



NEW YORK STATE
BAR ASSOCIATION

A background image showing a diverse group of professionals in business attire. A woman in the center is smiling and high-fiving a man on her left. Other people are visible in the background, some also high-fiving, creating a sense of celebration and teamwork.

A report and recommendations from the Committee on Diversity, Equity, and Inclusion including the **Diversity Report Card, Ninth Edition, 2023**

January 2024



NEW YORK STATE
BAR ASSOCIATION

DIVERSITY

REPORT CARD

Ninth Edition

20
23

January 2024
COMMITTEE ON DIVERSITY,
EQUITY, 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 2023 THERE ARE MILES TO GO BEFORE WE REST.

COMMITTEE ON DIVERSITY, EQUITY, AND INCLUSION 2023-2024

NIHLA F. SIKKANDER
CO-CHAIR

DENA M. DEFAZIO
CO-CHAIR

SHARA ABRAHAM
HEATHER R. ABRAHAM
MEHMET BAYSAN
RANDYE BERNFELD
JEFFREY BERNSTEIN
MICHAEL BERNSTEIN
SHARON L. BROWN
JOHAN PAUL-MARIE BYSSAINTHE, SR.
STACEY M. CAMERON
HON. CHERYL E. CHAMBERS
JUSTINA CINTRON PERINO
JAYA LAKSHMI CONNORS
RUCHI DATTA
WALEEY FATAI
STEPHANIE HOPPE FEDORKA
DUANE G. FRANKSON
HON. MARILYN K. GENOA*
HON. ELENA M. GOLDBERG
VELAZQUEZ
HON. LIZBETH GONZALEZ
HON. JEFFREY A. GOODSTEIN
CHANGYEUN HAHN*
HON. HELENA HEATH
JOAN HENRY*
PETER JOHN HERNE
ANTAR P. JONES

HON. TANYA R. KENNEDY
LONY LEUNG*
ANDREW M. LIEB
MARGARET T. LING
ANDREW MATTHEW LIEB
MELISSA J. LIVINGSTON
JOCELYN E. LUPETIN*
SHEEBA ROY MATHAI
MARIA MATOS
HON. LINDA K. MEJIAS-GLOVER
MARLENE MORALES MELO
LILLIAN M. MOY*
VANESSA A. NEAL
CRISTINA M. PANEQUE
HON. BIANCA PEREZ
KIMBERLY WOLF PRICE*
ZACHARY RABER
NIC RANGEL
SUSAN E. SALAZAR
VIOLET E. SAMUELS
MIRNA M. SANTIAGO
KENNETH G. STANDARD
CLAUDIA O. TORREY
ANNE TROUTMAN
RICHARD J. WASHINGTON*
JAMES M. WILLIAMS*

*MEMBERS, DIVERSITY REPORT CARD SUBCOMMITTEE

DENA M. DEFAZIO
HON. MARILYN K. GENOA
CHANGYEUN HAHN
JOAN HENRY
LONY LEUNG
JOCELYN E. LUPETIN, SUBCOMMITTEE CO-CHAIR
MIRIAM R. SCHINDEL
MARLENE MORALES MELO
LILLIAN M. MOY, SUBCOMMITTEE CO-CHAIR

KIMBERLY WOLF PRICE
RICHARD J. WASHINGTON
JAMES M. WILLIAMS
JOHN HIGGINS, HONORARY CHAIR (IN MEM.)
MIRNA M. SANTIAGO, EXECUTIVE COMMITTEE LIAISON
ERNESTO GUERRERO, NYSBA STAFF LIAISON



TABLE OF CONTENTS

01
Introduction

1

02
Diversity Data - Overall

5

03
Selected Section Data Analysis

17

04
Recommendations


35

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.

The mission of the Committee on Diversity, Equity, and Inclusion (“Committee”) 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 the full support of NYSBA leadership, the Association continues to make regular requests that all NYSBA members complete their demographics as part of their membership enrollment and renewal. This data is critically important to evaluating the level of diversity in Section and Association leadership, membership, and activities, and enables the Committee to report those results.

The Committee on Minorities in the Profession (now known as the Committee on Diversity, Equity, and Inclusion) first reported the results of its diversity survey in the 2005 Diversity Report Card. Since the time of the initial Diversity Report Card, the Committee has continued to review the demographic data of the Association, resulting in the publication of several updated versions of the Diversity Report Card. The Association’s 2020 Diversity Plan committed NYSBA to (i) tracking diversity data within its leadership, (ii) following the Mansfield Rule in all its leadership roles, and (iii) promoting diversity through membership marketing and solicitation, CLE and other programming, publications, and a speakers database .



The data reported in the first Diversity Report Card included gender, ethnicity/race, and ancestry status. Since then, the demographic data collected by the Association has grown more granular to include sexual orientation, age, and disability, and has focused on leadership entities within NYSBA. In 2021, the Diversity Report Card focused on eight Sections including the 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. In 2023, the spotlight on individual Sections continues with a focus on the Cannabis Law; Dispute Resolution; Entertainment, Arts and Sports Law; International; Labor and Employment Law ; LGBTQ Law; Torts, Insurance and Compensation Law; and Trial Lawyers Sections. We thank these Sections for providing the information included in this year's Diversity Report Card.



MEMBER AND LEADERSHIP PARTICIPATION

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

2023 NYSBA MEMBER DATA								
	Declined to Answer				No Data Provided			
	2015	2017	2021	2023	2015	2017	2021	2023
Gender	0	0	0	0	6.16%	17.84%	10.10%	40%
Race/Ethnicity	1.67%	2.06%	2.80%	2%	54.23%	54.75%	35.90%	61%
Sexual Orientation	3.25%	3.67%	5.00%	4%	68.31%	66.33%	50.10%	69%

2023 NYSBA LEADERSHIP DATA – Declined to Answer										
	Gender		Race/Ethnicity		Sexual Orientation		Disability		Age	
	2021	2023	2021	2023	2021	2023	2021	2023	2021	2023
House of Delegates	0	0	3.40%	0	5.7%	2%	8%	5%	0	0
Executive Committee	0	0	3%	0	9.10%	0	6.1%	7%	0	0
Nomination Committee	0	0	1.80%	0	5.50%	13%	5.50%	15%	0	0
Section Leaders	0	0	1.90%	0	5.70%	0	6.70%	7%	0	0
Standing Committee Chairs	0	0	2.3%	0	2.30%	3%	2.30%	5%	0	0

MEMBER AND LEADERSHIP PARTICIPATION

2023 NYSBA LEADERSHIP DATA – No Data Provided										
	Gender		Race/Ethnicity		Sexual Orientation		Disability		Age	
	2021	2023	2021	2023	2021	2023	2021	2023	2021	2023
House of Delegates	1.50%	4%	13.80%	26%	29.10%	35%	18%	26%	2.30%	6%
Executive Committee	0	0	9.10%	23%	21.20%	3%	18.20%	10%	0	3%
Nomination Committee	0	2%	18.10%	4%	30.90%	25%	21.80%	15%	1.80%	2%
Section Leaders	0	7%	16.10%	36%	24.80%	36%	20%	29%	0	0
Standing Committee Chairs	0	5%	11.40%	24%	27.30%	39%	21.60%	34%	0	3%

As compared to prior versions of the Diversity Report Card, there has been an increase in non-responsiveness for most categories. Although many members did not provide data for their gender (40%) or their age (38%), the percentage of leaders who provided gender and age data is very high. The non-participation rate for race/ethnicity is at a new high for members, with 63% of members not providing this information in 2023. The data pertaining to leadership in 2023 shows a range of lack of data spanning from 4% (Nomination Committee) to 36% (Section Leaders). Moreover, the membership non-participation rate for sexual orientation in 2023 was 73%. The non-participation rate for members in the disability category also increased to 69%. For leadership, the non-participation rate for sexual orientation ranged from 37% (House of Delegates) to 42% (Standing Committee Chairs) and for disability, from 17% (Executive Committee) to 39% (Standing Committee Chairs).

The Committee continues to note that without accurate data from NYSBA membership and leadership, the Association's programs and services will not accurately reflect or respond to the needs of its 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 convince a significant number of NYSBA members of the importance of this information to NYSBA's work and its ongoing relevance to the profession and our Association. NYSBA leadership must continue to emphasize its need to know the Race/Ethnicity, Sexual Orientation, Gender, Age, and Disability of all its members. In order to get more accurate statistics and increase responsiveness to the demographic questions, the Committee will again recommend additional changes to collecting and reporting data and the role of our leaders.

The Committee hopes this report card will be used as a tool by Section Chairs, along with 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.



