report. We believe that the administration of the survey should be primarily staff-driven and that adequate staff or alternative resources, such as an intern or law student, be provided for that purpose in the future. Given our deep commitment to diversity at every level of the Association, we believe that this vital project should remain an Association priority and that we continue to evaluate and report to the membership on a biennial basis the success of ongoing efforts within our leadership, membership and activities to enhance diversity.

COMMITTEE ON DIVERSITY AND LEADERSHIP DEVELOPMENT

2009-2010

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SEBRINA A. BARRETT, NYSBA STAFF LIAISON

# **Appendix A**



# New York State Bar Association

One Elk Street, Albany, New York 12207 • 518/463-3200 • <http://www.nysba.org>

## 2007 NYSBA Section Diversity Census

Please note that these questions are voluntary. However, as a section leader, we ask you to please volunteer this information to help us assess how the diversity of our leadership compares to that of our members.

1) Name:

2) NYSBA Member ID (6 digit):

3) Section(s) in which you have a leadership role(s):

- |   |  |
|---|--|
| <input type="checkbox"/> Antitrust Law Section                      | <input type="checkbox"/> International Law and Practice Section      |
| <input type="checkbox"/> Business Law Section                       | <input type="checkbox"/> Judicial (Courts of Record) Section         |
| <input type="checkbox"/> Commercial & Federal Litigation Section    | <input type="checkbox"/> Labor and Employment Law Section            |
| <input type="checkbox"/> Corporate Counsel Section                  | <input type="checkbox"/> Municipal Law Section                       |
| <input type="checkbox"/> Criminal Justice Section                   | <input type="checkbox"/> Real Property Law Section                   |
| <input type="checkbox"/> Elder Law Section                          | <input type="checkbox"/> Tax Section                                 |
| <input type="checkbox"/> Entertainment, Arts and Sports Law Section | <input type="checkbox"/> Torts, Insurance & Compensation Law Section |
| <input type="checkbox"/> Environmental Law Section                  | <input type="checkbox"/> Trial Lawyers Section                       |
| <input type="checkbox"/> Family Law Section                         | <input type="checkbox"/> Trusts and Estates Law Section              |
| <input type="checkbox"/> Food, Drug & Cosmetic Law Section          | <input type="checkbox"/> Young Lawyers Section                       |
| <input type="checkbox"/> General Practice Section                   | <input type="checkbox"/> Other (please specify)                      |
| <input type="checkbox"/> Health Law Section                         |  |
| <input type="checkbox"/> Intellectual Property Law Section          |  |

If you selected other, please specify:

4) Gender:  Male  Female  Decline to answer

5) Race/Ethnic Group: (please select one)

- |  |   |
|--|---|
| <input type="radio"/> Asian/Pacific Islander | <input type="radio"/> White/Caucasian   |
| <input type="radio"/> Black/African American | <input type="radio"/> Other             |
| <input type="radio"/> Hispanic               | <input type="radio"/> Decline to answer |
| <input type="radio"/> Native American        |   |

6) Would you identify yourself as a person with a disability or disabilities?

- Yes  No  Decline to answer

**Thank you for your participation.**

Please either e-mail this information to [sbarrett@nysba.org](mailto:sbarrett@nysba.org), or mail: New York State Bar Association, Attn: Sebrina Barrett, One Elk Street, Albany, NY 12207, or fax: 518.463.8527.

## **Appendix B**





# New York State Bar Association

One Elk Street, Albany, New York 12207 • 518/463-3200 • <http://www.nysba.org>

## 2007 Diversity Report Card - Part Two

Conducted by the Committee on Diversity and Leadership Development.

