



NEW YORK STATE  
BAR ASSOCIATION

A report and recommendations  
from the Committee on Diversity  
and Inclusion including the  
**Diversity Report Card, Eighth  
Edition, 2021**

January 2022





NEW YORK STATE  
BAR ASSOCIATION

# Diversity Report Card

from the New York State Bar Association  
Committee on Diversity & Inclusion

Fall 2021

The views expressed in this report are solely those of the Committee and do not represent those of the New York State Bar Association unless and until adopted by the House of Delegates.



NEW YORK STATE  
BAR ASSOCIATION

# DIVERSITY REPORT CARD

EIGHTH EDITION

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January 2022

COMMITTEE ON DIVERSITY AND INCLUSION

THE DIVERSITY REPORT CARD IS DEDICATED TO THE MEMORY OF JOHN ERIC HIGGINS, ESQ., A MEMBER OF THE NEW YORK STATE BAR ASSOCIATION FOR OVER 25 YEARS AND AN ACTIVE PARTICIPANT IN MANY AREAS OF THE ORGANIZATION, INCLUDING HIS LEADERSHIP AND SERVICE ON THE HOUSE OF DELEGATES AND THE COMMITTEE ON DIVERSITY AND INCLUSION AS CHAIR OF THE DIVERSITY REPORT CARD SUBCOMMITTEE. JOHN WAS ALSO PAST CHAIR OF THE COMMITTEE ON MINORITIES IN THE PROFESSION, FOUNDER OF THE CONSTANCE BAKER MOTLEY SYMPOSIUM, AND THE MOVING FORCE BEHIND THE MILES TO GO REPORT. JOHN RECEIVED THE 2018 DIVERSITY TRAILBLAZER AWARD POSTHUMOUSLY.

BECAUSE OF JOHN'S WORK, WE CONTINUE OUR VISION TO RAISE AWARENESS OF THE NEED FOR A DIVERSE AND VIBRANT LEGAL PROFESSION AND NOTE THAT EVEN IN 2021 THERE ARE MILES TO GO BEFORE WE REST.

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**2021-2022**

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# INTRODUCTION

The New York State Bar Association (NYSBA or Association) is deeply committed to enhancing diversity at every level of participation within the association and the profession.\* On January 31, 2020, the NYSBA House of Delegates adopted its Diversity Plan. The Diversity Plan will promote and advance the full and equal participation of attorneys of color and other diverse attorneys (including diversity based on gender, race, color, ethnic origin, national origin, religion, sexual orientation, gender identity and expression, age, and disability) in NYSBA. The Diversity Plan sets forth numerous implementation recommendations as specific actions the NYSBA is urged to undertake in the immediate future such as: the wide dissemination of the diversity plan within NYSBA, the promoting and tracking of diversity within NYSBA's leadership, and in NYSBA's leadership nominations and leadership development process. Further recommendations include promoting diversity in NYSBA membership through marketing and membership solicitation materials that are welcome to diverse populations. NYSBA is encouraged to promote diversity in CLE and other programming, both live and virtual, and throughout its publications. The plan encourages the enhancement of current tracking and reporting of progress in diversity efforts. The plan urges NYSBA to create a diverse speaker database, in conjunction with the Committee on Diversity and Inclusion, as well as follow the Mansfield rule with respect to leadership positions in all NYSBA entities.

\* On November 8, 2003, NYSBA's House of Delegates adopted a diversity policy, which was amended by passage at the House of Delegates on January 31, 2020, to read:

*The New York State Bar Association is committed to diversity in its membership, officers, staff, House of Delegates, Executive Committee, Sections and Committees and their respective leaders. Diversity is an inclusive concept, encompassing gender, race, color, ethnic origin, national origin, religion, sexual orientation, gender identity and expression, age, and disability.*

*We are a richer and more effective Association because of diversity, as it increases our Association's strengths, capabilities, and adaptability. Through increased diversity, our organization can more effectively address societal and member needs with the varied perspectives experiences, knowledge, information and understanding inherent in a diverse relationship.*

The mission of the Committee on Diversity and Inclusion is to promote and advance the full and equal participation of attorneys of color, women, and other diverse attorneys in the Association, and in all sectors and at every level of the legal profession through research, education, fostering involvement and leadership development in the Association and other professional activities, and to promote knowledge of and respect for the profession in communities that historically have been excluded from the practice of law. Therefore, with full support of NYSBA leadership, the Committee continues to make regular requests that all NYSBA members complete their diversity profile as part of their membership renewal to evaluate the level of diversity in Section and Association leadership, membership, and activities, and report those results.

The Committee on Minorities in the Profession (now known as The Committee on Diversity and Inclusion) reported the results of the 2005 survey in a Diversity Report Card, which the Executive Committee considered as an informational item at its June 23rd and 24th meeting of 2005. The results of that survey were published as the Diversity Report Card.

In 2005, the data reported in the First Diversity Report Card included gender, ethnicity/race, and ancestry status. Since then, diversity data has grown more granular to include sexual orientation, age, and disability, and has focused on leadership entities within NYSBA. In 2017, the 7th Report Card also focused on eight NYSBA Sections: Antitrust Law, Criminal Justice, Corporate Counsel, Food, Drug & Cosmetic Law, Health Law, Intellectual Property, Senior Lawyers (now 50+ Section), and Tax Sections. In 2021, the spotlight continues on a different eight sections: Business Law, Commercial and Federal Litigation, Elder Law and Special Needs, Family Law, Judicial, Real Property Law, Trusts and Estates Law, and Young Lawyers Sections.

Before we rest, in an effort to stay on the cutting edge, this Committee is in the process of changing its name to the Committee on Diversity , Equity, and Inclusion.

# MEMBER AND LEADERSHIP PARTICIPATION

A recurring challenge for the report card has been the lack of full participation in data collection by all NYSBA members and those in leadership positions. The rates of participation are low, as evidenced by the percentage of members who declined to answer or failed to provide gender, race/ethnicity, sexual orientation, or disability data. Non-participation rate includes both members who “declined to answer” each and every question and non-responsive members, as noted in the table below.

## 2021 NYSBA MEMBER DATA\*

	Declined to Answer			No Data Provided		
	2015	2017	2021	2015	2017	2021
<b>Gender</b>	0%	0%	0%	6.16%	17.84%	10.1%
<b>Race/Ethnicity</b>	1.67%	2.06%	2.8%	54.23%	54.75%	35.9%
<b>Sexual Orientation</b>	3.25%	3.67%	5.0%	68.31%	66.33%	50.1%
<b>Disability</b>	7.09%	5.76%	7.5%	55.45%	56.24%	38.1%
<b>Age</b>					0%	9%

## 2021 NYSBA LEADERSHIP DATA COLLECTION\*

	Declined to Answer					No Data Provided				
	Age	Disability	Gender	Race/Ethnicity	Sexual Orientation	Age	Disability	Gender	Race/Ethnicity	Sexual Orientation
<b>House of Delegates</b>		8%		3.40%	5.70%	2.30%	18%	1.50%	13.80%	29.10%
<b>Executive Committee</b>		6.10%		3.00%	9.10%	0%	18.20%	0%	9.10%	21.20%
<b>Nomination Committee</b>		5.50%		1.80%	5.50%	1.80%	21.80%		18.20%	30.90%
<b>Section Leaders</b>		6.70%		1.90%	5.70%		20%		16.20%	24.80%
<b>Standing Committee Chairs</b>		2.30%		2.30%	2.30%		21.60%		11.40%	27.30%

The percentage of individuals who provide gender data is high, with no data reported for only 10.1% of members. The non-participation rate for race/ethnicity is down to 38.7% from almost 57% in 2017. 55% of individuals have not provided data in the sexual orientation/gender identity category, while 45.6% of the membership has not provided data regarding disability status.

\*Subsequent data found in later comparisons in this report card are solely based off of the members who filled out the appropriate demographic questions.

## **MEMBER AND LEADERSHIP PARTICIPATION**

The Committee continues to note that without accurate data on NYSBA membership and leadership, programs and services will not accurately reflect or respond to the needs of members. Also, data is needed to inform NYSBA staff of areas where additional outreach and training may be needed. The non-responsive data, in the Committee's view, informs us that both the leadership and the Committee have failed to reach a significant number of NYSBA members in connecting the importance of this information to NYSBA's work and the profession.\* NYSBA must continue to discuss the need to know the "Race/Ethnicity," "Sexual Orientation and Gender Identity," "Age," and "Physical or Other Disability" of all of its members. In order to get more accurate statistics and increase responsiveness to the demographic questions, the Committee will recommend additional changes to collecting and reporting data, including the timing of data collection, diversity responsibilities of staff, and the role of our leaders.

The Committee would like this report card to be used as a tool by the Section Chairs, along with the Diversity Chairs and staff liaisons, to enhance their Sections' diversity efforts. We challenge the Association to continue to gather and analyze data and to implement constructive change.

