

DIVERSITY PLAN of the
INTERNATIONAL SECTION
NEW YORK STATE BAR ASSOCIATION

February 28, 2021

STATEMENT OF COMMITMENT

On January 31, 2020, the Association's House of Delegates adopted a Diversity Plan that sets forth numerous objectives and broad goals to promote and advance the full and equal participation of diverse attorneys in every activity of the New York State Bar Association and in all sectors and at every level of the legal profession. The International Section fully embraces the principles, objectives and goals of the Association's Diversity Plan and had, in fact, already put them into practice.

Among its Recommendations, the Association strongly urges the establishment of Section Diversity and Inclusion Committees, the appointment of a liaison to the Association's standing Committee on Diversity and Inclusion, and the adoption by each section of a customized diversity plan that is consistent with the objectives of the Association's Diversity Plan.

The International Section has since December 15, 2011 maintained an individualized Diversity Policy, published on its website, that enunciates its pledge to actively seek a diverse membership, and to promote diversity of leadership among its officers, Executive Committee, Chapters and Committees. As explained here, going forward the Section will build on the recent activities described below.

The Association's recent diversity report culminating in a master Diversity Plan provides additional impetus for this Section to take a hard look at its own success and challenges in raising awareness of diversity issues among its leadership, and to sharpen its focus in establishing concrete and sustainable measures that will enable the Section to meet its stated diversity goals.

MOST RECENT UNDERTAKINGS

In November 2019, diversity, equity and inclusion were the principal focus of the International Section's last pre-Covid-19 Global Conference, held in Tokyo. This focus was, in fact, reflected in the very title of the Conference, "A World of Many Voices, United in Our Diversity." The Conference featured a first-ever "Human Rights Plenary." One session of the plenary addressed diversity, equity and inclusion, another addressed marriage equality, and a third addressed the problem of human trafficking; and all three sessions covered the myriad issues facing women, in particular, around the world. There was also a first-ever Arbitration Plenary, which convened representatives of major arbitral organization around the world, such as JAMS International, AAA/ICDR, and the Hong Kong International Arbitration Center. The Arbitration

Plenary gave significant attention to the Arbitration Pledge, a world-wide initiative dedicated to reversing the dearth of women arbitrators on international arbitral panels.

Additionally, starting in early 2020, the International Section's Executive Committee reviewed its Bylaws with the specific intent of codifying its Diversity Policy. The resulting amended Bylaws prioritize the goal of achieving diversity in membership and leadership by establishing numerical targets. Further, the amended Bylaws create Diversity Officer positions and require an annual audit of progress made in achieving the stated numerical targets for diversity in membership and leadership. The amended Bylaws, approved by the Section's Executive Committee on December 15, 2020, have been submitted to the Association's Executive Committee for approval. Following is the relevant language of the proposed Bylaws.

- (1) It is the stated goal of this Section that its membership and officers be comprised of at least 50% diverse members (generally referring to women, racial and ethnic minorities, members of marginalized cultural or religious groups, LBGTQ+ individuals, and individuals with mental and physical disabilities or challenges). The Diversity Officers...will be responsible for advancing this goal.
- (2) The elected officers of this Section [shall include] two Diversity Officers... one of whom shall have been a past Section Chair.
- (3) The Diversity Officers shall be responsible for oversight and implementation of the Section's stated diversity goals. The Diversity Officers shall work with the Executive Committee and such other members as necessary to effect this goal and to further strategize on all activities of the Section. One Diversity Officer shall be one of co-chairs of the Section's Diversity, Equity, and Inclusion Committee, and the other shall be a former Section Chair of the Section who is a diverse person.
- (4) The Diversity Officers and Secretary shall prepare and report on the Section's DEI-related goals with production of no less than an annual DEI audit report to be provided to the Executive Committee. The DEI audit report will be made available to all members of the Section and may be published externally.

In tandem with updating its Bylaws, the International Section renamed its existing Diversity Committee as the Diversity, Equity and Inclusion Committee (DE&I) and increased Committee leadership, naming four (4) co-chairs who are diverse attorneys, and designating two of those co-chairs to serve as Diversity Officers. Since 2011, the International Section has had one Diversity Officer.