■ DIVERSITY DATA OVERALL

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

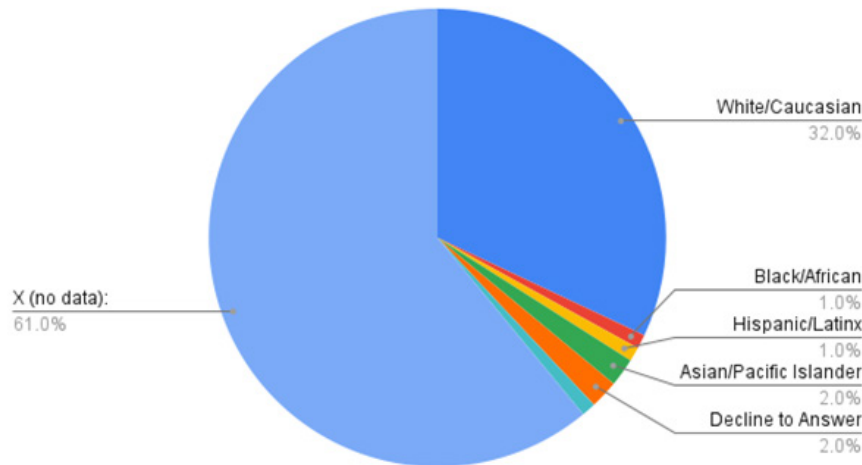


RACE/ETHNICITY

2023 VERSUS 2021

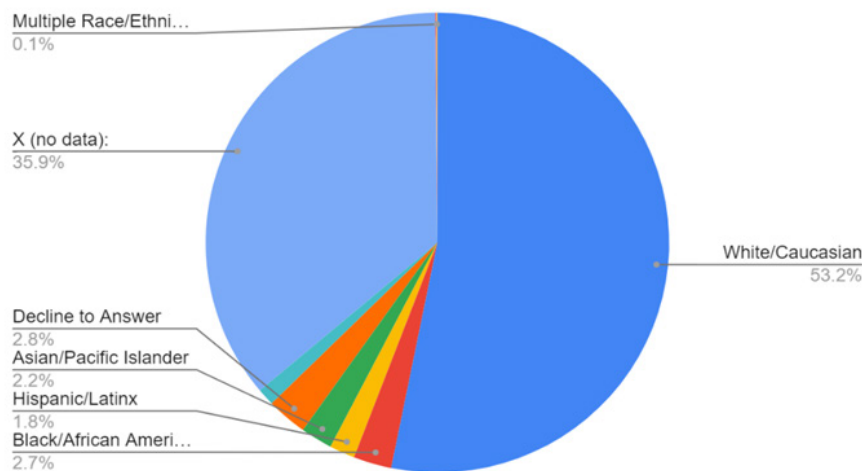
2023

Race/Ethnicity



2021

Race/Ethnicity



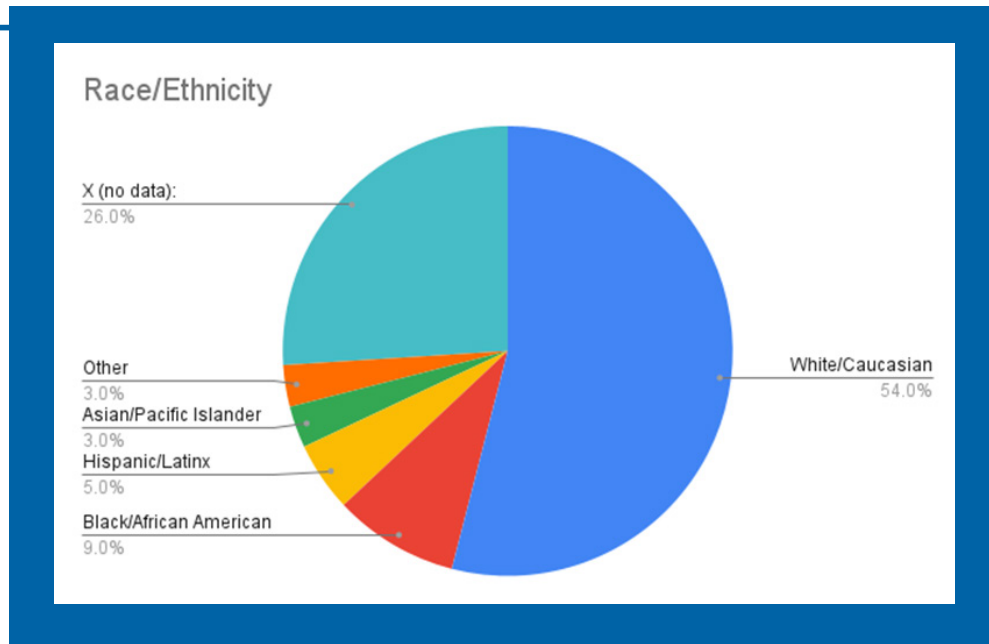
In 2023, we continue to see a drastic decrease in the participation of NYSBA members regarding voluntarily providing information related to race and ethnicity. In 2023, a total of 37% of members reported their race and ethnicity, which is a 24.3% decrease in participation from the 61.3% of members who reported this information in 2021. In addition to this decrease in participation, there also appears to be a decrease in the representation of most categories of race and ethnicity in NYSBA's membership. For example, the percentage of members who identify as White/Caucasian dropped significantly to 32% in 2023, as compared to 53.2% in 2021 as White/Caucasian dropped significantly to 32% in 2023, as compared to 53.2% in 2021.

RACE/ETHNICITY

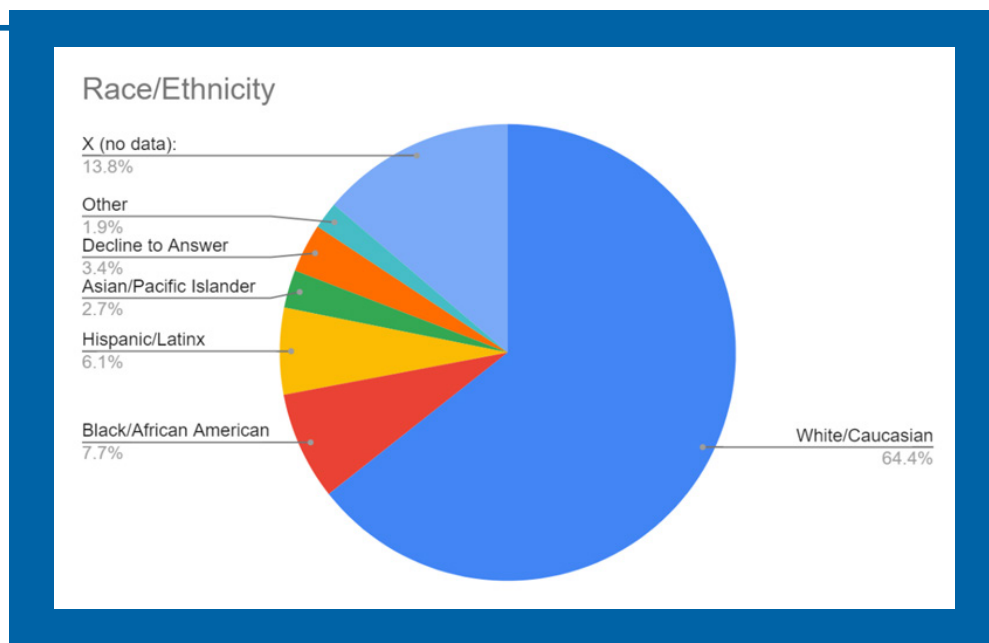
Members who identified as Black/African American also decreased to 1% in 2023 from 2.7% in 2021, and those who identified as Hispanic/Latinx decreased to 1% in 2023 from 1.8% in 2021. Members who self-identified as Asian/Pacific Islander remained relatively the same with 2% being reported in 2023, as compared to 2.2% in 2021. There was a slight decrease in the percentage of members who chose not to self-identify their race or ethnicity, with 2% of members declining to answer, as compared to 2.8% in 2021. There was a slight increase in members who identified as Multiple Race/ Ethnicity from 0.1% in 2021 to 1% in 2023.

House of Delegates

2023



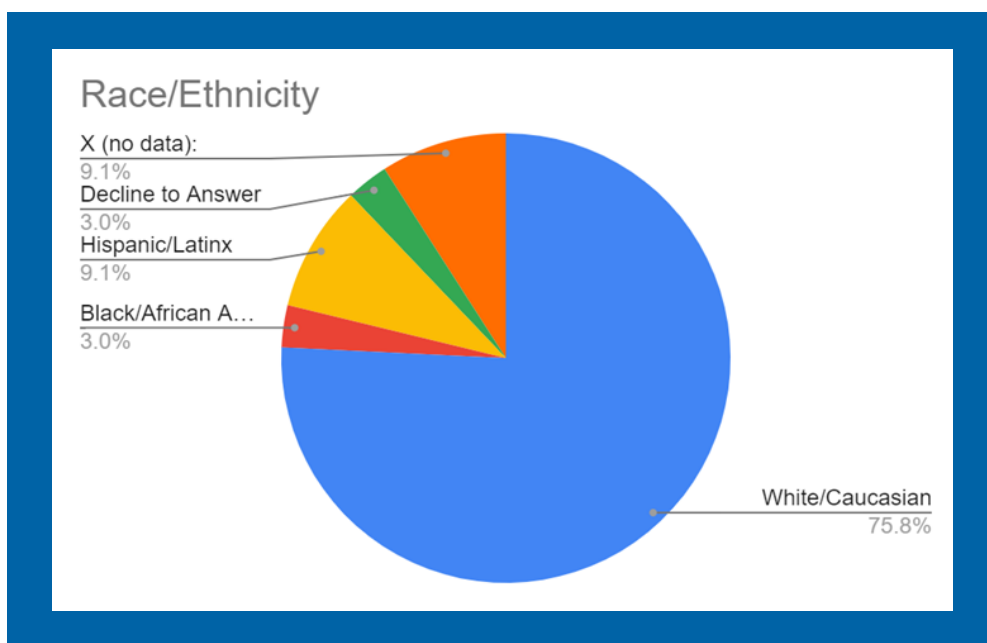
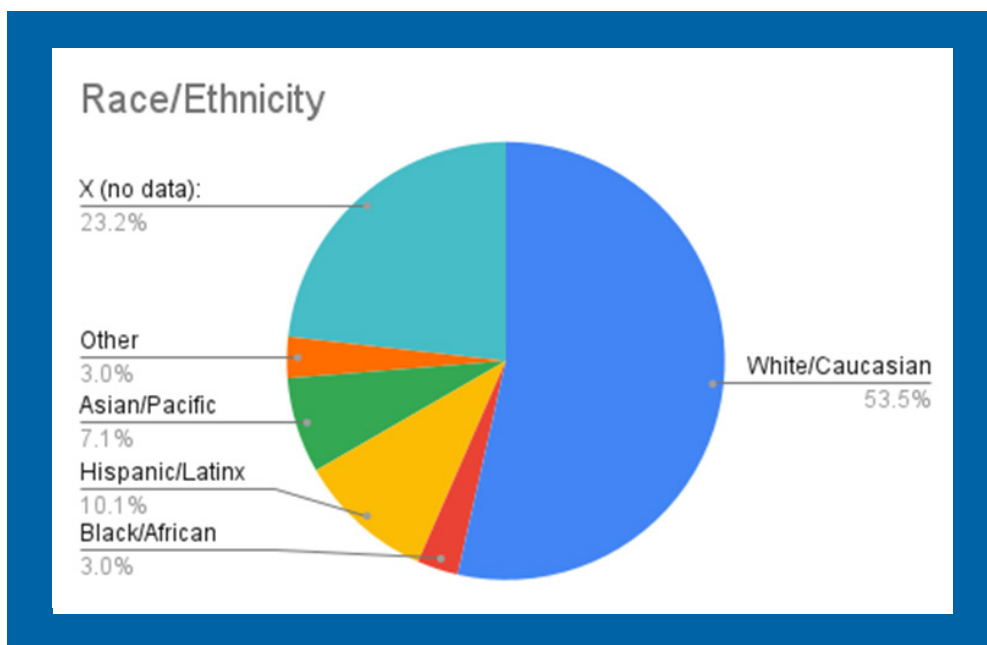
2021



RACE/ETHNICITY

In the House of Delegates, we see a similar trend in the decline of self-reported information pertaining to race and ethnicity. In 2021, 82.8% of members of the House of Delegates reported race and ethnicity demographic information, compared to only 74% of members in 2023. Among those who did report, 54% self-identified as White/Caucasian compared to 64.4% in 2021. We also saw a decrease in the percentage of House of Delegates members who self-identified as Hispanic/Latinx, with 6.1% of the House of Delegates identifying as Hispanic/Latinx in 2021, and only 5% in 2023. Members who identify as Asian/Pacific Islander remained nearly the same at 3% in 2023, as compared to 2.7% in 2021. Notably, the percentage of House of Delegates members who identify as Black/African American increased to 9% in 2023 from 7.7% in 2021. The percentage of those who identify as Multiple Race/Ethnicity also increased from 1.9% in 2021 to 3% in 2023.