\*This is not just a challenge within the Association. The New York State Office of Court Administration (OCA) has been collecting demographic data for over 10 years, as was recommended in a 2007 report, *Miles To Go In New York: Measuring Racial and Ethnic Diversity Among New York Lawyers*.

# DIVERSITY DATA OVERALL

The next sections analyze the demographic data overall, followed by the demographic data for the eight Sections examined this year: Business Law, Commercial and Federal Litigation, Elder Law and Special Needs, Family Law, Judicial, Real Property Law, Trusts and Estates Law, and Young Lawyers. All Sections can continue to use the Committee on Diversity and Inclusion as a resource. Additionally, other Sections can similarly analyze their respective data and call upon the Committee's help to create a plan, document their goals, and implement them.

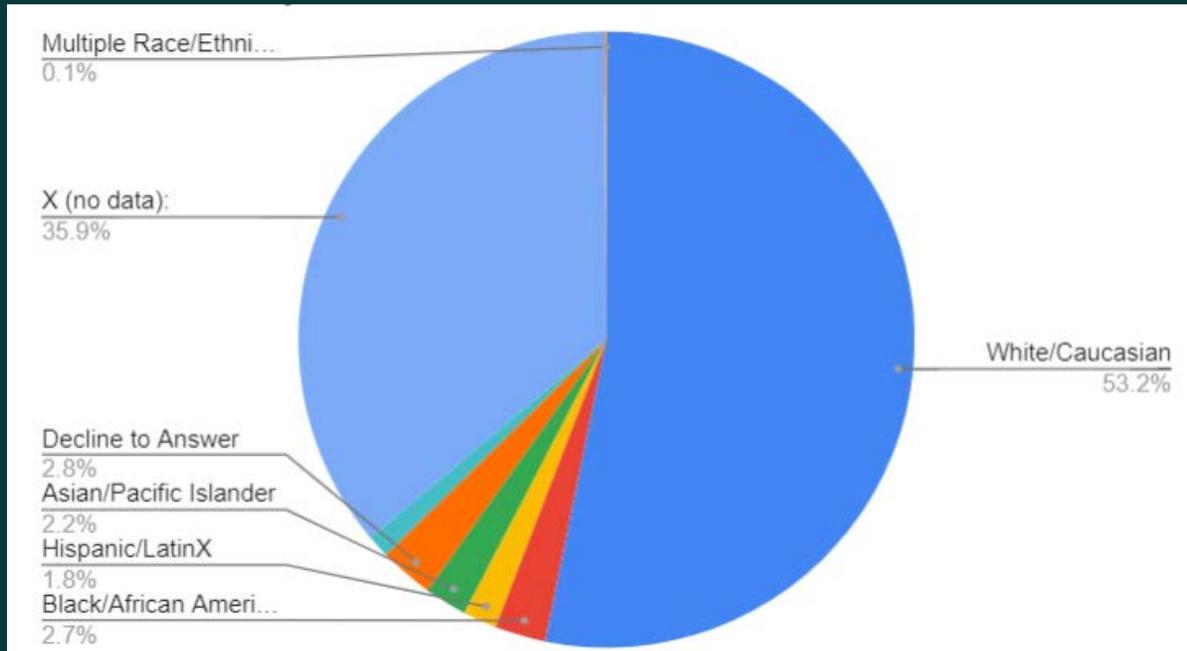


**RACE, ETHNICITY,  
GENDER, SEXUAL  
ORIENTATION,  
GENDER IDENTITY,  
DISABILITY STATUS,  
AGE, NEW  
ATTORNEYS**

# RACE/ETHNICITY

## 2021 DATA

### MEMBERSHIP



In 2017, NYSBA members could not decline to answer questions on race/ethnicity or simply elect to provide no data. The 2017 membership data shows that 87% of the members self-identified as White/Caucasian, versus in 2021 where only 53.2% self-identified as White/Caucasian. In contrast, self-identification as Black/African American was about the same in 2017 (3%) and 2021 (2.7%). The number of members who self-identified as Hispanic/LatinX decreased from 3% in 2017 to 1.8% in 2021, and members who self-identified as Asian/Pacific Islander decreased from 5% to 2.2% during the same period. In 2021, 2.8% of members declined to answer, while 35.9% of members provided no data. A very small percentage of members self-identified as Native American (0.1%) and Multiple Race/Ethnic Group (0.1%).

Among members of the House of Delegates (HOD), 64.4% self-identified as White/Caucasian in 2021, compared to 82% in 2017, and 7.7% of HOD members self-identified as Black/African American in 2021, compared to 9% in 2017. During the same period, the percentage of members who self-identified as Hispanic/LatinX increased from 5% to 6.1%, while the percentage of members who identified as Asian/Pacific Islander remained fairly constant (2.7% in 2021 vs 3% in 2017). In 2021, 3.4% of HOD members declined to answer, and 13.8% reported no data.

# RACE/ETHNICITY

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Among members of the Executive Committee, 75.8% of members self-identified as White/Caucasian in 2021, compared to 83% in 2017. Only 3% of members self-identified as Black/African American in 2021, compared to 7% in 2017, while the percentage of members who self-identified as Hispanic/LatinX remained fairly constant (9.1% in 2021, compared to 10% in 2017). In 2021, 3% of Executive Committee members declined to answer, and 9.1% reported no data.

For the first time in 2021, we also surveyed the Nominating Committee. Of the 55 members in 2021, 36 members (or 65.5%) self-identified as White/Caucasian, four members (or 7.3%) self-identified as Asian/Pacific Islander, three members (or 5.5%) self-identified as Black/African American, one member (or 1.8%) self-identified as Hispanic/LatinX, one member (or 1.8%) declined to answer, and 10 members (or 18.1%) provided no data. In total, 19.9% of the Nominating Committee failed to provide demographic data.

The data with respect to Section Leaders, also available for the first time in 2021, yields the following results: 73 of 105 leaders (or 69.5%) self-identified as White/Caucasian; 6.7% self-identified as Black/African American; 2.9% self-identified as Asian/Pacific Islander; 1.9% self-identified as Hispanic/LatinX; and one leader (or 1%) identified as Other. Two leaders (or 1.90%) declined to answer, and 17 leaders (or 16.10%) provided no demographics. In terms of membership, NYSBA does a reasonably good job of attracting lawyers of color. In 2021, approximately 6.9% of the membership self-identified as people of color. Data from the American Bar Association (ABA) data indicates that 17% of lawyers are of color. In total, 18% of 2021 Section leaders failed to provide demographic data.

Current New York State Census data\* indicates that 63.66% of the population identify as White/Caucasian; 15.66% identify as Black; 8.66% identify as other; 8.42% identify as Asian; 3.15% identify as two or more races; 0.41% identify as American Indian or Alaska Native; and 0.05% identify as Native Hawaiian and Other Pacific Islander.

The most recent data reflects that a significant number (16.5%) of NYSBA leadership (75 of 454) either provided no data or declined to answer. It is especially disappointing that 19.9% of the members of the Nominating Committee—which determines who becomes an Officer of the Association or a member of the Executive Committee—declined to answer race/ethnicity questions or to provide other relevant data.

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\*See World Population Review: New York Population 2021, <https://worldpopulationreview.com/states/new-york-population>.

