

Report and Recommendations from the Indianapolis Bar Association Commission on Racial Equality, Diversity, and Inclusion in the Indianapolis Legal Community

Summary

The Indianapolis Bar Association (“IndyBar”) recognizes that equality, diversity, and inclusion impact all aspects of work among members of the IndyBar, within the practice of law, and within the communities where we live and work. IndyBar, through its actions and those of its members, seeks to be instrumental in creating a more equitable, diverse, and inclusive society. This report includes addressing, dismantling, and transforming systemically problematic policies, structures, and biases throughout the IndyBar.

Statement of Purpose from the Indianapolis Bar Association Board of Directors:

- We recognize that issues related to racial equality, diversity, and inclusion in the Indianapolis legal community are historically large and complex issues that cannot be addressed by a single set of concrete action steps.
- Instead, we acknowledge that we must self-examine by empaneling a standing Commission that is empowered to investigate and report on the state of equality, diversity, and inclusion within IndyBar, and build IndyBar’s capacity to serve as a leader and catalyst for change within the Indianapolis legal community as a whole.
- Accordingly, we propose empaneling a multi-phased Commission on Racial Equality, Diversity and Inclusion that will first focus on these issues within IndyBar.
- This Phase-One work will focus on making immediate, concrete changes within IndyBar and building IndyBar’s capacity to lead with others a more broad-based Commission in Phase-Two and beyond that will address similar issues in the Indianapolis legal community as a whole.

Phase-One Goals:

- Investigate and report on the state of equality, diversity, and inclusion within IndyBar.
- Evaluate current policies of IndyBar, including vendors and leadership recruitment, and recommend changes and/or new policies that will tangibly increase equality, diversity, and inclusion within IndyBar.
- Advise on IndyBar programs and services that will educate members on issues related to racial equality, diversity, and inclusion such as:
 - Diversity Success Stories Project
 - Racial Justice Forum(s)
 - National Speaker/Facilitator on Implicit Bias
 - Diversity Job Fair
 - Bar Leader Series
- Advise on building and communicating with members resources to educate and inform members on issues related to racial equality, diversity, and inclusion.
- Build capacity to facilitate Phase-Two and beyond—a broad-based Commission on equality, diversity, and inclusion in the Indianapolis legal community as a whole.

The Commission was empaneled and began work in July 2020. After sharing initial thoughts and experiences the group was split into subcommittees as follows:

Subcommittee Assignments:

1. Specific to IndyBar (not the legal community at large) - **Building a Culture of Accountability for those Participating and Representing IndyBar:**
Group Chair: Ian Goodman
Group Members: Adam Christensen, Debi Dobbins, and Jimmie McMillian
2. Specific to IndyBar (not the legal community at large) - **Doing Business with Diverse Vendors:**
Group Chair: **Same as Culture of Accountability** - Ian Goodman
Members: **Same as Culture of Accountability** - Adam Christensen, Debi Dobbins, and Jimmie McMillian
3. Specific to IndyBar (not the legal community at large) - **Building a Culture of Inclusion and Comfort (feeling comfortable in group settings):**
Group Chair: Hon. Cynthia Ayers
Group Members: LaQuita Cassell, Hon. Charnette Garner and Andrea Shelton
4. Specific to IndyBar (not the legal community at large) - **Building a Pipeline for Diverse Membership:**
Group Chair: Shelley Jackson
Group Members: Andy Campbell, Dan Tomson and Mike Witte
5. Specific to IndyBar (not the legal community at large) - **Building a Pipeline for Diverse Leadership:**
Group Chair: Nick Huang
Group Members: Vanessa Aguilera, Hon. Alicia Gooden and Hon. Tanya Walton Pratt
6. Specific to IndyBar (not the legal community at large) - **Building a Pipeline for Racial Equality, Diversity & Inclusion from Law School to the Profession:**
Group Chair: Hon. Doris Pryor
Group Members: Chaka Coleman, Enrique Flores, Mark Nicholson, and Kathy Osborn
7. Specific to IndyBar (not the legal community at large) - **Providing Quality Education to Create a Culture of Racial Equality, Diversity & Inclusion:**
Group Chair: Aaron Williamson
Group Members: Hon. Carr Darden, Fred Scott and Réne Wyatt-Foston

The recommendations of the subcommittees are outlined below.