Executive Committee



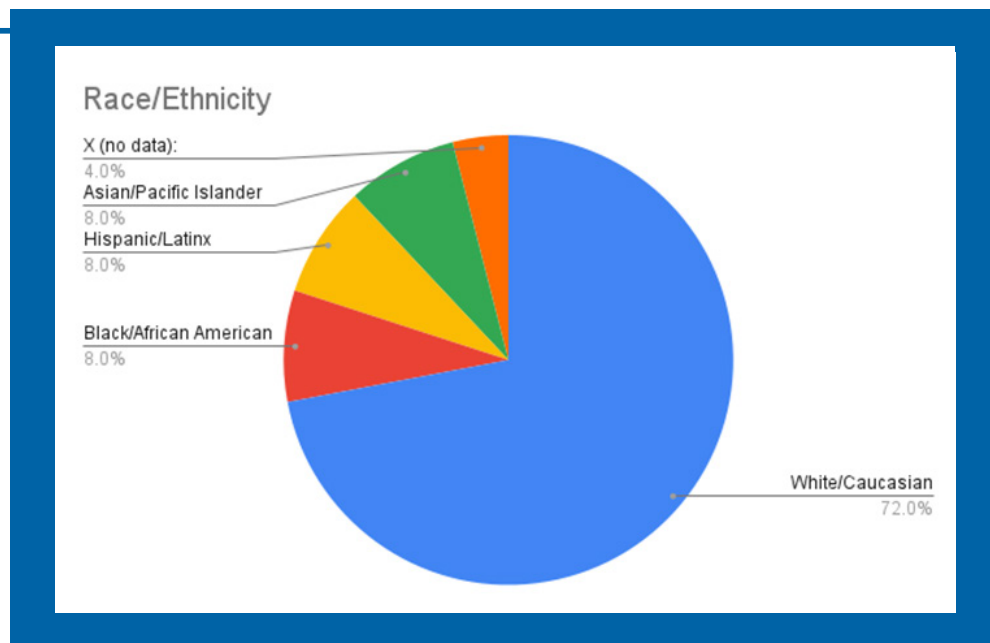
RACE/ETHNICITY

In the Executive Committee, the percentage of missing data for race and ethnicity almost doubled with 23% of Executive Committee members either declining or failing to report this information in 2023, as compared to only 12.1% of members in 2021. In 2023, 53.5% of the Executive Committee self-identified as White/Caucasian compared to 75.8% in 2021. The number of Executive Committee members who identified as Black/African American and Hispanic/Latinx remained relatively consistent from 2021 to 2023, with 3% of Executive Committee members having identified as Black/African American in 2023, as compared to 3% in 2021, and 10.1% having identified as Hispanic/Latinx in 2023, compared to 9.1% in 2021.

In contrast to the 2021 Diversity Report Card where no member of the Association's Executive Committee identified as either Asian/Pacific Islander or as Multirace/Ethnicity, in 2023, 7% of the Executive Committee identified as Asian/Pacific Islander and 3% identified as Multirace/Ethnicity.

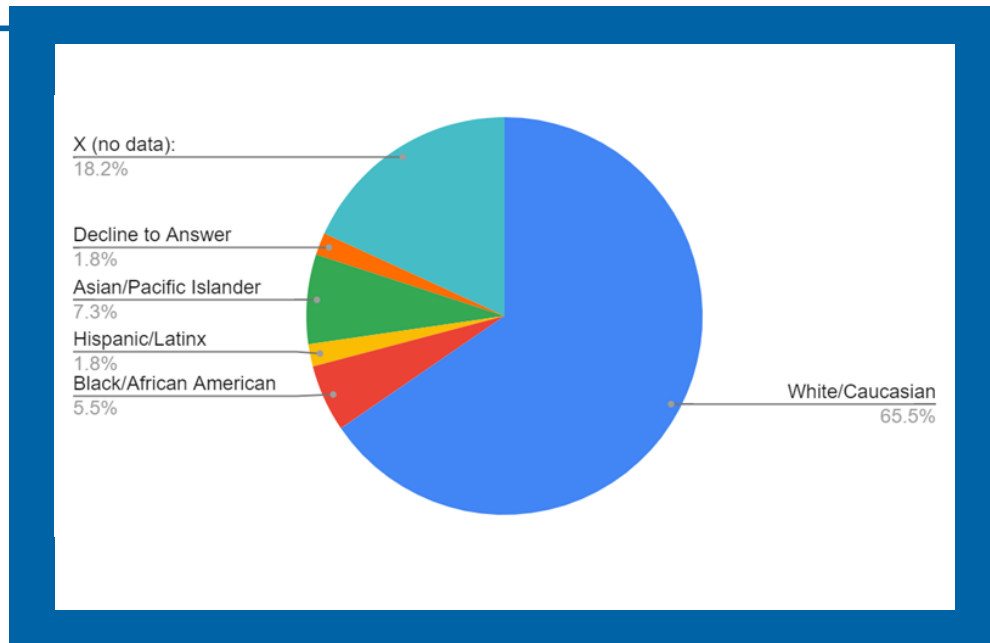
Nominating Committee

2023



RACE/ETHNICITY

2021



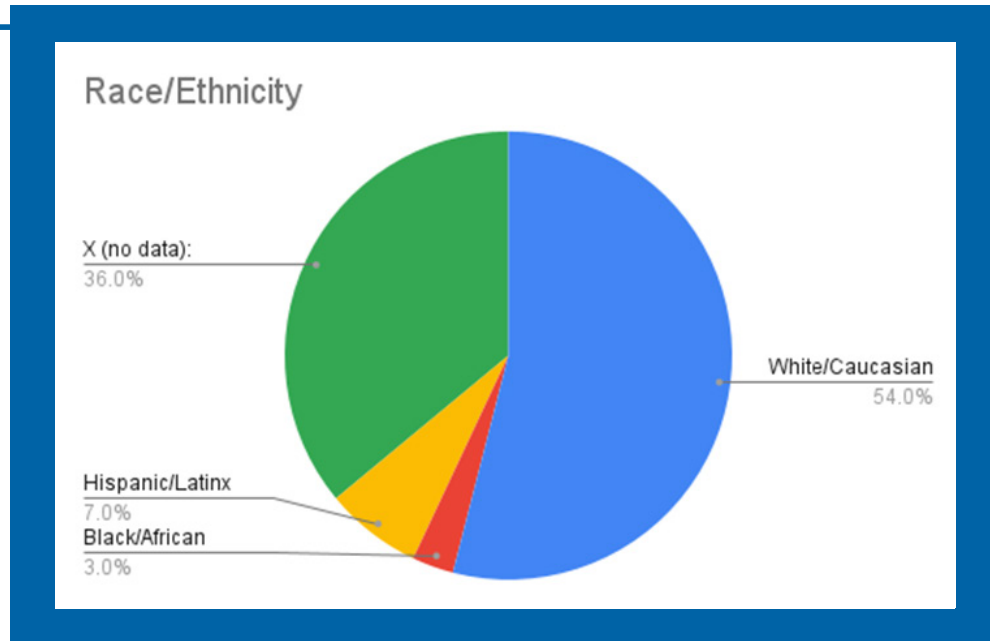
The Nominating Committee improved its reporting on race and ethnicity over the period of 2021 to 2023, with 96% of its members reporting race and ethnicity-related information in 2023, compared to only 80% of its members having reported this information in 2021. In the Nominating Committee, 72% of its members identified as White/Caucasian, which reflects an increase of 6.5% from 2021 reporting.

Members of the Nominating Committee who identify as Black/African American increased to 8% in 2023 from 5.5% in 2021. Similarly, there was a significant increase in the percentage of members who identified as Hispanic/Latinx, with 8% of members having identified as Hispanic/Latinx in 2023, compared to only 1.8% in 2021. Members who identify as Asian/Pacific Islander remained constant over the two years, with 8% having identified as Hispanic/Latinx in 2023, compared to 7.3% in 2021.

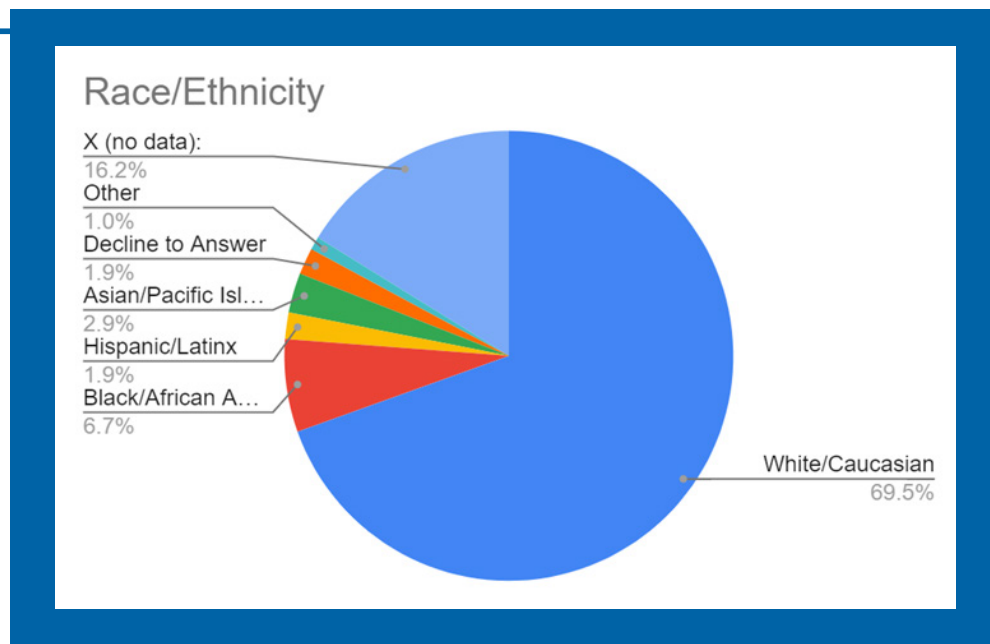
RACE/ETHNICITY

Section Chairs

2023



2021



RACE/ETHNICITY

In 2023, Section Chairs identified as 54% White/Caucasian, 7% Hispanic/Latinx, and 3% Black/African American. More than one-third, or 36%, of Section Chairs provided no data on their race and ethnicity. Overall, we saw a decrease in diversity related to race and ethnicity, except for those Section Chairs who identified as Hispanic/Latinx. The number of Section Chairs who identified as White/Caucasian decreased by 15.5% to 54% in 2023, as compared to the 69.5% who identified as White/Caucasian in 2021. The percentage of Section Chairs who identify as Black/African American also decreased from 6.7% in 2021 to 3% in 2023. In 2021, 2.9% of Section Chairs identified as Asian/Pacific Islander and 1% as Multirace/Ethnicity. In contrast, in 2023, no Section Chair self-identified as either of these races/ethnicities. In contrast, the percentage of Section Chairs who identified as Hispanic/Latinx increased to 7% in 2023, compared to 1.9% in 2021.

Current Census Data:

The data contained in the American Bar Association's ABA Profile of the Legal Profession 2022 shows that 19% of lawyers are people of color. In New York State, according to the most recent American Community Survey data, the racial composition of our state's population is 60.73% White, 15.21% Black or African American, 8.65% Asian, 0.42% Native American, 0.05% Native Hawaiian or Pacific Islander, 5.97% two or more races, and 8.99% other race.