# RACE/ETHNICITY

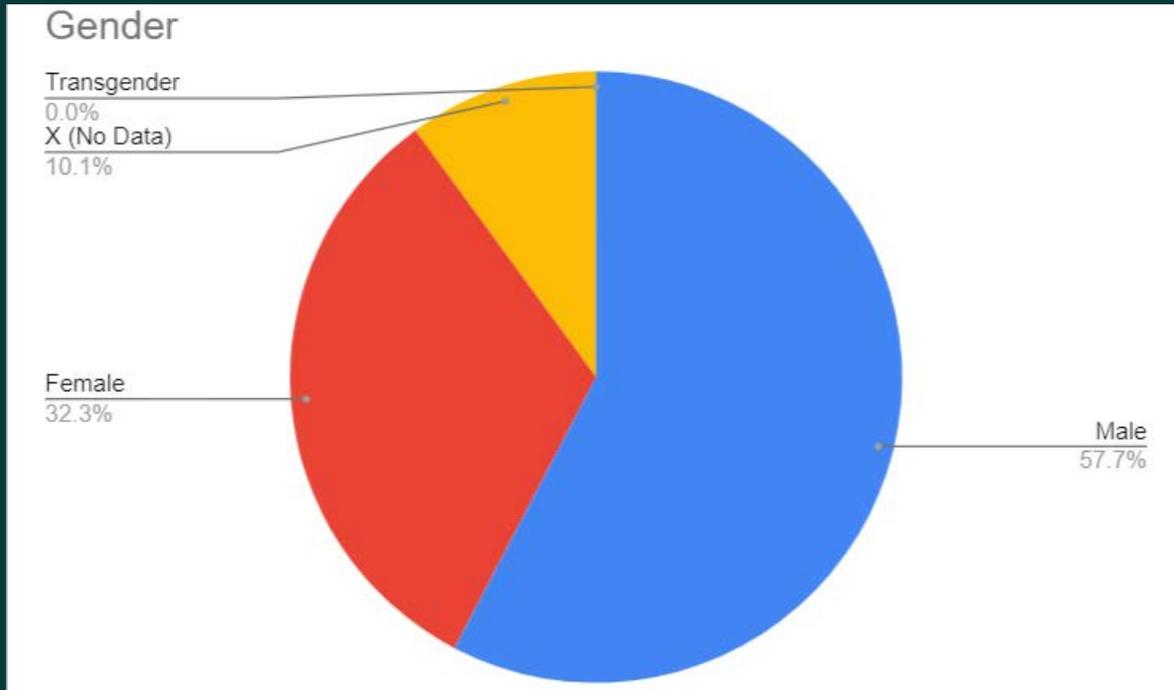
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This Committee strongly urges all persons serving on the Nominating Committee, or acting as a Section Leader, to provide race/ethnicity and all other required data. Any person who is nominated to serve on the Nominating Committee or as a Section Leader should self-report their demographic data. In addition, NYSBA's leadership (i.e., President, President-Elect, Secretary, Treasurer) should regularly call upon NYSBA members, and other leadership, to provide all data requested for future report cards. Without this data, NYSBA cannot adequately respond to the needs of all its members.

# GENDER

## 2021 DATA

### MEMBERSHIP



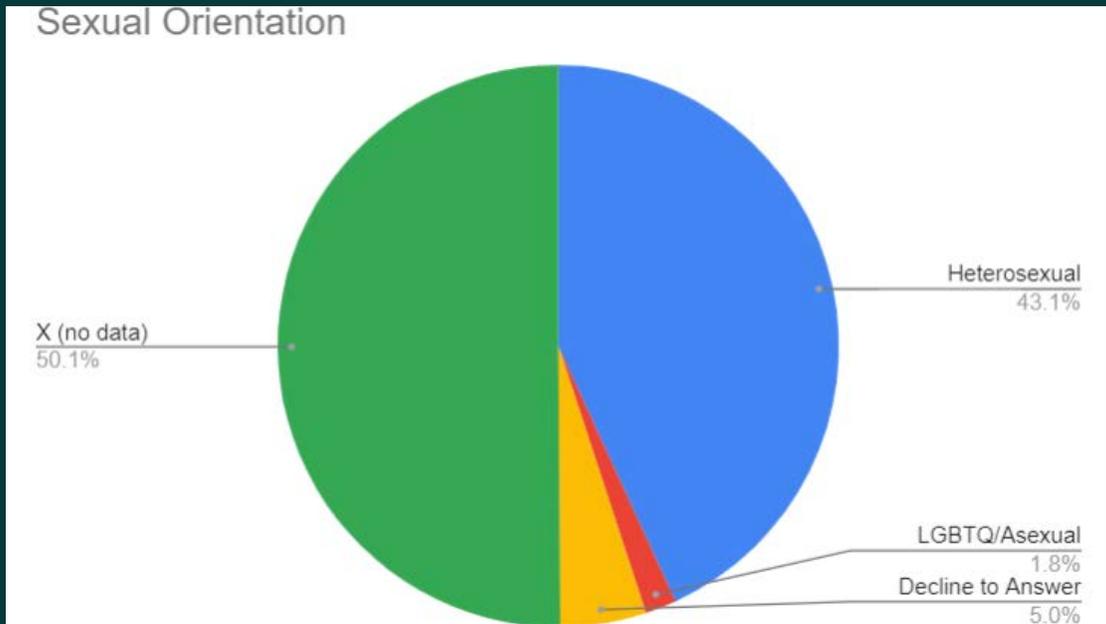
In 2021, NYSBA membership reported a 25.4% disparity between its male and female members, with males comprising 57.7% of overall membership, females comprising 32.3% of overall membership, and 10% of members reporting no data. The currently standing disparity between male and female members within NYSBA's overall membership, the HOD, Executive Committee, Nominating Committee, Section Leaders, and Standing Committee Chairs, collectively and separately evidences smaller disparities between its male and female members. With a historic record of majority male members, we commend NYSBA for its increased achievement of equity with respect to females in leadership positions.

In comparison with previously reported data, NYSBA should continue to do its due diligence so that the gender gap in leadership and overall NYSBA membership will further narrow. Trends over time are evident of a bright future ahead for women in the legal sector, as the proportion of women in NYSBA Leadership are, in some sectors, in excess of men.

# SEXUAL ORIENTATION & GENDER IDENTITY

## 2021 DATA

### MEMBERSHIP



No NYSBA member identified as either transgender or cisgender in 2021, which has remained unchanged since 2017. Two possible reasons for the lack of reporting in this area could include: (1) the fact that the demographics section on the NYSBA website does not clearly indicate that more than one gender identity can be selected; and (2) a general lack of awareness and understanding of the terms.

According to the available demographic information, no NYSBA member identified as either non-binary or intersex in 2021. Notably, these options were not available selections in 2017.

Overall, there is a great deal of missing data in regard to sexual orientation. For the general NYSBA membership, 50.1% of members have not provided sexual orientation-related demographic information. These numbers are lower for NYSBA leadership, with 29.1% of the HOD and 21.2% of the Executive Committee not reporting any data.

# SEXUAL ORIENTATION & GENDER IDENTITY

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In addition to the missing data, a significant portion of the NYSBA membership declined to answer the demographic questions related to sexual orientation. Notably, in 2021, 5% of the NYSBA membership, 5.7% of the HOD, and 9.1% of the Executive Committee declined to answer this portion of the demographic information.

For those who reported sexual orientation demographic information, the number of NYSBA members who identified as lesbian, gay, bisexual, queer, or asexual has remained relatively unchanged between 2017 (1% of members) and 2021 (1.8% of members). The same is true for the HOD (3% of delegates in 2017 and 3.4% of delegates in 2021).

There was a decrease in the amount of Executive Committee members who identified as lesbian, gay, bisexual, queer, or asexual in 2021 versus 2017. In 2017, 3% of the Executive Committee identified as lesbian, gay, bisexual, queer, or asexual, as opposed to 0% in 2021.

Based on the sexual orientation demographic information report, the NYSBA HOD has more sexual orientation diversity than the general NYSBA membership (3.4% of the HOD, compared to 1.8% of NYSBA membership). Importantly, however, the NYSBA Executive Committee reported less sexual orientation diversity than the general NYSBA membership (0% of the Executive Committee, compared to 1.8% of NYSBA membership).

The vast majority of NYSBA's membership identifies as heterosexual, with demographic information showing an increase from 29% in 2017 to 43.1% in 2021. Although both the HOD and Executive Committee showed a decrease in the number of members who identified as heterosexual in 2021 compared to 2017 (from 63% to 61.7% and from 80% to 69.7%), this decrease may be explained by an increase in the number of members who declined to answer the sexual orientation demographic information (from 0% to 5.7% for the HOD, and from 0% to 9.1% for the Executive Committee).

# SEXUAL ORIENTATION & GENDER IDENTITY

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The lack of identified gender identity and sexual orientation diversity in the general NYSBA membership may be explained by the membership's lower representation of younger generations. Importantly, 0.3% of the NYSBA membership reported being age 24 and under (Generation Z), 9.1% between ages 25 and 35 (Millennials), 29.9% between 36 and 55 (Generation X),\* and 51.7% ages 56 and older (Baby Boomers and Traditionalists). According to a 2021 Gallup poll, Millennials (those born between 1981 and 1996) are 3 times more likely to identify as LGBT than Generation X and Baby Boomers, and an even larger increase is shown for members of Generation Z.\*\* Based on this data, if NYSBA's Millennial membership were to increase, it is likely that its percentage of LGBT members would also increase. The same is also true for membership as Generation Z begins to enter into the practice of law.