Building a Culture of Accountability for those Participating and Representing IndyBar

An organization's culture is established and implemented from the top down, by its leaders. Leaders must be deliberate about the culture they wish to cultivate for their organization. They must set goals conducive to the development of that culture and be deliberate about the process of achieving those goals.

The leaders of the IndyBar – at the board, section, committee, division, and staff level – are the standard-bearers of the organization’s culture. Their priorities become the organization’s. They are responsible for implementing processes whereby their priorities are emphasized and executed. The buck starts and stops with the IndyBar’s leaders.

The IndyBar’s board, with its staff, are familiar with identifying priorities and setting goals by facilitating high-level conversations about executing and meeting those goals. The board periodically communicates these priorities and goals, and processes, to other levels of leadership. And, in theory, the leaders at, for example, the section level, implement and execute those priorities and goals.

Certain priorities and goals have staying power, and are met, while others dissipate. Those that are met are generally those the board views as the most significant. They are, therefore, developed the most extensively and emphasized to other levels of leadership most heavily. The sections, committees and divisions generally heed those goals that the board emphasizes, which is reflected in their work. Other goals – those assigned less significance – are less likely to catch on.

The leadership of the bar, beginning at the board level, and trickling down linearly, must identify the establishment of a culture of equality, diversity, and inclusion as among the highest priorities. In the same manner – from the board downward – leadership must be accountable for building, sustaining and regularly improving that culture. **This requires setting specific goals, which, if met, reflect a culture of diversity of inclusion, and processes to ensure they are achieved.**

The leadership of the IndyBar must first determine and accept those organizational barriers that stand in the way of a culture of equality, diversity, and inclusion. The IndyBar does not lack diversity because the Indianapolis legal community lacks diverse lawyers. **Leadership must be expressly and regularly encouraged to be intentional about seeking to communicate with diverse lawyers.** For those who are members, we must discern their experience with the bar; the good and the bad. For non-members, we should ask what has prevented their membership. **We must then spend committee meetings, board meetings, etc., discussing what we have learned, and determining what barriers diverse lawyers have encountered, or perceived, regarding the IndyBar.**

Diverse lawyers, like any lawyer, must want to be part of the IndyBar, as members and as leaders. For any number of reasons, some may be hesitant. But as we develop a culture of equality, diversity, and inclusion, that hesitation ought to lessen.

At all levels, leadership must be deliberate about recruiting diverse lawyers for participation. The board must clearly set this as a priority, for itself and for committees, sections and divisions. This priority must be identified in written form and communicated by the board in person to other levels of leadership. The inclusion and recruitment of diverse candidates should be emphasized. While leaders will not be instructed to select unqualified candidates for the sake of diversity, they will be encouraged to strongly consider quality candidates who do not look like them.

Each portion of the IndyBar that has a leadership structure – the board, sections, committees and divisions – should be responsible at least once a year for conducting programming with a diversity component. The topic of the program itself could concern diversity, or, for example, the leadership of the litigation section could collaborate on a program with the Black Law Students Association of the McKinney School of Law.

All levels of the IndyBar’s leadership must be responsible for ensuring a culture of diversity and inclusion. But, as mentioned, the ultimate responsibility rests at the highest level, with the board. **The board must consistently evaluate the IndyBar’s culture – its conformity to goals described herein.** This culture must be a topic of discussion at meetings, retreats and the like. Leaders must be held to account for their execution, or lack thereof, of those goals that are in place to foster a culture of equality, diversity, and inclusion.

Doing Business with Diverse Vendors

After reviewing the IndyBar’s contracting history, we have not been able to identify current or past IndyBar contracts with any businesses owned by racially diverse individuals. We recommend the following actions to increase equity in IndyBar’s contracting activities.

- 1) Engage in Community Outreach and Conscious Decision-Making to Achieve Supplier Diversity

We recommend the IndyBar participate in targeted community outreach and employ specific decision-making strategies to increase supplier diversity.