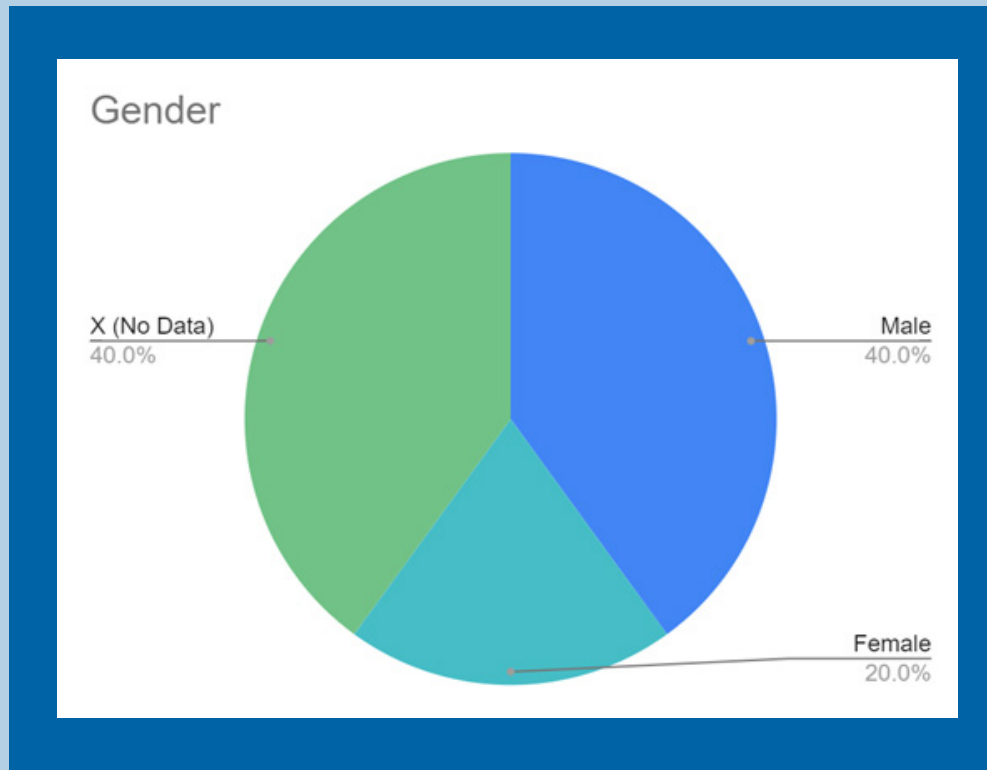
In 2023, only 5% of NYSBA membership who reported their race and ethnicity are people of color, as compared to 6.9% in 2021. With the exception of the Nominating Committee, there were no significant changes or decreases in the number of NYSBA leaders who identify as people of color. This decrease or lack of change is further exacerbated by the decline in reporting among members who identify as White/Caucasian in both 2021 and 2023. Without this data, the Committee cannot accurately identify the racial and ethnic diversity of the Association's membership, and NYSBA cannot adequately assess and respond to the needs of all of its members.

Again, the Committee strongly urges all persons, especially those serving in a leadership capacity, to lead by example in self-identifying as well as strongly encouraging their fellow members to provide race and ethnicity and other data required for this report card. Further, the Committee also recommends that all Nominating Committee members, Association Officers, and Section Chairs be required to respond to all data questions.

GENDER

2023 DATA

MEMBERSHIP



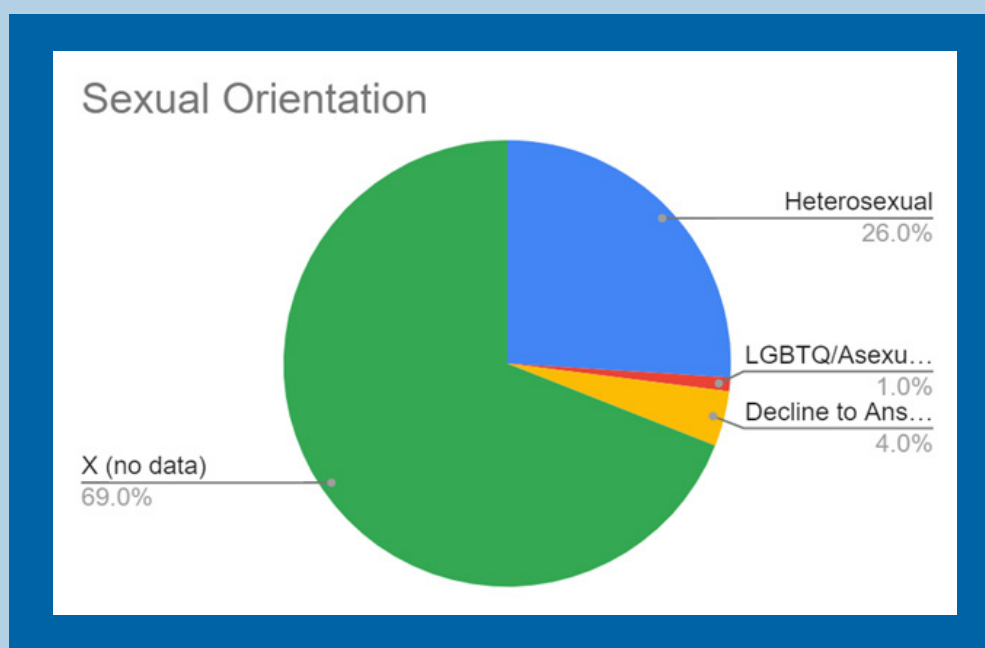
In 2023, NYSBA membership reported a 20% disparity between its male and female members, with males comprising 40% of overall membership, females comprising 20% of overall membership, and 40% of members reporting no data. The current disparity between male and female members within NYSBA's overall membership, the House of Delegates, Executive Committee, Nominating Committee, Section Leaders, and Standing Committee Chairs, collectively and separately evidences smaller disparities between its male and female members. With a substantial history of majority male members, we commend NYSBA for achieving an increase of equity with respect to females in leadership positions.

In comparison to the 10% of members who reported no data in 2021, there was a 30% increase in membership non-response to the demographic questions related to gender. NYSBA should continue to do its due diligence so that more members offer data regarding gender, and 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 non-males in the legal profession, as the proportion of non-males in NYSBA leadership are, in some sections, in excess of men. Most notably, Section Leaders are comprised of 50% females, 43% males, and 7% no response. The Executive Committee is also comprised of 50% females and 50% males.

SEXUAL ORIENTATION & GENDER IDENTITY

2023 DATA

MEMBERSHIP



Since 2021, there has been a significant increase in NYSBA members who identify as transgender, intersex, and gender non-conforming/non-binary. In 2021, four members identified as transgender, and none identified as non-binary, or intersex. Comparatively, 17 NYSBA members identified as transgender in 2023, one member identified as intersex, and eight members identified as non-binary/non-conforming.

In 2023, 17 NYSBA members identified as transgender, which is a substantial increase from zero members in 2021. According to the available demographic information, nine NYSBA members identified as either non-binary/non-conforming or intersex in 2023, which also represents an increase from zero members in 2021.

Overall, and compared to 50.1% in 2021, there is even more missing data regarding sexual orientation. For the general NYSBA membership, 69% of members have not provided sexual orientation demographic information. These numbers are significantly lower for NYSBA leadership, with 35% of the House of Delegates and 3% of the Executive Committee not reporting any data.

SEXUAL ORIENTATION & GENDER IDENTITY

In addition to the missing data, a notable portion of NYSBA's membership declined to answer the demographic questions related to sexual orientation in 2021. In 2023, 4 % of NYSBA membership, 2% of the House of Delegates, and 0% of the Executive Committee declined to provide responses to this portion of the demographic information. These numbers reflect an improvement from 2021 data.

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), 2021 (1.8% of members), and 2023 (1% of members). The same is true for the House of Delegates (3% of delegates in 2017, 3.4% of delegates in 2021, and 3% of delegates in 2023).

There was a significant increase in the number of Executive Committee members who identified as lesbian, gay, bisexual, queer, or asexual in 2023 versus 2021. In 2021, 0% of the Executive Committee identified as lesbian, gay, bisexual, queer, or asexual, as opposed to 23.2% in 2023. Although no data from 2021 is available, in 2023, 4% of the Nominating Committee identified as LGBTQ+/Asexual. Furthermore, 3% of the House of Delegates, 4% of Section Chairs, and 5% of the Standing Committee Chairs also identified as LGBTQ+/Asexual in 2023.

SEXUAL ORIENTATION & GENDER IDENTITY

Based on the sexual orientation demographic information report, the NYSBA House of Delegates and Executive Committee have significantly more sexual orientation diversity than the general NYSBA membership (3% of the House of Delegates and 23.2% of the Executive Committee, compared to 1% of NYSBA membership). The sexual orientation diversity of NYBSA's membership is notably lower, at 1%, compared to the 3.7% of lawyers who identified as LGBTQ as part of a 2021 American Bar Association survey.¹ Furthermore, in New York State, "[a]n estimated 7.9% of the adult population identify as lesbian, gay, bisexual, or something else/other sexual orientation (LGBO)."² According to the 2021 Census Bureau survey, 9.6% of adults aged 18 and over identified as bisexual, gay, or lesbian, or something else.³ This data also reflects that younger generations are more likely to identify as LGBO (15.6% for 18-24 years old vs 4.5% for 65+ years old) and therefore increasing the number of younger attorneys who are NYSBA members will likely help to increase sexual orientation diversity in the Association.

The percentage of NYSBA members who identified as heterosexual has decreased from 43.1% in 2021 to 26% in 2023. In comparison, 60% of House of Delegates and 73.7% of the Executive Committee members identified as heterosexual in 2023. There was also a significant decrease in the number of members who declined to respond in NYSBA leadership (from 5.7% to 2% for the House of Delegates, and from 9.1% to 3% for the Executive Committee). However, 35% of House of Delegates members and 25% of Nominating Committee members failed to respond and thus, are not included in these statistics. In an effort to be more inclusive and better align with the values of NYSBA, the LGBTQ Section seeks to rename itself to the LGBTQ+ Section. The new name is likely to be approved before this Report Card adopted by the House of Delegates.

¹ Demographics – Chapter Outline, ABA Profile of the Legal Profession 2022, <https://www.abalegalprofile.com/demographics.php#anchor2>.

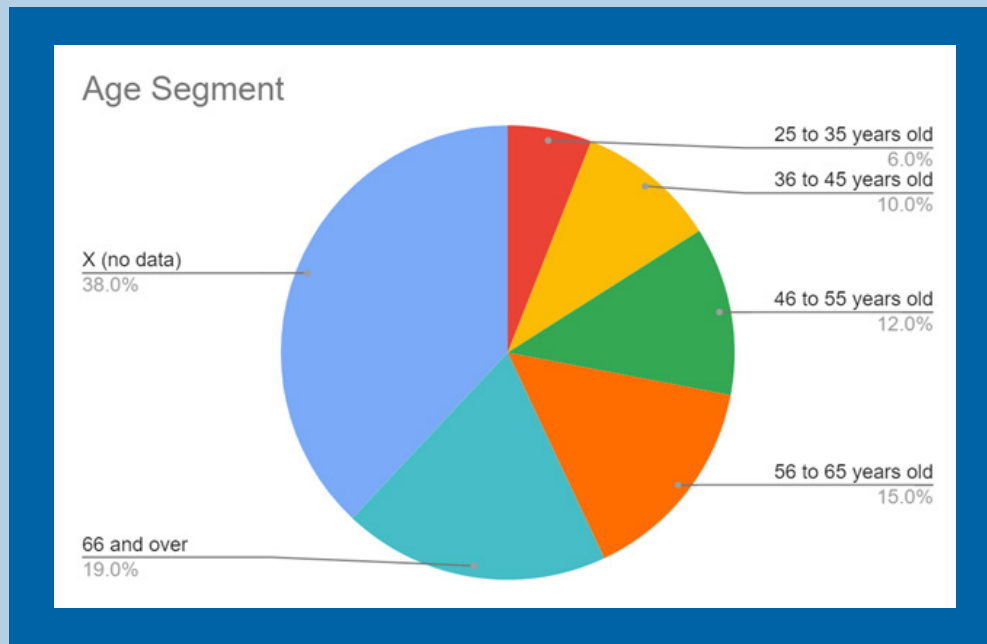
² BRFSS Brief, THE CENTERS FOR DISEASE CONTROL AND PREVENTION, 2022-16, https://www.health.ny.gov/statistics/brfss/reports/docs/2022-16_brfss_sogi.pdf.