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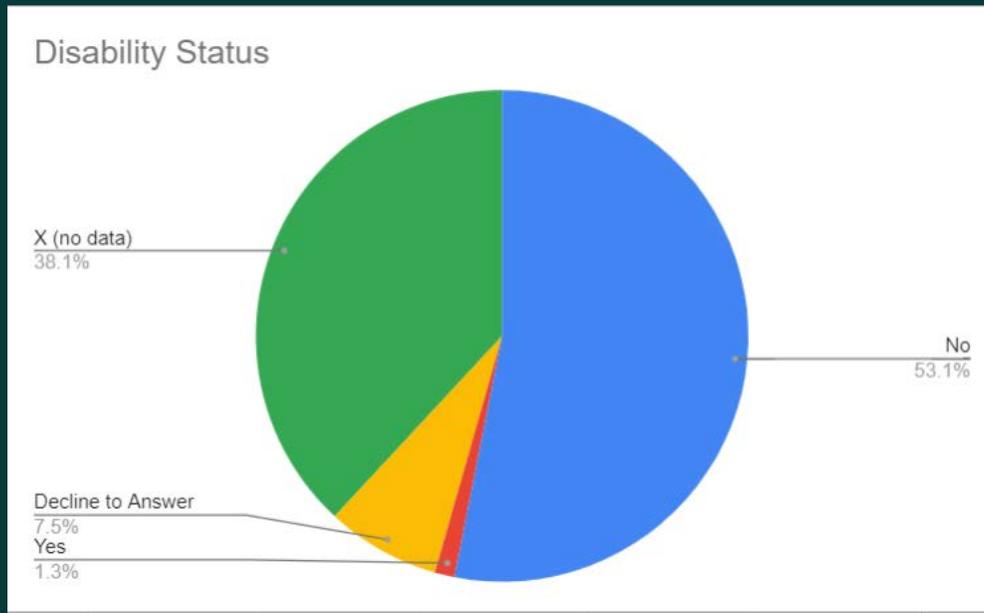
\*Note that some of this percentage may be representative of Millennials, rather than Generation X, as the Millennial generation is generally understood to have been born between the years of 1981 and 1996.

\*\*See LGBT Identification Rises to 5.6% in Latest U.S. Estimate, Gallup (Feb. 24, 2021), <https://news.gallup.com/poll/329708/lgbt-identification-rises-latest-estimate.aspx>.

# DISABILITY STATUS

## 2021 DATA

### MEMBERSHIP



The percentage of members in 2021 who responded to the question of physical disability status was 54.4%, a 15.4% increase from 2017 when only 39% of members responded either “yes” or “no” to the question of disability status. The non-participation rate for this demographic declined in 2021 by 16.4% over 2017, although nearly 8% of members affirmatively declined to answer this question compared to a declination rate of 0% in 2017. The response rate to the question of disability status has steadily risen since data was reported in the 2015 Diversity Report Card. In 2015, the response rate was 37.66%.

The increase in the response rate in 2021 is attributable to those responding “no” to the question of whether they have a physical disability. Only 1.3% of individuals responding to the question in 2021 answered “yes,” while a slightly higher percentage —2%—responding to the question in 2017 reported that they have a physical disability.

# DISABILITY STATUS

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The data for the HOD, Executive Committee, Nominating Committee, Section Leaders, and Standing Committee Chairs indicates that roughly 20% to 25% of individuals in these leadership groups did not respond or affirmatively declined to answer whether they had a physical disability.

Though NYSBA has more information about the physical disability status of its members than in the previous six years, there continues to be a high nonparticipation rate for this data point and a very small percentage of members and individuals in leadership positions reporting as having a disability. The numbers are incongruous with data from the Centers for Disease Control and Prevention (CDC), which indicates that approximately 25% of adults in New York State have a physical or cognitive disability.\* Consideration should be given to drafting a more detailed definition of what constitutes a disability, as many responders may be applying a narrower definition of disability in responding to this question.

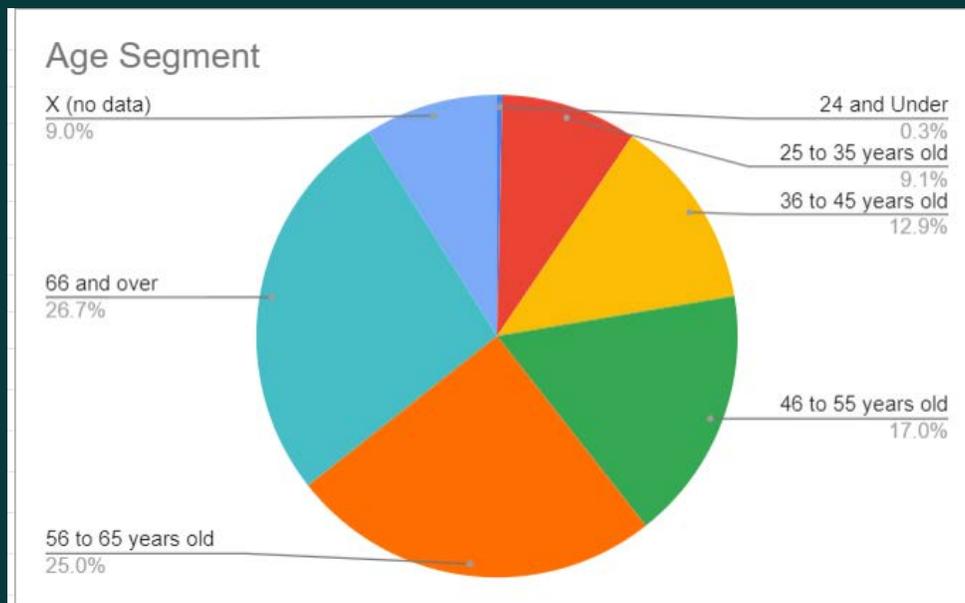
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\*See the CDC website: <https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/new-york.html> (visited 11/4/21).

# AGE

## 2021 DATA

### MEMBERSHIP



Very little informative data regarding age is available at this time, as the data from 2017 contains different age breakdowns than the 2021 data. Additionally, not all types of data collected in the recent survey were collected in 2017. Accordingly, it is difficult to make many meaningful comparisons. However, this fact alone highlights the importance of maintaining consistency in data collecting categories in future polling years to allow for more information to be pulled from the data.

While it is difficult to draw direct comparisons between the age of members from 2017 to 2021, an important trend is visible in the data. Enrollment among the youngest age group(s) has precipitously declined. In 2017, 21% of members were between 21-35, while only 9.4% of members are under 35 in the most recent data collection for 2021. Also of note is the fact that the 2017 information showed that 27% of members were between 51-65, while in 2021, the percentage of members between 46-55 was 52%. The remaining age groups remain somewhat steady in membership percentages.

Overall, it would appear that membership is skewing older over time. Efforts to recruit more younger members should be a priority.

# NEWLY ADMITTED ATTORNEYS

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Over the course of the past three years, 29,000 newly admitted attorneys have joined NYSBA. However, no conclusive or substantive information can be pulled from the available data as most of these members have not provided responsive information to the demographic questions. Specifically, the following percentages of new members did not provide requested information: Gender - 85%; Race/Ethnicity - 97%; Age - 83%; Sexual Orientation - 98%; Disability - 98%.

Efforts to encourage all members, not only the newly admitted attorneys, to complete their personal information during or after registration would be beneficial going forward as it would allow us to better understand who we are and what efforts need to be made to encourage further diversity.

# DATA ANALYSIS SELECTED SECTIONS

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The Committee selected eight Sections in order to extensively review each section's demographic data and individual diversity plans.

## **Business Law Section**

**Commercial and Federal  
Litigation Section**

## **Elder Law and Special Needs Section**

**Executive Committee and  
Council of Judicial Associations**

## **Family Law Section**

**Real Property Law Section**

## **Trust and Estates Law Section**

**Young Lawyers Section**

# BUSINESS LAW SECTION

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The Business Law Section should be commended for having a female Section Chair. However, the Section's members and leaders are disproportionately male, with 72.4% male members, 20.2% female members, and 7.4% of members reporting no data. This trend is consistent with past data reported to the NYSBA — i.e., older males comprising the vast majority of Business Law Section membership. This disparity between male and female members is particularly large when compared with NYSBA's overall membership demographic.

The Business Law Section has developed its own plan to align with the NYSBA Diversity Plan previously approved at the January 2020 HOD meeting. The activities comprising the Business Law Section's plan are as follows: (1) having liaisons from various diverse bar organizations external and internal to NYSBA; (2) increased partnership opportunities via members participating as panelists and/or serving as a resource; (3) circulating available job opportunities to other Diverse Bar listservs; (4) co-hosting heritage month celebrations; (5) making available speaking and writing opportunities at Business Law Section forums, programs, and publications; (6) targeting law students and young lawyers of color for mentoring programs, subsidizing membership fees for all students and young lawyers; and (7) the creation of a fellowship program by making work opportunities available to diverse students at Business Law Section member firms subsidized by Business Law Section grant funds.

The Business Law Section Diversity Committee is executing its plan in partnership with eight bar associations (Asian American Bar Association of NY, Association of Black Women Attorneys, Bronx Women's Bar Association, Dominican Bar Association, Korean American Lawyers Association of Greater NY, Metropolitan Black Bar Association, Muslim Bar Association, and Puerto Rican Bar Association) and one NYSBA section (Women in the Law). Although there is a decrease in overall Business Law Section membership for men and women, over the past few years there has been a reported increase of male Executive Committee members, and an overall increase in data reported for areas of sexual orientation and disability.