Furthermore, it is the intent of the Executive Committee to appoint one of the other co-chairs of the DE&I Committee to liaise with the Association's standing Committee on Diversity and Inclusion as recommended in the Association's Diversity Plan. The Section's liaison will work closely with the Association's Diversity Committee to, among other things, obtain Association

membership data and diversity statistics to assess and track the Section’s strengths and weaknesses regarding diversity, as well as to establish best practices for mentoring members of the Section and advancing them to leadership positions.

Additionally, at the January 2021 Annual Meeting of the Association, the Section presented a CLE-credited webinar, titled “A Breath of Fresh Air: 2020’s Impact on Diversity, Equity and Inclusion.” The program was moderated by two of the DE&I co-chairs with the all-women panel presenting diversity perspectives from the lens of their jurisdictions in Brazil, Japan, Mexico, Washington D.C., New York, and the United Kingdom. Women and other diverse lawyers also participated in the Meeting's other CLE program on cross-border litigation, and in the awards and business parts of the meeting.

Finally, the Section is establishing this Diversity Plan for the biennial period January 2021-December 2022, and it is guided in large part by the objectives and goals of the Association’s master Diversity Plan. This Diversity Plan hopes to build on the momentum the Section has built over the years. At present, the Section has seventeen (17) women in leadership positions; thirty-three (33) percent of the Section’s senior officers are women; fifty (50) percent of its representatives to the House of Delegates and SC members are women; nearly fifty (50) percent of the Section’s Nominating Committee members, including Advisory members, are women; and twenty-three (23) percent of all Nominating Committee Approved positions are held by women. The Section has over sixty (60) Chapters outside the United States representing fifty-eight (58) countries stretching over six (6) continents, bringing to the Section an extraordinary cultural and ethnic perspective to the meaning of diversity.

In its aim to be thoughtful and intentional about its diversity initiatives, the International Section recognizes the limitations of attempting to export the Section’s quantitative diversity goals to its many Chapters outside the United States that have their own unique national and geographical cultures. For example, in some countries, the notions of cultural, religious or ethnic diversity may be seen as U.S.-centric and thus accorded little or no significance. Similarly, because the legal frameworks of other countries may not permit affirmative action or the ability to track such characteristics as age, race, and sexual identification and expression, numerical targets may be illusory. Consequently, in designing its Diversity Plan, the Executive Committee eschewed a “one size fits all” DE&I strategy that could prove impractical because of the political, legal and economic contexts in which country-specific diversity is expressed.

Instead, 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. The Section’s Executive Committee is committed to working with each of its Committees and Chapters to identify barriers to diversity, equity and inclusion and to provide targeted financial support to the DE&I Committee to implement the Initiatives described in the Diversity Plan.

MEANING OF DIVERSITY, EQUITY AND INCLUSION

The Association’s Diversity Plan defines “diversity” as generally pertaining to the numbers – “ensuring sufficient numbers of targeted populations are represented.” The Association goes on to describe “inclusion” as “how well the diverse individuals are included in all aspects of the organization,” further explaining that diversity is “often associated with recruitment; inclusion plays a pivotal role in retention.” As such, the Association’s Diversity Plan is designed to achieve not just diversity – the presence of lawyers and law students from all backgrounds – but inclusion as well – their full and equal participation in the Association.

The International Section expands on these principles by injecting the notion of “equity” into its overall strategy. One of the main pillars of this Diversity Plan is its commitment to intensify its efforts to assess and understand whether its practices favor or disfavor the recruitment and advancement of diverse lawyers to leadership positions. To this end, the Executive Committee is committed to mentoring and steering diverse attorneys into leadership positions in the Section and the Association, and assuring they are on an equal trajectory for these positions as other lawyers.

Finally, the senior officers of the Executive Committee are committed to facilitating dialogue among the Committee and Chapters at their respective regular meetings to consider how equal access to opportunities in the Section may be affected by stereotyping and “unconscious bias,” which may result in the inadvertent creation of barriers for diverse lawyers.