1) Section:

- Antitrust Law Section
- Business Law Section
- Commercial & Federal Litigation Section
- Corporate Counsel Section
- Criminal Justice Section
- Elder Law Section
- Entertainment, Arts and Sports Law Section
- Environmental Law Section
- Family Law Section
- Food, Drug & Cosmetic Law Section
- General Practice Section
- Health Law Section
- Intellectual Property Law Section
- International Law and Practice Section
- Judicial (Courts of Record) Section
- Labor and Employment Law Section
- Municipal Law Section
- Real Property Law Section
- Tax Section
- Torts, Insurance & Compensation Law Section
- Trial Lawyers Section
- Trusts and Estates Law Section
- Young Lawyers Section

2) Individual(s) completing the survey:

Name:	
Telephone:	
E-mail:	

**PUBLICATIONS:**

Publications include books, journals, newsletters, or electronic newsletters published by your section, (excluding those co-sponsored by the CLE Department/Committee).

3) Please enter the number of male editors of such publications during 2006 who may be classified into the following categories:

	Enter Quantity
Asian/Pacific Islander	
Black/African American	
Hispanic	
Native American	
White/Caucasian	
Other	
Don't know the ethnicity	

4) Please enter the number of female editors of such publications during 2006 who may be classified into the following categories:

	Enter Quantity
Asian/Pacific Islander	
Black/African American	
Hispanic	
Native American	
White/Caucasian	
Other	
Don't know the ethnicity	

5) Please enter the quantity of editors who are persons with disabilities\*.

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\* Disability is defined as an impairment that prevents or severely restricts an individual from doing activities that are of central importance to most people's daily lives. The impairment's impact must also be permanent or long term.

**PROGRAMMING:**

The questions below pertain to all programming presented by your section during 2006. These include the section's spring, summer, and fall section programs, the section's program at annual meeting and any stand-alone section programs, excluding courses co-sponsored with the NYSBA CLE Department/Committee. CLE courses have a separate evaluation process.

6) Please enter the total number of educational programs presented by your section during 2006.

--

7) Please enter the number of male program chairs during 2006 who may be classified into the following categories:

	Enter Quantity
Asian/Pacific Islander	
Black/African American	
Hispanic	
Native American	
White/Caucasian	
Other	
Don't know the ethnicity	

8) Please enter the number of female program chairs during 2006 who may be classified into the following categories:

	Enter Quantity
Asian/Pacific Islander	
Black/African American	
Hispanic	
Native American	
White/Caucasian	
Other	
Don't know the ethnicity	

9) Please enter the quantity of program chairs who are persons with disabilities\*.

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\* Disability is defined as an impairment that prevents or severely restricts an individual from doing activities that are of central importance to most people's daily lives. The impairment's impact must also be permanent or long term.

10) Please enter the number of male faculty (excluding program chairs) during 2006 who may be classified into the following categories:

	Enter Quantity
Asian/Pacific Islander	
Black/African American	
Hispanic	
Native American	
White/Caucasian	
Other	
Don't know the ethnicity	

11) Please enter the number of female faculty (excluding program chairs) during 2006 who may be classified into the following categories:

	Enter Quantity
Asian/Pacific Islander	
Black/African American	
Hispanic	
Native American	
White/Caucasian	
Other	
Don't know the ethnicity	

12) Please enter the quantity of faculty (excluding program chairs) who are persons with disabilities\*.

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\* Disability is defined as an impairment that prevents or severely restricts an individual from doing activities that are of central importance to most people's daily lives. The impairment's impact must also be permanent or long term.

**Diversity Initiatives:**

**Diversity Plans:**

13) Has your section designated a

	Yes	No
Diversity Committee	<input type="radio"/>	<input type="radio"/>
Diversity Coordinator	<input type="radio"/>	<input type="radio"/>
Diversity Chair	<input type="radio"/>	<input type="radio"/>
Other position/entity for this purpose (please specify)	<input type="radio"/>	<input type="radio"/>

14) If you selected "Other position/entity for this purpose," please specify:

--

15) Does your section have a long-range plan to increase the participation of:

	Yes	No
Minority attorney/judges	<input type="radio"/>	<input type="radio"/>
Women attorneys/judges	<input type="radio"/>	<input type="radio"/>
Women law students	<input type="radio"/>	<input type="radio"/>
Minority law students	<input type="radio"/>	<input type="radio"/>
Persons with disabilities	<input type="radio"/>	<input type="radio"/>

16) Please describe the plan:


**Initiatives:**

17) Please describe specific initiatives, programs, projects or other activities (not aspirational goals) that your section has undertaken during 2006 or began planning that demonstrate the section's commitment to increasing the participation within your section or within the profession of:

- (1) Minority attorney/judges
- (2) Women attorneys/judges
- (3) Women law students
- (4) Minority law students
- (5) Persons with disabilities


18) Please note your achievements or results of the above initiatives thus far.


**Committee on Diversity and Leadership Development:**

19) Please note below ways in which the Committee on Diversity and Leadership Development can be of assistance to your section in advancing diversity in its membership and activities.


**Thank you for your participation.**

Please either e-mail this information to [sbarrett@nysba.org](mailto:sbarrett@nysba.org), or mail: New York State Bar Association, Attn: Sebrina Barrett, One Elk Street, Albany, NY 12207, or fax: 518.463.8527.

## **Appendix C**

New York State Bar Association  
2009 NYSBA Section Diversity Census

MEMBER NO:

Please complete this form in DARK INK, filling in boxes or darkening circles as appropriate. Please return the entire form to the NYSBA in the enclosed postage-paid envelope. Thank you for your cooperation.

Correct Mark  Incorrect Mark

«□□□□□□□□»  
«FULLNAME»  
«AddressBlock»

April 13, 2009

Dear «FIRSTNAME»:

Two years ago, in an effort to fulfill the mission of the Committee on Diversity and Leadership Development to enhance diversity in the profession, then President of the State Bar Kathryn Grant Madigan asked Section Leaders to complete a Diversity Survey. Questions in the survey sought to quantify your Section's diversity with respect to Section leadership, membership, CLE program faculty and publication editors, and thereby inform the Committee on Diversity and Leadership Development, and thus, the State Bar, about ongoing initiatives and, where necessary, consider improvements we could make to enhance diversity.

The second Diversity Report Card resulted. Findings included the following: in 2005 and 2007, one-fourth of our Section leaders were female, but the number of female Section chairs decreased from eight to six from 2005 to 2007; and the percentage of Section leaders who are racial and ethnic minorities increased from 5% to 8%. In addition, 16 Sections have, moreover, appointed a Diversity Chair and/or Diversity Committee and 13 have developed a Diversity Plan. Surveys are performed every two years.

I write to request once again, your help in conducting the diversity survey. For the first time, the survey will include questions seeking information on sexual orientation status, pursuant to a resolution adopted in 2007 by our House of Delegates providing for the expanded collection of demographic data encompassing gender, race, ethnic origin, sexual orientation and disability.

To assist each Section in growing leadership that is diverse in all respects, and to see how we have improved over the last few years, we are asking all Section leaders to complete a voluntary census that would provide us with their gender, ethnic, sexual orientation and disability status.

If you have previously shared some of the requested information with us, you will see that information below. Please correct any inaccurate information and return the entire form in the enclosed envelope no later than **May 12, 2009**. As a Section leader, your participation in this effort to gather diversity information is crucial. Without your participation, we will be unable to get an accurate picture of the diversity of our Section leadership.

Once all the responses have been collected, we will prepare a Diversity Report Card for review by the NYSBA Executive Committee and for distribution to each Section. Thank you for being a part of this important project.