- Utilize community resources, such as the Indy Black Chamber of Commerce, Hispanic Chamber of Commerce, Rainbow Chamber of Commerce, and certified Minority and Women-Owned Business Enterprise (MWBE) databases to identify diverse suppliers
- When an opportunity arises to select qualified, diverse suppliers, IndyBar will actively seek to purchase from underrepresented businesses, including, e.g., women-owned, veteran-owned, LGBTQ+-owned, and service-disabled veteran owned businesses

- 2) Set Measurable Objectives to Define Success

We recommend the IndyBar establish objective standards to determine whether it is meeting its goal of doing business with diverse vendors.

- Purchases from diverse suppliers will increase by at least 10% within six months following adoption of these recommendations and by at least 20% within 24 months following adoption of these recommendations (Note: Most vendor relationships are currently under long-term contracts)
- Beginning in fiscal year 2023, IndyBar’s spending with diverse suppliers will equal at least 20% of its annual spending for goods and services

Building a Culture of Inclusion and Comfort

We had a very fruitful discussion on how Indy Bar might begin to build a new culture of comfort and inclusion for attorneys of color. We all agreed that **whatever steps we take must be bold ones that should go further than our historical invitations to participate. We felt that in order to make a real impact, we needed to be clear in our objectives. We determined that to instill feelings of comfort and acceptance necessitated face-to-face contact with lawyers of color.** We devised a list of recommendations that could be implemented to accomplish our goals. We realize that our suggestions probably overlap the subject matter and direction of other subcommittees. However, we hope that once

we come together as the entire commission, we are able to make a significant attitudinal change in our members and in attorneys of color with respect to the benefits of membership, so that all who come are and feel welcome, respected and appreciated.

1) Interact with Members of the Indianapolis Legal Community

We recommend that IndyBar engage in specific and measurable outreach within the Indianapolis community to extend a welcoming invitation.

- Schedule monthly lunches at various law firms with attorneys of color (membership in IndyBar not required) with an ambassador from IndyBar. The ambassador would not be an attorney of color.
- Establish in-person and written contact with future attorneys of color during law school orientation about membership in IndyBar.
- Host social functions at least once per quarter for attorneys of color.
- Partner with local black businesses and sponsor events in the black community.

2) Develop Resources to Encourage New Membership and Engagement

We recommend that IndyBar invest in developing resources designed to add value and encourage new and increased membership and participation.

- Offer complimentary Bench Bar registration for attorneys of color for first-time attendees.
- Implement reduced membership rates and CLE registration fees for attorneys of color.
- Create a published list of position openings in a year-round IndyBar job bank.
- Create a database of attorneys of color and the areas of practice for business referrals.

3) Implement Anti-racist Education and Policies Which Foster Equality, Diversity, and Inclusion

We recommend that IndyBar educate its leadership on leading with an anti-racist lens.

- Institute anti-racist training for IndyBar staff, board, foundation, and sections/division executive committees within six months of the date of adoption of these Recommendations.
- Establish anti-racist accountability metrics for IndyBar leadership and implement targeted policies and procedures focused on equality, diversity, and inclusion.
- In addition to the related recommendations that follow below, the Commission recommends that equality, diversity and inclusion remain a core responsibility of all IndyBar employees, officers, and directors and that they will be relentless in their support and pursuit of this effort.

Building a Pipeline for Diverse Membership

After reviewing IndyBar historical data, considering discussion points raised during our initial Equality, Diversity, and Inclusion (EDI) Commission meetings, and reviewing external benchmarking data, we make the following preliminary recommendations on building a pipeline for diverse IndyBar membership.

1) Proceed with Respect and an Equity/Anti-racist Lens

We recommend that IndyBar engage in this work with openness, a willingness to listen, and acknowledgment of the deeply rooted history and complexity at play.