# BUSINESS LAW SECTION

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The Business Law Section's decision to implement the mentoring program is a large step forward for achieving greater diversity in NYSBA's overall demographics. The program's purpose—centered around connecting mentors and mentees of diverse backgrounds—will be crucial to further support and empower diverse students and attorneys in their careers, and developing their skills and network to increase leadership succession. With the leadership of its current female Section Chair, the Business Law Section may potentially see an increase in overall membership by subsidizing membership fees for all students and young lawyers, and the implementation of the above-referenced mentoring program. Doing so may lead to an especially hopeful increase in its female members securing positions of leadership, as well as an increase in students and young attorneys joining in the Business Law Section in the foreseeable future.

In terms of specific recommendations, the Business Law Section's Diversity Committee could work with law school associations and the Young Lawyers Section for outreach purposes to introduce the work of the Business Law Section and to bring in new and diverse members. The Business Law Section could also work with law school leadership to partner on courses and clinics relevant to the work of the Section which, if implemented and conducted correctly, could vastly increase the proportion of its younger members, which currently stands at 6.1% for members between the ages of 24 and 35.

# COMMERCIAL AND FEDERAL LITIGATION SECTION

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The Commercial and Federal Litigation Section's (COMFED) membership is predominantly male, comprising of 73.3% of its membership. This gender breakdown appears to have remained consistent with past data reported to NYSBA. Approximately 42% of the Section's membership did not report their race/ethnicity, which doesn't allow for an accurate analysis of this demographical data, though it appears that the Section is comprised of a majority of White/Caucasian members. 70% of the Section's membership is 46 years or older and the Section would benefit from focusing on recruiting young attorneys to its membership.

The COMFED Section's diversity plan has focused on outreach to affinity groups at law schools in an effort to effectuate recruitment and engagement of law students and attorneys within three years of practice. It is likely this initiative will assist with infusing its membership pipeline with more diverse attorneys. Moreover, the Section has committed to sponsor various panel discussions geared towards diverse attorneys. The Section should continue to reach out to and coordinate with the diversity and inclusion committees of other NYSBA Sections to enable it to pool its resources to provide value added programming activities to better serve its diversity goals.

# ELDER LAW & SPECIAL NEEDS SECTION

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Based on available demographic information, the Elder Law & Special Needs Section has 10% more male members than female members (53.7% versus 43.3%). Additionally, the Section's membership is largely White/Caucasian (63.2%), with only 5% of membership identifying as Black/African American, Hispanic/LatinX, Asian/Pacific Islander, other, or as a multiple race/ethnic group. The majority of the Section's members also identify as heterosexual (46.4%), as having no disabilities (57.4%), and as age 56 years old and over (59.9%).

Notably, the Elder Law & Special Needs Section's demographic information may be skewed by the amount of non-reported demographic data, including instances where data was not available, and those where the membership declined to report demographic information. For example, in terms of race/ethnicity demographic information, no data was available for 27.9% of the Section and 3.5% of Section members declined to answer. These percentages only increase for demographic information such as sexual orientation and disability: 46.2% of the Section's membership did not report and 6.1% declined to answer demographic information regarding sexual orientation, and 32.1% did not report and 8.6% declined to answer the demographic questions related to disability.

The Elder Law & Special Needs Section's Diversity Plan highlighted three main efforts for the Section: (1) efforts to improve cultural competence in the legal profession; (2) efforts to appeal to diverse communities; and (3) efforts to promote diversity in NYSBA membership. In terms of efforts to improve cultural competence in the legal profession, the Section has focused on attorneys needing opportunities to develop their cultural competence to improve the way they interact with clients. The Section intends to increase these opportunities through CLE programs at the Section's summer or fall meetings, which will include speakers with a cross-cultural understanding of the legal profession. In the alternative, if the Section is unable to pool enough resources in time for a CLE event, the Section plans to publish an article in the 2021 summer or fall Elder Law & Special Needs Journal.

# ELDER LAW & SPECIAL NEEDS SECTION

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The Section's second effort, efforts to appeal to diverse communities, includes translating published legal information in various languages commonly spoken in New York State, and disseminating the information to long-term care facility residents who are unaware of their rights and the professional legal help available. Finally, the Elder Law & Special Needs Section plans to promote diversity within NYSBA's membership by reaching prospective NYSBA members. The Section plans to implement this effort by partnering with law schools to hold virtual mentoring or networking events to expose law students to the elder law practice. These events will have a particular emphasis on recruitment of non-traditional students, students for whom English is a second language, and students with disabilities.

In addition to its Diversity Plan, the Elder Law & Special Needs Section also has a Diversity Committee. The Section's Diversity Committee recruits new members from diverse backgrounds from both NYSBA and from law schools throughout the State and is also working to expand the number of speakers with diverse backgrounds at Section events. The Section has also hosted a Diversity Writing Competition annually since 2014, where law students and recent law graduates submit articles on any law or legal issue affecting seniors and/or persons with disabilities, with a specific focus on historically underserved populations.

Over the past five years, the Elder Law & Special Needs Section has had a small increase in the number of Section members who identify as female (from 41% in 2017 to 43.3% in 2021). The Section also has a diverse membership in terms of age, with 6.2% of members being between 25 and 35 years old, 12.8% between 36 and 45 years old, 16.7% between 46 and 55 years old, 26.9% between 56 and 65 years old, and 33% being 66 years old and over.

The Section has also made progress towards its goals as identified in its diversity plan, specifically in the area of implementing its plan to offer CLEs to improve attorney cultural competency. For example, the Elder Law and Special Needs Section Summer 2021 Meeting included an LGBTQ Cultural Competence for Lawyers program.

# JUDICIAL SECTION EXECUTIVE COMMITTEE & COUNCIL OF JUDICIAL ASSOCIATIONS

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## JUDICIAL SECTION EXECUTIVE COMMITTEE

Based on available demographic information, in 2017 the Judicial Section Executive Committee (JSEC) comprised 14% (57% versus 43%) more female than male participants. By 2021, this number had increased to 66% (83% versus 17%) more female than male participants. These numbers tend to suggest higher female involvement over time. In terms of race/ethnicity, in 2017, the racial makeup of the JSEC was predominantly White/Caucasian (86%), as opposed to 2021 when that number dropped to 33%. The number of Black/African American members of the JSEC rose from 14% to 33% and Hispanic/LatinX rose from 0% to 17%. These numbers indicate a general trend to a more diverse representation among members of the JSEC. Demographic reports indicate that the majority of members of the JSEC identify as heterosexual and that number has increased from 71% to 83% from 2017 to 2021. But, there is also a corresponding increase in the number of members who declined to answer. Additionally, currently 100% of the members of the JSEC identify as not having a disability. That number is fairly reliable as 0% declined to answer. Over time, the general age of JSEC members has remained fairly constant, with about half of respondents being over 50 years old.

## COUNCIL OF JUDICIAL ASSOCIATIONS

Based on available demographic information, the number of male versus female members of the Council of Judicial Associations (CJA) has remained fairly constant over time (53% and 54% female and 47% and 46% male). As was the case with the JSEC, the number of White/Caucasian members of the CJA has fallen dramatically from 2017 to 2021 with increasing participation by minority groups. The members of the CJA who identify as heterosexual has remained constant over time (42% versus 46%). Reports indicate that the members of the CJA who do not have a disability has increased over time. The average age of CJA members remains constant: most respondents were over 50 years old.

# JUDICIAL SECTION EXECUTIVE COMMITTEE & COUNCIL OF JUDICIAL ASSOCIATIONS

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## **JUDICIAL SECTION'S EFFORTS TO IMPROVE DIVERSITY**

The Bylaws of the Judicial Section (JS) limit membership of the Section to a dues paying member of NYSBA “who is or has been a judge or justice of any court of the State of New York, or who resides in New York State and is or has been a judge or justice of a United States Court.” Thus, the JS is limited in its potential membership to current or former judges, as specified. Nonetheless, the JS draws its membership from judges from every corner of the State and from every possible court. There are four officers of the Section, and each year, the JS makes a deliberate and concerted effort to alternate between one officer from the five boroughs of New York City and one from Long Island or upstate New York. The Section believes this effort contributes to establishing the diversity of ideas and opinions.