*P.S. This five-question survey will take just two minutes of your time. You can also access the survey at [www.nysba.org/DiversityCensus](http://www.nysba.org/DiversityCensus)*

Sincerely, April

Bernice K. Leber  
NYSBA President

Kathryn Grant Madigan  
Co-Chairs, Committee on Diversity and Leadership Development

Kenneth G. Standard  
Co-Chairs, Committee on Diversity and Leadership Development

E-Mail Address (One Only Please):

[Grid for E-Mail Address]

Gender:  Male  Female  Decline to Answer

Do you consider yourself to be a person with a disability or disabilities? (Optional)  Yes  No  Decline to Answer

Race / Ethnic Group (Optional):

Asian / Pacific Islander  Black / African American  Hispanic  Native American  White / Caucasian  
 Multiple Race/Ethnic Group  Other  Decline to Answer

Please indicate your sexual orientation (Optional):  Heterosexual  Lesbian/Gay/Bisexual/Transgender  Decline to answer

Please use enclosed return envelope or send to the following address:  
New York State Bar Association, Section Diversity Census  
1 Elk Street, Albany, NY 12207





# New York State Bar Association

One Elk Street, Albany, New York 12207 • 518/463-3200 • <http://www.nysba.org>

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## 2009 Diversity Report Card - Part Two

Conducted by the Committee on Diversity and Leadership Development.

### 1) Section: (select from drop down menu)

- |  |   |
|--|---|
| <input type="radio"/> Antitrust Law                      | <input type="radio"/> Intellectual Property Law           |
| <input type="radio"/> Business Law                       | <input type="radio"/> International Law and Practice      |
| <input type="radio"/> Commercial & Federal Litigation    | <input type="radio"/> Judicial (Courts of Record)         |
| <input type="radio"/> Corporate Counsel                  | <input type="radio"/> Labor and Employment Law            |
| <input type="radio"/> Criminal Justice                   | <input type="radio"/> Municipal Law                       |
| <input type="radio"/> Dispute Resolution                 | <input type="radio"/> Real Property Law                   |
| <input type="radio"/> Elder Law                          | <input type="radio"/> Senior Lawyers                      |
| <input type="radio"/> Entertainment, Arts and Sports Law | <input type="radio"/> Tax                                 |
| <input type="radio"/> Environmental Law                  | <input type="radio"/> Torts, Insurance & Compensation Law |
| <input type="radio"/> Family Law                         | <input type="radio"/> Trial Lawyers                       |
| <input type="radio"/> Food, Drug & Cosmetic Law          | <input type="radio"/> Trusts and Estates Law              |
| <input type="radio"/> General Practice                   | <input type="radio"/> Young Lawyers                       |
| <input type="radio"/> Health Law                         |   |

### 2) Individual(s) completing the survey:

Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
E-mail: \_\_\_\_\_



**PUBLICATIONS:**

*Publications include books, journals, newsletters, or electronic newsletters published by your section, (excluding those co-sponsored by the CLE Department/Committee).*

**3) Please enter the number of male editors of such publications during 2008 who may be classified into the following categories:**

Asian/Pacific Islander	_____
Black/African American	_____
Hispanic	_____
Native American	_____
White/Caucasian	_____
Other	_____
Don't know the ethnicity	_____

**4) Please enter the number of female editors of such publications during 2008 who may be classified into the following categories:**

Asian/Pacific Islander	_____
Black/African American	_____
Hispanic	_____
Native American	_____
White/Caucasian	_____
Other	_____
Don't know the ethnicity	_____

**5) Please enter the quantity of editors who are persons with disabilities\*.**

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\* Disability is defined as an impairment that prevents or severely restricts an individual from doing activities that are of central importance to most people's daily lives. The impairment's impact must also be permanent or long term.

**6) Please enter the quantity of editors whom you know to be openly Lesbian/Gay/Bisexual/Transgender:**

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**PROGRAMMING:**

The questions below pertain to all programming presented by your section during 2008. These include the section's spring, summer, and fall section programs, the section's program at annual meeting and any stand-alone section programs, excluding courses co-sponsored with the NYSBA CLE Department/Committee. CLE courses have a separate evaluation process.