³ Anderson, Lydia, et al., New Household Pulse Survey Data Reveals Differences between LGBT and Non-LGBT Respondents During COVID-19 Pandemic, CENSUS.GOV (Nov. 4, 2021), <https://www.census.gov/library/stories/2021/11/census-bureau-survey-explores-sexual-orientation-and-gender-identity.html>.

AGE

2023 DATA

MEMBERSHIP



In terms of age, 38% of NYSBA members failed to provide data regarding age in 2023, as opposed to 9% of NYSBA members who did not provide this demographic information in 2021. Due to the significant absence of data, it is believed that the ages of all NYSBA members have been significantly undercounted.

There was a notable decrease in young attorney NYSBA membership, with members between the ages of 25 and 35 years old decreasing from 9.1% in 2021 to 6% in 2023. There was also a significant decrease in members aged 56 to 65 years old (25% in 2021 to 15% in 2023) and in members aged 66 and over (26.7% in 2021 to 19% in 2023). This decrease is likely explained by members' nonresponse to the data collection tool and also reflects the decline of 16.8% in NYSBA membership.

As NYSBA leadership is already focused on increasing membership, more effort must be made to increase engagement regarding age-related diversity in NYSBA membership. There also must be a continued effort to recruit more young members.

DISABILITY STATUS

2023 DATA

The percentage of members who responded in 2023 to the question of disability status was 34.0%, representing a 20.4% decrease from the percentage which responded either “yes” or “no” to the question of disability status in 2021 (54.4%). The non-participation rate for this demographic increased while those who affirmatively declined to answer in 2023, was 4% less than in 2021, with 4% of members affirmatively declining to answer this question, compared to a declination rate of 8% in 2021.

The data for the House of Delegates, Executive Committee, Nominating Committee, Section Chairs, and Standing Committee Chairs indicates that approximately 5% to 15% affirmatively declined to answer the disability status.

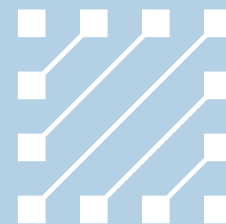
Although NYSBA has more information about disability status than in previous years, there continues to be a high non-participation rate for this data point and a very small percentage of members and individuals in leadership positions reporting as having disability. The numbers are incongruous with data from the Centers for Disease Control and Prevention, which indicates that approximately 43% of adults in New York State have a physical or cognitive disability.⁴

A Word About the Data

As noted above, the non-response rate in all categories remains dangerously high. Some of the missing data can be attributed to the many new members who receive a one-year complimentary membership to NYSBA when they are admitted to the bar. The membership information is provided by the court, which only provides their name and contact information; but lacks demographics. This does not, however, account for the failure of more seasoned members and leadership to provide the requested information. Our recommendations address both these groups of NYSBA members.

In preparing this year’s Diversity Report Card, we used the information we had available to us, knowing that we are missing this invaluable data from many members and leaders. We hope NYSBA leaders will continue to urge all members to provide this information so we can better tailor our benefits and programs to meet the needs of our members. We also note that since the last Diversity Report Card (2021), the Association has experienced a loss in membership of 10,383 members or about 16.8% of members. We know the Association is trying to stem this loss by piloting a new dues structure (more akin to a subscription service) so our members can choose the programs and services they prioritize. Creative programs and continuing relevance makes the Association a priority for an attorney’s time and money. More accurate data will help us meet the needs of our members, and we hope that each reader will contribute to an improved response rate.

⁴ Disability & Health U.S. State Profile Data for New York (Adults 18+ years of age), CENTERS FOR DISEASE CONTROL AND PREVENTION, May 12, 2023, <https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/new-york.html>.



DATA ANALYSIS SELECTED SECTIONS

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

Cannabis Law Section

Dispute Resolution Section

Entertainment, Arts and Sports Law Section

International Section

Labor & Employment Section

LGBTQ Law Section

Torts, Insurance, & Compensation Law Section

Trial Lawyers Section

CANNABIS LAW SECTION

The Committee on Cannabis Law was converted to the Cannabis Law Section in January 2022. Since that time, the Cannabis Law Section has enjoyed a tremendous increase in membership. The Cannabis Law Section's leadership reflects the overall NYSBA objective to increase diversity. Six women and three persons of color sit on the Section's Executive Committee. The Section Chair is a woman of color, and the immediate past chair is a woman as well.

There is substantial diversity within the Section in terms of age, both in Section leadership and general membership. Although only 1% of Section members are under 24 years of age, the remaining age groups are fully represented, with each age group comprising between 9% and 16% of Section membership. Men are the majority within the Section and make up 35% percent of Section membership. Women make up 24% of the Section according to the reported data.

General membership within the Section is seemingly less diverse in the areas of race /ethnicity, sexual orientation, and disability. The available demographic data indicates that the Section is predominately White/Caucasian (26%). Although there are Section members who identify as Black/African American (3%), Asian-American (1%), Hispanic/Latinx (1%), and "other" (2%), each of the foregoing groups are represented to a lesser degree. Though sexual orientation was the most underreported data point, 3% of Section membership identify as LGBTQ+/Asexual. Only 1% of Section membership has a disability. Insofar as the Section is relatively new, there is no past data that can be used for comparison.

Notably, a considerable portion of the Section's membership did not provide data concerning race, age, gender, disability, and sexual orientation. Approximately 40% of the Section's membership elected not to disclose gender and age. Between 60% and 70% of membership declined to provide information about race, disability, and sexual orientation. The decision not to report such data is consistent with membership in other NYSBA Sections.

Earlier this year, the Section adopted its inaugural Diversity, Equity, and Inclusion Plan. Even before the implementation of the Plan, the Section was diligent in encouraging diversity in leadership and membership. The Section seeks to improve diversity among its membership and to maintain diversity in leadership through the Plan. To the extent possible, the Section aims to create a diverse speaker database for CLE programming. The Section Chair will work collaboratively with the Section's subcommittees on Programming and Social Equity to implement this portion of the Plan.

CANNABIS LAW SECTION

In addition, the Section plans to partner with the DEI Committee, other NYSBA Sections, and affinity bar associations to promote diversity in Section-sponsored networking events, and these events will be designed to increase overall membership and membership from underrepresented groups in particular. The Section has also committed to identifying and sponsoring membership dues for groups that are underrepresented in its general membership. The Section's Executive Committee is committed to implementing all phases of the current Plan and will conduct an annual review to determine the Plan's effectiveness. Amendments to the Plan will be made as needed.

The Cannabis Law Section's leadership is diverse, and diversity among general Section membership is expected to increase. The Section may benefit from a messaging strategy that encourages full member participation in all NYSBA demographic data collection. This may include, but not be limited to, explaining the importance of providing demographic data to Section membership. Greater participation in data collection will allow the Section to identify those groups that are genuinely underrepresented. The Cannabis Law Section's commitment to diversity, equity, and inclusion is noteworthy. The Section is moving in the right direction.

DISPUTE RESOLUTION SECTION

The Dispute Resolution Section (“DRS”) has placed and continues to place diversity, equity, and inclusion as one of its top agenda items. Just this year, the Section elected a woman of color as the Section’s Chair-Elect, and a man of color as its Vice Chair. For the past several years, DRS has hosted its Annual Diversity Gala. The Gala celebrates diversity and inclusion in its ongoing efforts to expand diversity within the Section and within the practice of ADR in New York, as well as its commitment to engaging diverse practitioners, strengthening the Section’s demographic, and improving the Dispute Resolution culture. The Gala is underwritten by the Section, with invitations sent to ensure the inclusion of members of affinity and specialty bars with an interest in dispute resolution.

Unfortunately, a large percentage of DRS NYSBA members declined to answer all of the relevant demographic questions, which makes it difficult to gain an accurate and reliable mechanism for determining both a diversity baseline, as well as whether the efforts undertaken by the Section have produced the intended results. The 2023 demographic results for the DRS reflect membership that is 56% male and 26% female, with no data reported by 18% of members. DRS’ members are also 49% Caucasian and 3% Black/African American, with 41% providing no data and 3% declining to answer. Again, 18% of members provided no data with regard to age, with the reporting members falling into the following categories, respectively, 26 to 55 year old (22%), 56 to 65 year old (21%), and 66 and over (39%). There was no data reported by 50% of members regarding sexual orientation and 7% declined to answer. For those members who provided this information, 41% self-identified as heterosexual and 2% as LGBTQ . Although again in 2021, there were a significant number of members who provided no data, the disparity between male and female members was greater at that time than in 2023. The percentages for all of the other categories, when taking the lack of data into consideration, make it difficult, if not impossible, to accurately assess movement.

In 2021, the Executive Committee of the DRS formally approved the Section’s Diversity and Inclusion Plan. The Plan: (i) clarified and restated the Section’s commitment to diversity within its membership, officers, Executive Committee, and programs; and (ii) incorporated the Section’s DEI Mission Statement which, while acknowledging diversity to be an inclusive concept encompassing gender, race, color, ethnic origin, national origin, religion, sexual identity, gender identity and expression, age and differently-abled, recognizes the importance of diversity and inclusion not only within the Section, but within the ADR profession where services are provided to a diverse community of disputants who expect and need diverse neutrals.

The Section’s commitment to promoting diversity, equity, and inclusion throughout all aspects of its work in the dispute resolution field is evidenced through the myriad of actions it has undertaken with regard to membership, leadership, programming, and initiatives.

Leadership and Membership

As to leadership and mentoring, the DRS has emphasized diversity and inclusion in all leadership nominations processes and included participation from members with diverse backgrounds in all nomination processes, including the Section Chair and the chairs of committees, programs, and initiatives. The Section has emphasized diversity and inclusion in leadership training and development

DISPUTE RESOLUTION SECTION

programs and engaged in outreach with regard to membership, establishing liaisons with specialty and affinity bar associations, and charging new and existing Section liaisons with specifically promoting and improving diversity, equity, and inclusion.

Programming

In its programming, the DRS has implemented strategies to assure diversity and inclusion among Section program chairs, speakers, moderators, and attendees. The Section has mandated a diversity-based speakers' requirement for programs hosted, sponsored, or co-sponsored by the Section. It has specifically directed that all panels have representation from people of diverse backgrounds, with a particular focus on inclusion of people of color. To the extent that any program panel of three or more speakers, including the moderator, does not have a person of color participating, an explanation describing the efforts made must be provided to the Diversity and Inclusion Committee or the Executive Committee, after which the Section will determine whether to continue hosting, sponsoring, or co-sponsoring the program.

The DRS emphasizes that CLE content be geared towards supporting and promoting diversity and inclusion (e.g., How to Jumpstart an ADR Practice - Insights from Diverse Neutrals) and has sought partnership opportunities with specialty and affinity bar associations to attract diverse attendees. The Section ensures that program venues (in person, on Zoom, or hybrid) and materials are accessible to participants with disabilities.