Additionally, the Council of Judicial Associations meets at least four times per year and is comprised of the officers of the Section and all former presiding members, as well as the Presidents of the various judicial associations throughout the state, which include:

- Association of Supreme Court Justices by Designation;
  - The Surrogates Association of the State of New York;
  - County Judges Association of the State of New York;
  - Court of Claims Judges Association;
  - Association of Judges of the Family Court of the State of New York;
  - Family Court Judges Association of the City of New York;
  - District Court Judges Association of the State of New York;
  - Association of Civil Court Judges of the City of New York;
  - Association of Judges of the Criminal Court of the City of New York;
  - New York State Association of City Court Judges;
  - Supreme Court Justices Association of the City of New York;
  - Association of Housing Judges of the Civil Court of the City of New York;
  - New York State Magistrates Association;
  - The National Association of Women Judges, New York State Chapter;
  - The Latino Judges Association, Inc.;
  - The Judicial Friends Association;
  - The Association of Lesbian and Gay Judges; and
  - Asian American Judges Association of New York State.
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# JUDICIAL SECTION EXECUTIVE COMMITTEE & COUNCIL OF JUDICIAL ASSOCIATIONS

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Thus, there is input from many different judges and judicial groups, with a variety of interests, on all issues of importance to the judiciary and the State Bar.

Additionally, each year during the NYSBA Annual Meeting in January, the JS presents an award (Advancement of Judicial Diversity Award), which serves to recognize individuals for their efforts to promote diversity on the bench throughout New York State. The recipients are chosen for their ability to embody NYSBA's commitment to diversity and inclusion at all levels of the judiciary.

The Judicial Section continues to place issues of diversity and inclusion at the top of its agenda and will continue to work with the court system and NYSBA in every way it can to advance equal access to justice in our legal system.

# FAMILY LAW SECTION

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The Family Law Section's (FLS) membership is predominantly female, comprising 52.6% of its membership. This gender breakdown appears to have remained consistent with past data reported to NYSBA and is mirrored in the Section's leadership. There appears to be a significant improvement in the FLS's race and ethnicity representation where, in 2017, 90% of the FLS's membership was White/Caucasian as opposed to the current 57.6%. However, this current data may not be entirely reliable since 34% of the FLS did not report information on race/ethnicity. A specific area of concern is the FLS's aging membership, as 72% of its membership is over 46 years old or older. Past data indicates that this is a growing trend within the Section's membership, and indicates a need to promote membership among younger lawyers.

The FLS has strived to bridge these gaps by developing its own diversity plan to align with NYSBA's Diversity Plan, approved by the HOD in January 2020. The FLS has understood the need to promote diversity within its membership and its leadership. To this end, the FLS monitors qualitative and quantitative data on the diversity of its membership to inform its planning of diversity and inclusion initiatives. For example, the FLS utilizes the data it gathers to increase its focus on diversity in its programming and publications by paying close attention to increasing diversity among program attendees, ensuring program and publication content appeals to diverse communities, and working to showcase diversity accomplishments. By way of illustration, its 2021 Annual Meeting featured programs on topics such as Compensated Gestational Surrogacy Has Arrived: The Child Parent Security Act Becomes Effective February 2021; Transgender Parents/Transgender Children: Sensitivity, Bias and Diversity Considerations in Lawyers Advocacy; and The Tiers (Tears) of Parentage: All Parents are Not Equal in the Eyes of the Law.

# FAMILY LAW SECTION

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Notably, the Section has dedicated its substantial surplus to increase membership and specifically to initiatives that increase, promote, and retain diversity in its membership. The Section's Fellowship Program is one such initiative where the FLS utilizes its surplus towards selecting fellows based on diversity of race, ethnicity, gender, age, sexual orientation, geographic location, and area/type of practice within family law and pairs them with a mentor from their Executive Board who provides assistance in the fellow's career development. Additionally, the FLS has provided grants to programs which do not otherwise qualify for funding from the New York Bar Foundation, including Justice LaTia Martin's Scales of Justice Program, which provides young women of high school age from diverse backgrounds and underserved communities with the skills necessary to succeed in life and, should their interests continue, in law school.

The FLS would benefit from renewing its commitment to enlist younger and diverse attorneys to its membership fold. This objective could be achieved through a variety of partnerships from joint activities with NYSBA's Young Lawyers' Section, to collaborating with law schools on family law focused events, clinics, and guest speakers. Additionally, many new members thrive in a collaborative environment that they feel an affiliation toward. The FLS should designate current members to reach out to new or potential members to introduce them to the work done by the Section. The Section would also benefit from highlighting the successes of its diversity initiatives and its members. Overall, we commend the FLS's commitment towards enhancing the diversity and inclusion activities for the benefit of NYSBA's membership.

# REAL PROPERTY LAW SECTION

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The percentage of Real Property Law Section members identifying as male or female fell in 2021 from 2017 by 4% and 1% respectively. However, this may be accounted for by the 4.3% of membership where no data was collected in 2021. Section members identifying as female lag behind general membership and Executive Committee representation by 7% and 14%, respectively.

In 2021, members who identified as White/Caucasian fell from 91% to 56.8%. Unlike the 100% membership reporting in 2017, in 2021 no data was collected for 34.7% of the Section members, which could account for the decrease. Between 2017 and 2021, the number of Section members who identified as Black/African American or Hispanic/LatinX decreased by approximately half a percentage point, while membership that identified as Asian/Pacific Islander fell 50%. Black/African American Section membership is half of that of the general membership and the Executive Committee.

In 2021, there was a slight increase in LGBTQAI+ section membership from 2017, but, again, we see a higher number of members declining to answer or where no data was collected. LGBTQAI+ members are well represented in this Section compared to general membership. However, almost 60% of the Section's membership either did not respond or refused to answer this question.

Between 2017 and 2021, there was a decrease in membership in the 24 - 35 age group. This may be due to the fact that in 2017 the age range started at 21, not 24. This again highlights the need to stabilize how and when we collect our data. Compared to the general membership, this Section is representative of all of the age segments, only falling behind 2.5% of the general membership in the 24 - 35 age segment.

# REAL PROPERTY LAW SECTION

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The Real Property Law Section's Diversity and Inclusion Plan, as amended in January 2020, identified the increase in membership of, and engagement with, diverse attorneys as its goal. The Diversity Committee Chair is Harry G. Meyer, Esq. Some of the action steps stated in its plan to promote diversity and achieve its goal include coordinating with Section committees and other NYSBA Sections in offering joint programs and networking events, conducting outreach to affinity groups in law schools, organizing events geared toward promoting attorney diversity in the Section, and encouraging/enlisting panelists from diverse groups.

The Section's diversity plan encouraged Section leadership to use leaders from underrepresented areas of the State to speak at County Bar Association meetings. The Plan also called for all existing and incoming committee and program Chairs to receive a copy of the Section's Diversity Plan along with a copy of the Section's Speaker Selection Guidelines. As part of its initiative, the Real Property Law Section has held diversity receptions in various locations.

Based on the demographic data available for this Section—compared to 100% reporting in 2017—there was a slight decrease in the membership of attorneys identifying as Black/African American (2% in 2017 as compared to 1.5% in 2021) and Hispanic/LatinX (2% in 2017 as compared to 1.1% in 2021). Attorneys identifying as Asian/Pacific Islander fell by almost half in that same time period, from 3% in 2017 to 1.6% in 2021. There is a slight increase in the members identifying as LGBTQIA+; however, more than half the membership declined to answer this demographic question.

This Section has outlined some good first steps in its Diversity and Inclusion Plan that could help increase membership of a diverse group of attorneys. The Section could ramp up its efforts by, for example, sponsoring events at different law schools in collaboration with various student organizations (BALSA, ALSA, LALSA, OUTLAW, among others). The Section could also identify topics relevant to the Section that have an impact on diverse groups and could solicit participation from a diverse group of panelists.

# TRUSTS & ESTATES LAW SECTION

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The Trusts and Estates Law Section (“T&E”) has 2,181 members, and is one of the largest Sections of NYSBA. 62.70% of the T&E members are White/Caucasian, which is consistent with the general make-up of the membership of NYSBA. In 2021, other racial and ethnic groups of NYSBA represented 7.9% of NYSBA’s membership. In 2021, 3.8% of the T&E members were of other racial and ethnic groups, substantially lower than the NYSBA demographics: 1.4% Black/African American; 0.8% Hispanic/LatinX; 1.4% Asian/Pacific Islander; and 0.1 % Native American members. Interestingly, the percentage of Black/African American T&E members is the same as the percentage of Asian/Pacific Islanders T&E members. However, there was a decline from 2017 in Asian/Pacific Islanders membership from 2% to 1.4 % in 2021.

There is no significant change in the membership demographics relating to gender or sexual orientation. There was a slight decrease in the percentage of male members from 2017 to 2021, and a slight increase in the percentage of female members.

9.4% of the members of the T&E Section are under 36. 25% of its members are 56 to 55 years of age, while 26.7% of its members are 66 years of age and older. The T&E Section seems to attract older members. The T&E Section may understand, and it may have considered why 51% of its members are older than 56 years of age. This demographic should be explored to determine what the T&E Section can do to attract younger members. Oftentimes, but not always, inclusion of younger members results in more inclusion and diversity.