**7) Please enter the total number of educational programs presented by your section during 2008.**

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**8) Please enter the number of male program chairs during 2008 who may be classified into the following categories:**

Asian/Pacific Islander	_____
Black/African American	_____
Hispanic	_____
Native American	_____
White/Caucasian	_____
Other	_____
Don't know the ethnicity	_____

**9) Please enter the number of female program chairs during 2008 who may be classified into the following categories:**

Asian/Pacific Islander	_____
Black/African American	_____
Hispanic	_____
Native American	_____
White/Caucasian	_____
Other	_____
Don't know the ethnicity	_____

**10) Please enter the quantity of program chairs who are persons with disabilities\*.**

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\* Disability is defined as an impairment that prevents or severely restricts an individual from doing activities that are of central importance to most people's daily lives. The impairment's impact must also be permanent or long term.

**11) Please enter the number of male faculty (excluding program chairs) during 2008 who may be classified into the following categories:**

Asian/Pacific Islander	_____
Black/African American	_____
Hispanic	_____
Native American	_____
White/Caucasian	_____
Other	_____
Don't know the ethnicity	_____

**12) Please enter the quantity of program chairs whom you know to be openly Lesbian/Gay/Bisexual/Transgender:**

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**13) Please enter the number of female faculty (excluding program chairs) during 2008 who may be classified into the following categories:**

Asian/Pacific Islander	_____
Black/African American	_____
Hispanic	_____
Native American	_____
White/Caucasian	_____
Other	_____
Don't know the ethnicity	_____

**14) Please enter the quantity of faculty (excluding program chairs) who are persons with disabilities\*.**

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\* Disability is defined as an impairment that prevents or severely restricts an individual from doing activities that are of central importance to most people's daily lives. The impairment's impact must also be permanent or long term.

## Diversity Initiatives:

### Diversity Plans:

**15) Please enter the quantity of faculty (excluding program chairs) whom you know to be openly Lesbian/Gay/Bisexual/Transgender:**

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**16) Has your section designated a**

	Yes	No
Diversity Committee	<input type="radio"/>	<input type="radio"/>
Diversity Coordinator	<input type="radio"/>	<input type="radio"/>
Diversity Chair	<input type="radio"/>	<input type="radio"/>
Other position/entity for this purpose (please specify)	<input type="radio"/>	<input type="radio"/>

**17) If you selected "Other position/entity for this purpose," please specify:**

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**18) Does your section have a long-range plan to increase the participation of:**

	Yes	No
Minority attorneys/judges	<input type="radio"/>	<input type="radio"/>
Minority law students	<input type="radio"/>	<input type="radio"/>
Women attorneys/judges	<input type="radio"/>	<input type="radio"/>
Women law students	<input type="radio"/>	<input type="radio"/>
Persons with disabilities	<input type="radio"/>	<input type="radio"/>
Lesbian/Gay/Bisexual/Transgender attorneys	<input type="radio"/>	<input type="radio"/>
Lesbian/Gay/Bisexual/Transgender law students	<input type="radio"/>	<input type="radio"/>

**19) Please describe the plan:**

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**Initiatives:**

**20) Please describe specific initiatives, programs, projects or other activities (not aspirational goals) that your section has undertaken during 2008 or began planning that demonstrate the section's commitment to increasing the participation within your section or within the profession of:**

- (1) Minority attorney/judges**
- (2) Women attorneys/judges**
- (3) Women law students**
- (4) Minority law students**
- (5) Persons with disabilities**
- (6) Lesbian/Gay/Bisexual/Transgender attorneys**
- (7) Lesbian/Gay/Bisexual/Transgender law students**

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**21) Please note your achievements or results of the above initiatives thus far.**

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**Committee on Diversity and Leadership Development:**

**22) Please note below ways in which the Committee on Diversity and Leadership Development can be of assistance to your section in advancing diversity in its membership and activities.**

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Thank you for participating. Please select "Submit Survey" below to complete this report.