The Section recruits organizers and participants with diverse backgrounds for the various student competitions facilitated by the Section. The Section also works closely with specialty and affinity bars, including the joint sponsorship of both DRS programs as well as programs hosted by specialty and affinity bars. Finally, the Section sponsors joint CLE programs with other sections with an emphasis on diversity in speakers, content, and solicitation for attendance, and soliciting diverse groups to attend and participate in DRS events and programs.

Initiatives

A new initiative instituted by the current Section Chair is geared towards increasing the connection between New York State's 15 law schools and the DRS, reaching out to the tremendous reservoir of diverse law students to enroll them into NYSBA and the Section as free student members, and introducing them to potential careers in dispute resolution.

The Section invests substantial financial support as well. Each year the DRS awards a maximum of five mediation scholarships and five arbitration scholarships to be applied towards NYSBA DRS training programs to encourage greater opportunities for minorities and women in the field of alternative dispute resolution. The Section also offers discounts and complimentary admission to programs

DISPUTE RESOLUTION SECTION

conducted by the DRS for members (and potential members) with diverse backgrounds. As part of the Section's objective to advance diversity and inclusion within the profession and the Section, the Diversity, Equity, and Inclusion Committee initiated the Mentorship Program to provide mentorship, training, encouragement, and opportunities to attorneys who have been historically underrepresented in the field of alternative dispute resolution. The goal of the Mentorship Program is to increase diversity in the ADR community by providing diverse attorneys with an opportunity for training, support, and connections so as to facilitate active participation in the alternative dispute resolution field. Through the Mentorship Program, mentees work with or "shadow" their mentors to gain first-hand experience and training in alternative dispute resolution, attend seminars on ADR, and network with other professionals in the alternative dispute resolution community. The Mentorship Program duration is two years.

The Section also developed a pilot project linking newly-trained mediators with experienced mediator-mentors on a short-term basis in the Small Claims Mediation Programs in New York City. Lack of mediation experience is often a bar to opportunity for new mediators, and this pilot program is an effort to make it easier for diverse mediators to get initial experience, with guidance and support from more experienced mediators.

The Section co-sponsored a project with the New York City Bar Association to create and promote a directory of neutrals with diverse backgrounds.

ENTERTAINMENT, ARTS AND SPORTS LAW SECTION

The Entertainment, Arts and Sports Law Section (“EASL”) consists of 1,283 members. The number of members has increased substantially since 2021, when the EASL consisted of only 788 members.

As for the gender, race/ethnicity, sexual orientation, age, and disability status of EASL members, it is difficult to determine the exact numbers for those demographic categories because many members did not report such information. For instance, 644 members did not report their gender (102 members did not report in 2021), 885 members did not report their race/ethnicity (360 did not report in 2021), 556 members did not report their age (96 did not report in 2021), 949 members did not report their sexual orientation (442 did not report in 2021), and 879 members did not report whether they have a disability (344 members did not report in 2021).

The foregoing demonstrates that, in comparison to 2021, a greater number of EASL members are now reluctant to provide demographic information, which is used to assess the overall diversity of EASL. Without such crucial data, it is difficult to fully determine whether EASL is making strides in the area of diversity.

Nonetheless, according to the data that was gathered with regards to gender and race/ethnicity, the following was reported:

Gender	2023	2021
Male	31%	56%
Male, Cisgender	0%	Unknown (Data not collected)
Male; Non-binary	0%	Unknown (Data not collected)
Female	19%	31.1%
Transgender	0%	Unknown (Data not collected)
No Data	50%	12.9%

Race/Ethnicity	2023	2021
White/Caucasian	23%	41.6%
Black/African American	3%	3.9%
Hispanic/Latinx	1%	1.1%
Asian/Pacific Islander	2%	2.7%
American Indian/Native American	0%	0.1%
Multiple Race/Ethnicity	1%	0.1%
Decline to Answer	1%	2.7%
Other	1%	2%
No Data	68%	45.7%

ENTERTAINMENT, ARTS AND SPORTS LAW SECTION

The following was reported with respect to age, sexual orientation, and disability:

Age Segment	2023	2021
24 and Under	1%	0.9%
25 to 35 years old	15%	13.6%
36 to 45 years old	7%	11.7%
46 to 55 years old	10%	21.6%
56 to 65 years old	12%	20.8%
66 and over	12%	19.3%
No Data	43%	12.2%

Sexual Orientation	2023	2021
Heterosexual	21%	36.9%
LGBTQ/Asexual	2%	2.8%
Decline to Answer	3%	4.2%
No Data	74%	56.1%

Disability	2023	2021
No	26%	46.6%
Yes	1%	1.1%
Decline to Answer	5%	8.6%
No Data	68%	43.7%

Based upon the above, without considering the no data percentages and decline to answer percentages, the majority of the members of EASL are male, White/Caucasian, heterosexual, and without a disability, which is consistent with the information reported in 2021.

The age range for most of the Section's members in 2023 differs from the age range of most of the members in 2021. Most of the members in 2023 are within the age range of 25 to 35 years old. However, most of the members in 2021 were in the age range of 46 to 55 years old. Thus, EASL is attracting a younger demographic of members.

According to the EASL's 2021 Diversity, Equity and Inclusion Plan, EASL's diversity, equity and inclusion goals extend to both EASL's internal Executive Committee and the nature of programs that EASL sponsors. The EASL's Diversity Plan further states that EASL will partner with other professional organizations in order to promote diversity-oriented programming. The Diversity Plan states the following with regards to such efforts: "We recently reached out to the Copyright Society of the USA ("CSUSA") with the idea of EASL and CSUSA

ENTERTAINMENT, ARTS AND SPORTS LAW SECTION

jointly co-sponsoring one or more diversity programs in 2021, and CSUSA has happily agreed to work with us. In June 2020, an e-sports program was sponsored by EASL's Diversity Committee and the Metropolitan Black Bar Association ("MBBA"), with over 45 attendees. (Our Diversity Committee has held many joint programs with diverse bar associations, including MBBA and Black Entertainment and Sports Lawyers Association over the years.)."

With regards to diversifying EASL's Executive Committee, the Diversity Plan states the following: "As of January 26, 2021, of the 47 members of EASL's Executive Committee, 21 are women or 44.7% of the total, three are Black, and two are Asian American. Of our four current officers, one is Black/female and another is Asian American/female. We can and should do better, especially in attracting more BIPOC members to the EC as Committee chairs and officers, as well within EASL's overall membership. Unfortunately, the statistics for EASL, other Sections and NYSBA itself as to their overall membership compositions are incomplete, given the lack of responses."

In addition, the Diversity Plan states the following: "We are also striving to be conscious of having sufficient diversity of speakers and the perspectives they bring in our program panels. In addition, we are focusing on having our programs appeal to broader and more diverse audiences. We want to attract diverse young lawyers and law students to join EASL to help build our base and future leadership for the longer term. One way we can implement that goal is to liaise with law school student diversity organizations and publications to encourage student membership in EASL and active participation on our committees."

As noted earlier, there has been an increase in the number of young individuals joining EASL. As a result, EASL has achieved its Diversity Plan goal of attracting a younger demographic of members. However, with respect to the overall demographic makeup of the membership, there is still room for improvement. As noted in the EASL Diversity Plan, the statistics, with respect to the overall membership composition of EASL, are incomplete due to the lack of responses. Thus, EASL still needs to work towards encouraging members to provide their demographic information in order to be able to fully assess the overall level of diversity, equity, and inclusion throughout the Section.

While working towards reaching their diversity, equity, and inclusion goals, EASL should consider sharing the outcomes/results of the Section's efforts to reach their Diversity Plan goals with the Committee so that the Committee can be a source of support to the Section.

INTERNATIONAL SECTION

The International Section consists of 1,453 members. The number of members has increased since 2021, when the International Section consisted of only 1,162 members.

As for the gender, race/ethnicity, sexual orientation, age, and disability status of members, it is difficult to determine the exact numbers for those demographic categories because many members did not report such information. For instance, 675 members did not report their gender (235 members did not report in 2021), 939 members did not report their race/ethnicity (557 did not report in 2021), 571 members did not report their age (218 did not report in 2021), 1,018 members did not report their sexual orientation (699 did not report in 2021), and 920 members did not report whether they are disabled (554 members did not report in 2021).

The foregoing demonstrates that, in comparison to 2021, a greater number of members now are reluctant to provide demographic information, which is used to assess the overall diversity of the International Section. As a result, without such crucial data, it is difficult to fully determine whether the International Section is making strides in the area of diversity.

Nonetheless, according to the data that was gathered regarding gender and race/ethnicity, the following was reported:

Gender	2023	2021
Male	37%	54.7%
Male, Cisgender	0%	Unknown (Data not collected)
Female	17%	25%
No Data	46%	20.2%

Race/Ethnicity	2023	2021
White/Caucasian	23%	36%
Black/African American	2%	2.2%
Hispanic/Latinx	2%	3.4%
Asian/Pacific Islander	4%	6.5%
Native American	Unknown (Data not collected)	0.1%
Decline to Answer	2%	2.2%
Multiple Race/Ethnicity	0%	Unknown (Data not collected)
Other	2%	1.8%
No Data	65%	47.9%

INTERNATIONAL SECTION

The following was reported with respect to age, sexual orientation, and disability:

Age Segment	2023	2021
24 and under	1%	0.3%
25 to 35 years old	12%	7.9%
36 to 45 years old	9%	14.6%
46 to 55 years old	13%	21.3%
56 to 65 years old	12%	18.1%
66 and over	14%	19%
No Data	39%	18.8%
Sexual Orientation	2023	2021
Heterosexual	25%	34.3%
LGBTQ/Asexual	2%	1.4%
Decline to Answer	3%	4.1%
No Data	70%	60.2%
Disability	2023	2021
No	32%	46%
Yes	1%	1.1%
Decline to Answer	4%	5.2%
No Data	63%	47.7%

Based upon the above, without considering the no-data percentages and decline-to-answer percentages, the majority of the members of the International Section are male, White/Caucasian, heterosexual, and without a disability, which is consistent with the information reported in 2021.

According to the International Section's 2021 Diversity Plan: "The Section's Diversity Plan presents a strategy for developing a global 'way of thinking' that purposefully and strategically imbeds the notions of diversity, equity, and inclusion in all the Section's activities, including how it conducts its business. Through the various Action Steps described in its Diversity Plan, the International Section hopes to infuse intentionality and accountability into all its activities."

INTERNATIONAL SECTION

Such Action Steps include, but are not limited, to the following:

Executive Committee Initiatives

A. Assess Diversity, Equity, and Inclusion Gaps:

At each regular meeting of the International Section's Executive Committee, allot a pre-scheduled period for open discussion on what DE&I means to the leadership and how DE&I issues have impacted the International Section's activities.

1. Strive to assure that at every International Section sponsored event, at least 50% of all moderators and panel members are diverse lawyers.
2. Encourage Officers, Executive Committee, and Chapter Chairs to complete their individual demographic profiles on the NYSBA's Member Dashboard and participate in the Individual Leader DE&I Action Plan.

B. Identify Diverse Candidates for Leadership Positions:

1. Consciously consider diverse members of the International Section when electing or appointing individuals to leadership positions on the Executive Committee.
2. Use a variety of forms of communication, including the International Section's webpage and mass email, to advertise leadership positions and encourage involvement by diverse members.
3. Co-sponsor at least two events, webinars, and/or programs with the NYSBA's affinity sections.