# TRUSTS & ESTATES LAW SECTION

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The T&E Section identified only one specific goal that addresses diversity and inclusion. That the T&E Section has set forth only one specific goal that addresses diversity and inclusion suggests that the T&E Section has not seriously considered diversity and inclusion with respect to achieving diversity and inclusion in the Section. That one identifiable and specific goal is: “To reach out to all student-led minority groups (BLSA, AALSA, etc.) in each law school in the New York State. The purpose of the outreach will be to encourage members of said groups to join the Association upon graduation, or to apply to a fellowship program as a student.” The other more general goal of the T&E Section is to encourage leadership of its Section to offer diversity CLE credit at a T&E Section meeting to offer continuing legal education and “to offer a standalone diversity CLE program on behalf of the Association during the course of the Year.”

While it is important to reach out to recent graduates, it is equally important to address diversity and inclusion among individuals who are NYSBA members of diverse ethnic and other diverse backgrounds. That significant component of the T&E Section’s goals is glaringly omitted and should be addressed by the T&E Section if it indeed intends to pursue a meaningful effort to increase diversity and inclusion in its Section among NYSBA members when the demographics show that only 3.8% of its 2,181 members are not White/Caucasian. While it is important to reach out to recent graduates, the first priority of NYSBA is to address and meet the needs of the members of NYSBA. The T&E Section’s goals fail to address the goal to increase diversity and inclusion among NYSBA members in a meaningful way.

The T&E Section should give serious consideration to what programs and goals the Section can implement to increase its diversity among NYSBA members of diverse ethnic and other diverse backgrounds. There are several diverse NYSBA members who practice in the trusts and estates area, although not exclusively, and these members would benefit from CLEs, and other programs offered by the T&E Section to attract them to the T&E Section. In addition, the T&E Section might consider expanding upon its Continuing Legal Education goal to offer substantive CLE courses to recent law graduates and those considering expanding their practices to include trusts and estates. Expanding CLE course offerings to recent law graduates is consistent with the T&E Section’s goal to reach out to student-led minority groups, such as BLSA and ALSA in each law school in New York State.

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# YOUNG LAWYERS SECTION

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The demographics of the Young Lawyers Section are largely unclear, due to a significant amount of unreported information. Critically, 55.9% of Section members did not report a gender identity, 83.8% did not report a race or ethnicity, 86.5% did not report a sexual orientation, 85.3% did not report a disability, and 45.3% did not report an age segment.

Based on the limited data available, the Young Lawyers Section's membership is nearly evenly split between those who identify as male (22.1%) and those who identify as female (21.9%). Most of the Section identifies as White/Caucasian (10.9%), and the remainder of the Section identifies as Black/African American, Hispanic/Latinx, Asian/Pacific Islander, Native American, multiple race/ethnic group, or other (5.3%). Importantly, 0.4% of Section members declined to answer the race/ethnicity demographic question, and no data was available for 83.8% of members. The Section's membership largely identifies as heterosexual (11.7%), with only 1.1% identifying as lesbian, gay, bisexual, queer, or asexual, and 0.7% declining to answer. Most Section members who reported disability-related demographic information reported having no disabilities (13.4%, as opposed to 0.3% reporting yes and 1% declining to answer). Finally, most Section members are between 25 and 35 years old (39.2%); with the second largest age group being 36 to 45 years old (10.5%).

The Young Lawyers Section, through its Diversity Committee, has developed a diversity plan that includes five strategic goals for the Section. The Section's strategic goals include: (1) increasing membership diversity and promoting inclusivity within the Section; (2) increasing engagement and collaboration between the Section and minority bar associations and diverse law student organizations; (3) establishing a diversity mentorship program whereby diverse law students are mentored and sponsored by more senior members of the Section; (4) increasing funding/sponsorships opportunities for diverse members to attend different Section, NYSBA, and minority bar associations events; and (5) creating a Diversity Scholars Program that give participants an opportunity to become involved in the Section's work, provide opportunities for leadership roles, and enhance participants' knowledge of the Section.

# YOUNG LAWYERS SECTION

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In terms of increasing membership diversity and promoting inclusivity within the Section, the Young Lawyers Section is aiming to increase its membership diversity in line with the United States population (i.e., 13.4% Black or African American, 18.5% Hispanic, 6% Asian, and 1.3% Native American). To increase engagement and collaboration between the Young Lawyers Section and minority bar associations and diverse law student organizations, the Section intends to strengthen its ties with, and support of a variety of minority bar associations and diverse law student organizations. To reach this goal, the Section intends to undertake steps including co-sponsoring programming, networking, and social events, providing funding for Section leaders, representatives, and staff to attend meetings and events, and providing membership materials to diverse law school organizations.

The Section's third strategic goal, establishing a diversity mentorship program, is aimed at connecting diverse law students with senior attorneys within the Section to provide guidance and assistance with navigating law school and the early stages of their legal career, as well as assisting with integration into the Young Lawyers Section. The Section intends for this mentorship program to be available to all diverse law students but will give preference to those students in their final year of law school, and the program will be a 12 month experience. To help diverse members network and increase their visibility within the profession, the Section has also adopted a goal of increasing funding and sponsorship opportunities for diverse members to attend different Section, NYSBA, and minority bar association events. Finally, the Section will create a Diversity Scholars Program to give participants an opportunity to become involved in the Section's work, provide opportunities for leadership roles, and to enhance participants' knowledge of the Section. Three scholars will be selected at the start of each Bar year for each of the following scholarship categories: (1) government, military, public service, and non-profit lawyers; (2) minorities in the profession; and (3) solo and small firm practitioners.

The Young Lawyers Section has also outlined a method for accountability in its Diversity Plan. To ensure the continuity of the Plan's provisions, the Diversity Committee Chair(s) or Chair-elect will: (1) appoint an individual within the Section, who will be given the title of "Diversity & Inclusion Champion," and whose primary goal will be to carry out the Plan; (2) work with NYSBA staff to compile statistics regarding the diversity of the Section's applicants and appointees; (3) review the Plan bi-annually to ensure that the Section is on track to meet its strategic goals; and (4) review and revise the Plan annually to ensure that it aligns with NYSBA's Plan and the legal industry.

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# YOUNG LAWYERS SECTION

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In addition to its diversity plan, the Young Lawyers Section also holds a variety of events that promote diversity and inclusion. The Section has held diversity receptions over the years and has a law student development committee. The Section has also held an annual Young Lawyers Trial Academy to train and to mentor young lawyers in trial practice. The Academy's attendees network with experienced trial attorneys throughout the weeklong program, and attendees tend to stay active in NYSBA activities. Finally, the Section holds a joint admission to practice before the Supreme Court which fosters inclusion in Association events among younger attorneys.

Over the past five years (i.e., 2017 to 2021), the Young Lawyers Section has been able to maintain diversity in the gender identity of its members, including a nearly equal number of members who identify as male and female (22.1% and 21.9%). Additionally, about one-third of the Section's membership identify as Black/African American, Hispanic/Latinx, Asian/Pacific Islander, other, or as a multiple race/ethnic group (5.3%). Importantly, however, the data points on both gender identity and race/ethnicity may be skewed by the lack of data available for the majority of the Section's membership. Despite the lack of overall reporting noted above, there has been increased reporting related to sexual orientation over the past five years, with the amount of no data available decreasing from 91% in 2017 to 86% in 2021. The same is true in regard to demographic information related to disability, which has decreased from 90% in 2017 to 85.3% in 2021.

The Section has also been active in implementing the strategic goals outlined in its Diversity Plan. For example, the Section has held a variety of CLE presentations in collaboration with other NYSBA Sections and diverse bar associations throughout 2021. These CLE programs include, for example, The History of Juneteenth & The Importance of Diversifying the Legal Profession (June 22, 2021), Let the Youth Lead the Way: A Dialogue with Future Lawyers (March 16, 2021), and NY Law Student Virtual Coffee Hour: LGBTQ+ Law and Policy During the Biden Administration (March 9, 2021). Finally, the Section has made its Diversity Plan publicly available on the NYSBA website, which shows a commitment to diversity and inclusion, and a willingness to be held accountable for implementation of the Section's strategic goals.