DIVERSITY PLAN

I. Executive Committee Initiatives

A. Assess Diversity, Equity and Inclusion Gaps

Action Steps:

- (1) At each regular meeting of the Section’s Executive Committee, allot a pre-scheduled period for an open discussion on what DE&I means to the Section’s leadership and how DE&I issues have impacted the Section’s activities.
- (2) Identify the voices that are missing from the Section’s leadership, including on the Executive Committee, Chapters, and Committees.
- (3) Encourage officers, Executive Committee and Chapter Chairs to complete their individual demographic profiles maintained on the Association’s Member Dashboard and to participate in the Individual Leader DE&I Action Plan (described below).
- (4) Strive to assure that at every Section-sponsored event, at least 50% of all moderators and panel members are diverse lawyers.

B. Identify diverse candidates for leadership positions

Action Steps:

- (1) Consciously consider diverse members of the Section when electing or appointing individuals to leadership positions on the Executive Committee, as Chapter and Committee Chairs, and Chairs of the Seasonal Meeting. Develop and implement a system to track diversity in candidates, nominations and appointments.
- (2) Actively encourage officers, Chapter and Committee Chairs to create a succession plan for their positions with the goal of increasing historically underrepresented perspectives in the Section's leadership.
- (3) Reduce barriers for self-nomination for leadership positions.
- (4) Use a variety of forms of communication, including the Section's webpage and mass e-mail to advertise leadership positions and encourage involvement by diverse members.
- (5) In conjunction with the DE&I Committee, create Section-wide meeting protocols (including reminders of implicit bias dampeners) to ensure an opportunity for all individuals to meaningfully participate in decision-making through sharing of information, materials and resources, and reinforce these protocols at the start of each meeting.
- (6) Integrate new leaders into the governing structure by pairing new and emerging leaders with experienced officers and members of the Executive Committee.
- (7) Implement a procedure that ensures the attendance by one or more of the DE&I co-chairs at annual events of the Association's affinity Sections, including the Women in Law Section, the LGBTQ Law Section, and the Young Lawyers Section and use these opportunities to encourage membership and leadership in the International Section.
- (8) In conjunction with the DE&I Committee, develop diversity dialogue among Chapter Chairs with the goal of developing a written international diversity framework with objectives, strategies, targets and results that are globally accepted as achievable and sustainable.
- (9) Co-sponsor at least two (2) events, webinars and/or programs with the Association's affinity Sections.
- (10) For purposes of ensuring that the diversity goals and objectives of the

Section have necessary funding, the Section's annual budget will allocate a specific amount to the Initiatives set forth in the Diversity Plan, which may include underwriting a portion of the costs of attendance at significant Section events by diverse attorney(s) requiring financial assistance.

II. Diversity, Equity and Inclusion Committee Initiatives

A. Monitoring and Reporting

Action Steps:

- (1) For purposes of compiling the annual Audit Report on the Section's DE&I diversity target, monitor and track the number of diverse individuals who participate in the Section's programs and events as speakers, moderators, and panelists, and hold leadership positions within the Section.
- (2) Monitor and track the number of events and programs that address diversity and inclusion issues, whether as a single focus or as an integrated part of the program or event.

B. Association and Community Outreach

Action Steps:

- (1) Establish connections with the Association's Diversity and Inclusion Committee to develop best practices in advancing and supporting diversity, equity and inclusion in the International Section.
- (2) Engage with other affinity bar associations serving diverse groups to create effective means for communicating and partnering with their membership in developing programs and events to further the practice in the International Law area.

C. Individual Engagement of Section Leadership

Action Steps:

- (1) Devise an Individual Leader DE&I Action Plan for annual completion by Section officers, Committee and Chapter Chairs. The Action Plan shall include, 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 Section; (iii) recommending a diverse attorney to speak on a CLE panel; (iv) attending an affinity Section program or event; (v) adding diversity-related topics to panels; (vi) attending a diversity program sponsored by a law school and encourage law students to join the Section and/or participate in the Section's student-focused activities; and (vi)

learning about the impact of subtle, unconscious bias through online/in-person webinars recommended by the DE&I Committee. Section leadership will be encouraged to engage in at least one Action Plan activity annually.

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

Action Steps:

- (1) Disseminate the Section's Diversity Plan to all its current members (and new members at the time they join) with a cover letter or email from the Section Chair and the Co-chairs of the DE&I Committee.
- (2) Publish the Diversity Plan on the Section's webpage.
- (3) Reference the Diversity Plan in Section announcements, programs and events.
- (4) Ensure accessibility of the Diversity Plan to members with visual or other disabilities.