II. Diversity, Equity, and Inclusion Committee Initiatives

A. Monitoring and Reporting:

1. Monitor and track the number of diverse individuals who participate in the International Section's programs and events as speakers, moderators, and panelists, and who hold leadership positions within the International Section.
2. Monitor and track the number of events and programs that address diversity and inclusion issues.

B. Association and Community Outreach:

1. Establish connections with NYSBA's Diversity, Equity, and Inclusion Committee to develop best practices in advancing and supporting diversity, equity, and inclusion in the International Section.

INTERNATIONAL SECTION

2. Engage with other affinity bar associations to create effective means for communicating and partnering with their membership in developing programs and events to further the practice in the International Section area.

C. Individual Engagement of Section Leadership:

1. Devise an Individual Leader DE&I Action Plan for annual completion by the International Section's Officers, Executive Committee, and Chapter Chairs, which includes, but is not limited to: (i) developing a mentoring relationship with a diverse attorney; (ii) encouraging a diverse attorney to run for an elected position within the International Section; and (iii) attending an affinity section program or event.

D. Dissemination of Information About the Section's Diversity Activities:

1. Disseminate the International Section's Diversity Plan to all its current and new members.
2. Publish the Diversity Plan on the International Section's webpage.

The above Actions Steps within the International Section's Diversity Plan are commendable. In accordance with one of its above-mentioned Action Steps, the International Section has published its Diversity Plan on the International Section webpage. This public step demonstrates the International Section's desire to commit to diversity, equity, and inclusion within the Section, as well as to hold the International Section accountable with regards to its diversity, equity, and inclusion strategic initiatives and goals.

Although the International Section has an Action Step to encourage its Officers, Executive Committee, and Chapter Chairs to complete their individual demographic profiles on the NYSBA's Member Dashboard, as noted above, many International Section members have not completed their individual demographic profiles. The incompleteness of demographic profiles prevents the International Section from being able to determine whether the Section is making strides in enhancing diversity, equity, and inclusion throughout the International Section. Therefore, more work is still needed in the area of the completion of demographic profiles.

As for the other Action Steps within the International Section Diversity Plan, the Section should consider sharing the outcomes/results of the International Section's Action Steps with the Committee so that the Committee can be a source of support to the Section as it works towards accomplishing the Action Steps outlined in the IS International Section Diversity Plan.

LABOR & EMPLOYMENT LAW SECTION

The Labor and Employment Law Section (LELS) consists of 1,353 members. The membership is 58% male and 32% female. As with other Sections, in terms of the gender, race/ethnicity, sexual orientation, age and disability status of LELS members, it is impossible to determine the exact numbers for those demographic categories because many members do not report this information. Creative strategies must continue to be deployed to encourage members to provide the necessary data to accurately reflect the demographics of NYSBA members. Perhaps a small dues discount could be given to those who fully report their demographics. After all, we would not be gathering this information if we thought it had no value.

Current data indicates that LELS membership is predominantly male (58%), and White/Caucasian (53%). The Race/Ethnicity data includes 148 members (11%) who provided no information. Thirty-two members (2%) identified as Black/African American, 22 members (2%) identified as Hispanic/Latinx, 23 members (2%) identified as Asian/Pacific Islander. One member identified as American Indian, and one member identified as Multiple Race/Ethnicity.

With respect to Sexual Orientation, 575 members identified as Heterosexual (42%), 19 members (1%) identified as LGBTQ/Asexual, 73 members declined to answer (6%) and 686 members (51%) provided no data. Interestingly, there seems to be a misunderstanding of the term “cisgender.” The term cisgender means a person whose gender identity corresponds with the sex registered for them at birth. We recommend that this definition be included in the data collection form because this understanding does not seem to be commonly understood given the data. See, for example, data related to the category “Male: Cisgender” in which only 2 members responded. This despite the fact that there are 432 female members (32%) and 785 (58%) male members. We also recommend that this portion of the data collection tool be reviewed with the LGBTQ+ Section and the DEI Committee once this Report Card is approved.

With respect to disability, 679 members (50%) reported no disability, 32 members (3%) reported having a disability, 98 members (6%) declined to answer, and 544 members (40%) provided no data. With respect to the age of LELS members, 939 members (69%) are over 46.

LGBTQ LAW SECTION

Demographics of the Section

Based on available demographic information, the LGBTQ+ Law Section overwhelmingly comprises members who identify as either male or female, although the Section does have a small number of members who indicated a gender identity outside of the male-female gender binary (83% versus 1%). The Section's membership does demonstrate a small level of disparity in the number of members who identify within the male-female binary, with the available information showing that there is a larger percentage of members who identify as male versus those who identify as female (45% versus 38%). The Section's membership also includes a small number of members who have gender identities outside of the male-female gender binary, including male/non-binary, transgender, and female/gender non-conforming (1%).

The Section's membership is overwhelmingly White/Caucasian (50%), with only 9% of membership (22 members) 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 LGBTQ/Asexual (43%) and as having no disabilities (51%). The Section's membership is most diverse in terms of age, although members who are aged 56 to 65 years old are slightly more represented in the Section (23%). The next largest age group for the Section is 46 to 55 years old (18%), followed by 36 to 45 years old (16%).

Notably, the LGBTQ Law Section's demographic information may be skewed by the amount of non-reported demographic data, including instances where data was not available and where members declined to report demographic information. For example, in terms of gender demographic information, no data was available for 17% of the Section's members, and for age, no data was available for 19% of members. Moreover, in terms of race/ethnicity demographic information, no data was available for 39% of members, and 2% of members declined to answer. As for disability, no data was available for 42% of members, and 4% of members declined to answer. Interestingly, even in the LGBTQ Law Section, there was no data available related to sexual orientation for 41% of members, and 4% of members declined to answer and provide this demographic information.

Section's Efforts to Improve Diversity

The LGBTQ Law Section's Diversity Plan provides that the Section is fully committed to diversity at every level of the Association and sets out various objectives, including partnering with the Committee to educate, foster involvement, and develop leadership among attorneys in communities that historically have been excluded from the practice of law and to pursue enhanced diversity and inclusion within the Association, including among the Association's leadership.

The LGBTQ Law Section has identified 14 goals, which are set out in the Section's Diversity Plan. These goals include promoting diversity among Association and Section leadership, promoting Section diversity in marketing and membership solicitation materials, ensuring diversity in programming, developing and participating in events designed to introduce college students to diversity within the profession, promoting diversity accomplishments, developing a mentoring program targeting young lawyers and law students in ways that are designed to advance the Section's diversity, and forming additional committees and

LGBTQ LAW SECTION

subcommittees within the Section for affinity groups, as necessary. It is not clear whether the Section's Diversity Plan has been updated since 2021–2022.

Noticeable Positive Diversity Trends for the Section

It is important to note that despite a loss of members, the LGBTQ Law Section was able to maintain and increase some areas of diversity in its membership. During this Report Card period, the Section is reported as having 247 members, which is 68 fewer members than was reported for the Section in the 2021 Diversity Report Card (315 members). Despite this loss of membership, the Section has been able to maintain its diversity in some of the relevant demographic areas including, for example, racial/ethnic diversity, with the Section maintaining its percentages of members who identify as Black/African American (2%), Hispanic/Latinx (3%), and other (3%), and disability, with the Section maintaining its percentage of members who report having a disability (3%). Over these two years, the Section was also able to demonstrate an increase in the number of members who identify as LGBTQ/Asexual (from 35% in 2021 to 43% in 2023). The Section has also been able to establish a diverse membership in terms of age, with 1% of members being under 24 years old, 10% between 25 and 35 years old, 16% between 36 and 45 years old, 18% between 46 and 55 years old, 23% between 56 and 65 years old, and 13% being 66 years old and over.

The Section has also made progress towards some of the goals identified in its Diversity Plan. For example, the LGBTQ Law Section has established a LGBTQ+ Vanguard Award, which is given annually to an LGBTQ+ or allied lawyer who has demonstrated dedication to the future prosperity and success of the LGBTQ+ community. The Section has also sponsored and co-sponsored a variety of diversity-related educational programs (eight programs in total in 2023), including a program addressing the experiences of LGBTQ+ people and people living with HIV in the criminal legal system; anti-LGBTQ+ bias in the criminal legal system; using alternative dispute resolution to address racial, ethnic, and socio-economic disparities in heirs' property ownership; and defensive estate planning for LGBTQ+ couples.

Recommendations

Notably, the LGBTQ Law Section is a very new Section and was only established in 2020. With the Section's infancy in mind, we would recommend that the Section's leaders focus on promotion of the Section and recruitment of new members to enhance diversity within the Section's membership. In addition, we would recommend that the Section update and continue to work towards the goals identified in its Diversity Plan. The Section may find additional collaboration with the Committee on Diversity, Equity, and Inclusion and affinity bars helpful in both increasing its diversity, as well as recruiting new Section members.

TORTS, INSURANCE, & COMPENSATION LAW SECTION

The Torts, Insurance, and Compensation Law Section (TICL) has three Diversity Committee Co-Chairs: Mirna Santiago, Heather Wiltshire Clement, and Stephanie Hibbert. The Section's 2021 Diversity Plan remains in force. The Plan has quarterly commitments to implement NYSBA's Diversity Plan, including working more closely with affinity bars, ensuring DEI and bias issues are addressed in Section CLEs (e.g., bias in insurance underwriting and the disproportionate impact of environmental disasters on communities of color), and recruiting women and BIPOC to fill Section leadership positions.

TICL has lost about 100 members (6.5%) since the last DEI Committee's Diversity Report Card. This is consistent with NYSBA's 6.1% loss in membership (as of this time of year). There have not been significant changes in the Section's demographics. Male membership at 70% is higher than NYSBA membership (40%). The Section data for 2023 shows a small loss in younger members and a small gain in older members. The younger TICL membership reflects the Association membership as a whole, but the older TICL membership (58%) is a higher percentage than membership as a whole (34%). The 2023 data registers the first LGBT percentage in membership at the same overall percentage as Association membership (1%). Section data reflects a higher percentage of White/Caucasian members (54%) than NYSBA membership overall (32%).

The TICL Section does much better than NYSBA membership overall in providing responses in every category of demographic information, perhaps because of the Section's ongoing diversity work. For example, 62% of NYSBA members failed to provide data or respond to questions about their race, while only 42% of TICL members have no data. The Section will continue to assist the Committee's efforts by highlighting the importance of providing demographics in their year-end membership blasts to help NYSBA meet its members' needs.

TICL continues to support diversity and the recruitment of young lawyers to the Section with their programs and events. Examples include TICL's June 2023 Third Department Judiciary Reception at the New York State Bar Center, where they partnered with the Young Lawyers and Trial Lawyers Sections. TICL also partnered with the Young Lawyers and Trial Lawyers Sections in August 2023 for a Pub Night in New York City. The Section also hosted a Judicial event in New York City in September and has another one upcoming in Albany in November.

Additionally, TICL's CLE program in November includes a segment on "Diversity, Civility, Inclusion and Best Practices in the Legal Profession and the Courts." TICL is also presenting a diversity CLE at the NYSBA Annual Meeting on January 18, 2024. The title is yet to be determined, but the program is being developed with the assistance of TICL Diversity Committee Co-Chair Mirna Santiago and TICL CLE Committee Co-Chairs Joanna Roberta and Elizabeth Fitzpatrick.

TICL's leadership includes diverse co-chairs of its Diversity Committee, utilizing another opportunity to share leadership opportunities and skills.