# GENERAL RECOMMENDATIONS

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**A. The Committee recommends NYSBA change the timing of diversity profile requests: this data should be collected at the time someone joins NYSBA. NYSBA leadership should work with the relevant Committees to emphasize the importance of the data for the Report Card. The Committee also recommends that NYSBA leadership, the Diversity and Inclusion Committee, and Diversity Chairs work with their Diversity Committees to improve the data collection.**

**B. The Committee recommends that each Section that does not currently provide a leadership opportunity for a diverse lawyer create a new leadership opportunity; for example, seats on their Executive Committee for diverse lawyers to create mentorship opportunities as well as a pathway to leadership positions in the Section. The Committee recommends that the Young Lawyers Section continue to recruit attorneys with disabilities, LGBTQAI+ attorneys, attorneys of color, and female attorneys and encourage diverse attorneys to serve as liaisons to Sections.**

**C. This Committee strongly urges all persons serving on the Nominating Committee, or acting as a Section Leader, to provide race/ethnicity and all other required data. Any person who is nominated to serve on the Nominating Committee or as a Section Leader should self-report their demographic data. In addition, NYSBA's leadership (i.e., President, Secretary, Treasurer) should regularly call upon NYSBA members, and other leadership, to provide all data requested for this report card. Without this data, NYSBA cannot adequately respond to the needs of its members.**

**D. NYSBA should set aside special funding for use to recruit diverse members for leadership positions. Funds could pay for membership or expenses for persons this Committee or the Committee on Leadership Development identify for current or potential future leadership positions. It appears the Business Law and Young Lawyers Sections are taking this approach by subsidizing certain fees. NYSBA should set aside \$5,000 to support such a pilot program.**

**E. NYSBA should consider statistically sampling a portion of the membership to determine if the results would be more accurate, easier to obtain, and more useful to direct NYSBA's efforts to meet membership needs and desires.**

# IMPLEMENT OUR DIVERSITY PLAN

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We acknowledge and thank NYSBA for implementing the following recommendations from the 2020 Diversity Plan:

**Implementation Recommendation 4:** That the NYSBA present at least one Presidential Showcase CLE program focused on diversity at each Annual Meeting.

This past year, NYSBA coordinated the Constance Baker Motley Symposium, the Diversity Award Ceremony, and hosted a Celebrating Diversity in the Bar Reception.

**Implementation Recommendation 6:** That the NYSBA coordinate a centralized and accessible data collection and reporting center for diversity information that can be readily used to assess diversity data with stated goals. See above regarding our goals for improved data collection.

NYSBA has initiated a data collection and reporting center that has helped improve diversity data collection needed for the report card.

**Implementation Recommendation 8:** That all NYSBA entities create and submit personalized diversity plans by January 31, 2021.

It is commendable that all NYSBA Sections have submitted their Diversity plans in a timely manner.

***The following Implementation Recommendations are in progress:***

**Implementation Recommendation 7:** That NYSBA leadership and Sections Caucus leadership express to Sections the necessity of incepting Diversity Committees for all sections and appointing liaisons to the standing NYSBA Committee on Diversity and Inclusion. Notably, 22 out of 27 NYSBA Sections currently have Diversity Committees.

# IMPLEMENT OUR DIVERSITY PLAN - IN PROGRESS

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We call on NYSBA leadership to implement the following additional recommendations adopted by NYSBA as part of our 2020 Diversity Plan:

**Implementation Recommendation 1:** That the Association designate a principal staff person to provide oversight of the implementation of this Diversity Plan. Each year, that person will develop and secure approval of specific annual implementation steps with a corresponding timeline, budget and assessment procedure.

Shifts in NYSBA staffing have caused a lack of stability in oversight of the implementation of the plan. NYSBA is currently recruiting for this position. NYSBA should immediately hire a Diversity Coordinator to lead the Association's efforts to further diversity of membership and programming. This position should be filled by June 2022.

**Implementation Recommendation 2:** That the NYSBA review the composition of the House of Delegates and its Nominating Committee, including the number of positions reserved for women, minorities, lesbian, gay, bisexual and transgender individuals, and persons with disabilities, and the manner of selecting the individuals for those positions, to ensure that the purpose of this Diversity Plan is being served in the nominations process.

The data has been collected but has not been presented to NYSBA's leadership. This Committee should join with the Committee on Leadership Development to make specific recommendations on how to improve the composition with a timeline. It needs to reflect representation from all 13 judicial districts. These recommendations should be presented to the Executive Committee by June 2022.

# IMPLEMENT OUR DIVERSITY PLAN - IN PROGRESS

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**Implementation Recommendation 3:** That the NYSBA consider creating an event, award or other form of recognition to honor on an annual basis the NYSBA entity that has shown outstanding leadership in diversity-related membership initiatives and other diversity efforts.

There is a need to create an awards proposal that must be reviewed and approved by NYSBA's Executive Committee and House of Delegates. This should be incorporated into the annual diversity awards ceremony presented during the Annual Meeting. This event, going forward, should be a hybrid so that the broadest possible number of members can participate.

**Implementation Recommendation 5:** That the NYSBA prepare a Diversity Impact Statement as recommended in the 2010 ABA Presidential "Next Steps" Report (recommendation E.2. for Bar Associations) for every Executive Committee action item.

This process has not been initiated and is required to shape the dialogue and provide continuity of efforts around diversity within the profession.

# ADDITIONAL RECOMMENDATIONS

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The Diversity and Inclusion Committee acknowledges that change is incremental and respectfully requests NYSBA to take the following suggestions into consideration in their future planning.

Consider:

- Increasing participation rates by implementing processes and systems that encourage the collection and submission of demographic data at the membership and NYSBA leadership levels.
  - Reviewing the demographic data collection tool to ensure that each data field is clearly explained to indicate what it signifies. For example, the “disability” field should include a descriptor that clarifies that the field does not only reference physical disabilities but also mental health concerns. This will assist with ensuring more reliable data.
  - Making all possible efforts to ensure diverse representatives from all judicial districts are represented within the House of Delegates.
  - Implementing strategies targeting the recruitment of younger members to NYSBA Sections and overall NYSBA membership. Such strategies may include surveys, sampling, and focus groups to gain a clear understanding of why younger attorneys are not NYSBA members.
  - Improving engagement with members and increasing the recruitment of potential members by employing effective social media strategies, that reach the desired audiences in dynamic and interactive ways.
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**NEW YORK STATE BAR ASSOCIATION  
COMMITTEE ON DIVERSITY & INCLUSION**

One Elk Street  
Albany, NY 12207





COMMITTEE ON LEGAL AID  
PRESIDENT’S COMMITTEE ON ACCESS TO JUSTICE

January 7, 2022

TO: Members of the House of Delegates

FROM: NYSBA Committee on Legal Aid  
and President’s Committee on Access to Justice

RE: 2022 Committee on Diversity, Equity and Inclusion’s Diversity Report Card

The New York State bar association is the policy making arm for attorneys in New York State, and improving diversity, equity and inclusion in the profession, including demonstrating a strong professional commitment to supporting and welcoming attorneys and judges of color, is a vital access to justice issue for the President’s Committee on Access to Justice and to the constituencies represented by the legal services and pro Bono programs represented by the Association’s Committee on Legal Aid. Accordingly, both committees support the 2022 Committee on Diversity, Equity and Inclusion’s Diversity Report Card.

In addition to updating the status of the Association on past commitments it has made to this critical issue, the report also takes a fresh look at new data, such as the low percentage of Nominating Committee members reporting demographic information, which is concerning as it is the body that selects the leadership of this organization.

We urge the House of Delegates to join us in support of this report, and to adopt the report and all of its recommendations.



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**TASK FORCE ON RACISM, SOCIAL EQUITY AND THE LAW**

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November 16, 2021

The Task Force on Racism, Social Equity, and the Law stands in strong support of the 8<sup>th</sup> Diversity Report Card. The Task Force calls upon all NYSBA leaders to provide their own demographic information and to encourage other members and leaders to do so as well.

The Task Force on Racism, Social Equity, and the Law stands for the Association's commitment to address the long-lingering effects of structural racism in our legal system. Continuing to enhance the diversity of this Association and our profession is the first step to doing so. Measuring progress, or the lack thereof, is the only way to ensure it continues.

We applaud the efforts of the Committee on Diversity, Equity, and Inclusion and urge the House of Dlelegates to adopt it without comment or amendment. If any additional information can be provided, please let us know.

Sincerely,

Taa R. Grays

Co-Chair

Lillian M. Moy

Co-Chair

NYSBA Task Force on Racism, Social Equity, and the Law



# New York State Bar Association

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## Committee on Disability Rights

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January 5, 2022

Re: Report and Recommendations from the Committee on Diversity and Inclusion including the Diversity Report Card, Eighth Edition, 2021

Dear NYSBA Executive Committee and House of Delegates:

It appears that disability has been defined as limited to physical disability. We would like to encourage the Committee to act on their musings on pg. 19 of the report that they should draft “a more detailed definition of what constitutes a disability, as many responders may be applying a narrower definition of disability in responding to this question.” It is our position that the survey should reflect the inclusive definition of disability in order to be meaningful and accurate. We also have concerns regarding the limited response to the survey which, in light of the CDC statistics, appears to grossly underrepresent disabled members. We are requesting that this section be re-written to make clear the Bar only asked about physical disability, and this accounts for a lower response rate.

Respectfully Submitted,

Joseph J. Ranni, Co-Chair

Alison Morris, Co-Chair