We applaud the Section's historic and ongoing commitment to diversity and its success in improving data collection. Our only recommendations are that the TICL Section's Diversity/Racial Justice Committee consider updating the training ideas included in its Diversity Plan and increase possible collaborations with affinity bars to aid its efforts to diversify its membership.

TRIAL LAWYERS SECTION

The membership of the Trial Lawyers Section (TLS) is predominantly male at 59%. At first glance, this appears to be a significant change from past data reported to NYSBA where 77% of the section was male. However, in the recent data set, 25% of TLS members did not respond to the gender question. That is up significantly from the 4.7% who did not report gender data in prior reports. Therefore, it is difficult to ascertain if there has been an actual increase in female members in TLS.

Approximately 47% of the Section's membership did not report their race/ethnicity.

While this does not allow for an accurate analysis of this demographical data, it appears that the Section primarily comprises White/Caucasian members, with 46% of the members reporting this as their race.

TLS's diversity plan states that the section focuses its efforts on events, publications, and programming.

- The section intends to promote diversity in CLE and other programming, both live and virtual, by creating strategic actions to improve diversity among program chairs, speakers, moderators, and attendees.
- Strategic actions to increase diversity in section members responsible for editorial policy and content of publications.
- In addition, TLS will work to increase diversity in "marquee" events (e.g., annual awards dinners, luncheons, receptions) by focusing on diversity of speakers and award recipients as well as intentional staffing of planning and award nominations committees.

TLS is working on these initiatives through its Diversity Committee, which is currently co-chaired by two women, one of whom will be the next section chair. The creation of the TLS Diversity Committee aids the executive leadership of the section in implementing and following up on the priorities of the section's diversity plan while also creating a group of TLS members who can focus on partnering with other sections and groups on programming pertaining to DEI.



■ GENERAL RECOMMENDATIONS

- A. NYSBA should continue to review the questions used in the data collection tool. It should consider the use of Hispanic/Latinx instead of Hispanic. NYSBA should define “cisgender” in the data collection tool: cisgender means a person whose gender identity corresponds with the sex assigned to them at birth. NYSBA should also consider these choices for gender: cis male; cis female; non-binary; gender non-conforming; transgender; intersex. The DEI Committee can appoint a member to assist in an annual review of the data collection tool.
- B. Each Section and Committee should ensure it provides a formal leadership opportunity for a diverse lawyer. The Young Lawyers Section is to be commended for recruiting a variety of diverse attorneys and encouraging them to serve as liaisons to this Committee and to various other Sections.
- C. The DEI Committee urges NYSBA to **encourage** all persons nominated to serve on the Nominating Committee or as a NYSBA Officer or Section Leader to answer each question in their demographic profile. In addition, NYSBA’s leadership should continue to regularly call upon all members to also provide all the data requested in the data collection tool.
- D. The DEI Committee again recommends that NYSBA set aside special funding to recruit diverse members for leadership positions. Funds should be used to recruit diverse new leaders. We again call upon the Executive Committee to budget \$5,000 for a pilot expense reimbursement program.
- E. The DEI Committee again calls upon NYSBA to implement a statistical sampling of 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 profiles and their needs and desires. The use of a third-party polling provider (i.e. – The Marist Poll) is recommended for this project as same is likely to garner a higher and more detailed rate of responsiveness.
- G. The Committee offers its expert assistance to collaborate with Sections to coordinate and facilitate continuing legal education (CLE) programs for the Association’s and Section members. The Committee looks forward to co-sponsoring and coordinating various programs with each Section.
- H. The Committee encourages the Association’s leadership to participate in its annual 21-day diversity, equity, and inclusion challenge.
- I. The Committee encourages members to participate in its LinkedIn page and requests that Sections and Association leadership actively participate in this group.

Continue to Implement the NYSBA Diversity Plan

1. The DEI Committee is grateful that NYSBA has appointed a Diversity Coordinator to help oversee implementation of the Association's Diversity Plan. However, the DEI Committee urges NYSBA to further bolster Association implementation of the Association-wide Diversity Plan by making this position full-time by June 30, 2024.
2. The DEI Committee appreciates that in supporting continuation of the diverse delegate positions for the House of Delegates and the Executive Committee, the focus remains on people of color, whether thanks to race or ethnicity. This report card demonstrates the continuing need to **encourage that** we hear the voices of LGBTQIA+ people and people with disabilities.
3. The DEI Committee continues to support creation of an award to recognize the NYSBA entity that has shown outstanding leadership in diversity-related membership initiatives or other diversity efforts. To that end, the Committee pledges to submit a proposal for such an award by June 30, 2024.
4. The DEI Committee continues to recommend that each Executive Committee action item present a Diversity Impact Statement, stating how the action will impact NYSBA's and the profession's diversity.
5. Each Section should be required to review and revise their Diversity Plan and submit the plan along with its proposed budget every two years.
6. The DEI Committee proposes to work with NYSBA's Marketing Department to engage and recruit diverse members via relevant social media targeted to reach desired demographics in dynamic and interactive ways. We recommend bolstering existing marketing efforts to recruit younger and more diverse members. We also recommend social media and marketing to persuade members and leaders who resist answering all the questions in our data collection instrument (especially those relating to sexual orientation and disability).
7. Finally, the DEI Committee recommends that it continue participation in Section Leaders workshops and Section meetings to encourage across-the-board compliance with data collection requests. The Committee will also talk with possible surveyors to learn whether we can get concrete information about why members and leaders decline to provide all data and then better focus education and advocacy to address the significant non-response rate.



NEW YORK STATE BAR ASSOCIATION
**COMMITTEE ON DIVERSITY, EQUITY,
AND INCLUSION**

One Elk Street
Albany, NY 12207



COMMITTEE ON LEGAL AID

December 18, 2023

TO: Committee on Diversity, Equity, and Inclusion
FROM: Committee on Legal Aid
RE: Support of the Diversity Report Card Recommendations

The Committee on Legal Aid has voted in support of the Diversity Report Card Recommendations. The Committee hopes this report card will be used as a tool by Section Chairs, along with 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. For these reasons we lend our support to the Diversity Report Card Recommendations.



NEW YORK STATE BAR ASSOCIATION
One Elk Street, Albany, New York 12207 ☎ PH 518.463.3200 ☎ www.nysba.org

PRESIDENT'S COMMITTEE ON ACCESS TO JUSTICE

January 2, 2024

TO: Committee on Diversity, Equity, and Inclusion
FROM: President's Committee on Access to Justice
RE: Support of the Diversity Report Card Recommendations

The President's Committee on Access to Justice has reviewed the Committee on Diversity, Equity, and Inclusion and supports its findings and recommendations as it furthers the President's Committee on Access to Justice's mission of promoting and facilitating access to our justice system for all.



LGBTQ+ Law Section

SAMUEL W. BUCHBAUER, ESQ.

Capell Barnett Matalon & Schoenfeld LLP

1385 Broadway, 12th Floor

New York, NY 10018

Phone: (212) 840-6711

Email: sbuchbauer@cbmslaw.com

January 2, 2024

The LGBTQ+ Law Section stands in strong support of the 9th Diversity Report Card. The LGBTQ+ Law Section calls upon all NYSBA leaders to provide their own demographic information and to encourage members within their Sections to do so as well.

The LGBTQ+ Law Section stands for the Association's commitment to promote equality in the law for LGBTQ+ people and diversity within the judiciary by inclusion of all underrepresented groups. 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 in publishing the Diversity Report Card and urge the House of Delegates to adopt it without comment or amendment. If any additional information can be provided, please let us know.

Sincerely,

Samuel W. Buchbauer
Chair

LGBTQ+ Law Section



NEW YORK STATE BAR ASSOCIATION

TORTS, INSURANCE AND COMPENSATION LAW SECTION

2023-2024 Officers

Brian Rayhill, Esq., TICL Chair

Kathleen A. Barclay, Esq., TICL Vice Chair

Richard W. Kokel, Esq. TICL Secretary

Brendan Baynes, Esq., TICL Treasurer

Date: January 4, 2024

To: Committee on Diversity, Equity, and Inclusion

From: Torts, Insurance and Compensation Law Section

Re: Support of the Diversity Report Card Recommendations

The Torts, Insurance and Compensation Law Section, (TICL), of the New York State Bar Association has worked collaboratively with the Committee on Diversity, Equity, and Inclusion throughout 2023 and strongly endorses its findings and recommendations.

TICL supports the 9th Diversity Report Card and the commitment and efforts by the Committee on Diversity, Equity, and Inclusion to promote diversity in the NYSBA and the legal profession. Identifying and measuring progress is an important and necessary initiative and facilitates meaningful access to all in our New York judicial system.

TICL acknowledges and recognizes the 2023 efforts by the Committee on Diversity, Equity, and Inclusion and recommends approval by the House of Delegates at their January 2024 Executive Committee meeting.

Sincerely.

Brian Rayhill

Brian Rayhill

Chair – TICL Section



NEW YORK STATE BAR ASSOCIATION

One Elk Street, Albany, New York 12207 • 518.463.3200 • www.nysba.org

New York State Bar Association (NYSBA) Women in Law Section

Memorandum Supporting the Report of the Committee on Diversity, Equity, and Inclusion – Ninth Edition of the NYSBA Diversity Report Card, January 4, 2024.

WHEREAS, the Committee on Diversity, Equity, and Inclusion (CDEI) has requested the support of the Women in Law Section for its report titled “Ninth Edition of the NYSBA Diversity Report Card”:

NOW THEREFORE it is resolved that the Women in Law Section of the New York State Bar Association supports the CDEI initiative to promote and track the membership, leadership, and participation of diverse attorneys from varied identities and backgrounds in NYSBA sections to create equity within our profession and joins the Committee on Diversity, Equity and Inclusion in requesting that the New York State Bar Association adopt the proposed report.

Chair of the Section: Kimberly Wolf Price, Esq.
January 4, 2024



New York State Bar Association

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

Jeffrey K. Anderson

Chair

Anderson, Moschetti & Taffany, PLLC

Deborah A. Reperowitz

Treasurer

Stradley Ronon

Jill Pilgrim

Chair-Elect

Pilgrim & Associates Arbitration, Law &
Mediation LLC

Erica Levine Powers

Secretary

Erica Levine Powers, Esq.

William H. Crosby

Vice Chair

The Interpublic Group Of Companies, Inc.

January 11, 2024

Nihlzs06@gmail.com

Nihla F. Sikkander, Esq.

ddefazio@gmail.com

Dena M. DeFazio, Esq.

Co-Chairs

NYSBA Committee on Diversity, Equity and Inclusion

New York State Bar Association

One Elk Street

Albany, New York 12207

Dear Ms. Sikkander and Ms. DeFazio:

The Dispute Resolution Section stands in strong support of the 9th Diversity Report Card. We call upon NYSBA leaders to provide their own demographic information and to encourage other members and leaders to do so as well.

The Dispute Resolution Section 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 Delegates to adopt it without comment or amendment. If any additional

January 11, 2024

Page 2

information can be provided, please let us know.

Sincerely,



Jeffrey K. Anderson

Chair

NYSBA Dispute Resolution Section

JKA/tdh

Copy to:

Richard Lewis
Ernesto Guerrero
Lillian Moy
Marilyn Genoa
Jocelyn Lupetin
Jill Pilgrim