- Invest in implicit bias/antiracism training for those leading within IndyBar to encourage organizational understanding of and investment in EDI initiatives; collaborate with a trainer and/or program having an established track record of success and work with that trainer/program over time
- Grasp and acknowledge the deep history and complexity that exists with respect to bar membership and engagement with black and diverse attorneys
- Press IndyBar leadership to become more aware of and actively transform exclusionary environments (e.g., feeling like a “guest” instead of a full member of the bar) and actions (e.g., inclusive language, actively challenging racist or otherwise biased behavior when witnessed)
- Prevent an approach that suggests IndyBar is trying to steamroll or “fix” diverse attorney engagement; actively seek to listen to IndyBar members, non-member attorneys, and affinity organizations to candidly explore IndyBar’s weaknesses and strengths with respect to EDI and identify ways that IndyBar can partner with individuals and organizations moving forward (e.g., focus groups, listening sessions, surveys)
- Embrace that diverse attorneys are not a monolithic group and should be given agency and respect in choosing their response to any given initiative or outreach; advancements in diverse IndyBar membership should be an outgrowth of IndyBar’s renewed commitment to EDI and the commitment of diverse attorneys to engage fully as IndyBar members

2) Establish a Formal Process to Benchmark Current Status and Measure Progress

We recommend establishing a formal process to publicly benchmark current status, establish goals, and measure progress, both horizontally (over time) and vertically (within different layers of the organization).

- Consider a benchmarking examples, e.g., New York State Bar Association’s annual Diversity Report Card
- Establish accountability metrics through Commission recommendations and oversight
- Create objective oversight panel (consisting of IndyBar president, Julie, 3-5 other individuals) to audit/review Report Card prepared by IndyBar staff (e.g. graphic arts, marketing/communications team)
- Publish at least annually a report regarding IndyBar and distribute within the broader Indy legal community
- Require the report to be objective in nature (exploring both strengths and weaknesses) and include historical data, established goals/objectives, and specific areas of focus over time
- Require each unique area of IndyBar (e.g., committees, sections, divisions) to develop and execute an EDI plan, which will be monitored over time as part of the annual report

3) Leverage Existing IndyBar Programs to Support EDI Goals

We recommend that IndyBar examine its existing programs and identify ways to leverage the established infrastructure to develop EDI-specific outreach and programming.

- Consider benchmarking examples, e.g., Boston Bar Association’s Diversity & Inclusion Section’s Group Mentoring Program
- Adopt EDI goals as an expanded core component of existing areas and programs, rather than as an afterthought; possibly shifting areas of focus over time

- Re-envision/expand mentorship opportunities to drive EDI goals within existing programs (e.g. Mentor Connect, Women in Law Networking/Mentorship Program)
- Utilize IndyBar Law Student Division infrastructure to recruit and retain diverse law student/attorney membership
- Require each IndyBar area leader to provide a statement of views on EDI, develop EDI specific goals, and report at least annually on progress

4) Target and Measure Membership Growth Within Specific Diverse Attorney Groups

We recommend selecting specific attorney populations and setting goals and measuring progress within such populations. Note that the below lists are examples for preliminary consideration, and there are likely other relevant affinity or advocacy groups to consider.

- Identify and engage diverse attorney populations for focus from historical IndyBar data (e.g. 121 racially diverse non-member attorneys and 118 diverse by definition non-member attorneys)
- Recruit and retain diverse, experienced attorneys who have opted out of IndyBar membership and who are members of local/national affinity bar associations
 - o Marion County Bar Association
 - o Justice Bar Association or National Bar Association
 - o Asian Pacific American Bar Association of Indiana (APABA-IN)
 - o Indiana Latino Bar Association
 - o National LGBT Bar Association and Foundation
- Recruit and retain new attorneys who are/were members of law student affinity/advocacy groups during law school
 - o Indiana Council for Legal Education Opportunity
 - o National Council for Legal Education Opportunity
 - o Black Law Students Association
 - o Latino Law Students Association
 - o Asian Law Students Association
 - o Lambda Legal

5) Explore Opportunities to Encourage Joint Membership/Deeper Collaboration

We recommend that IndyBar reach out to local affinity bar associations to establish formal membership incentives/packages which would provide for joint membership at a reduced cost and cross-over benefits of membership.

- See above list of affinity bar associations for ideas
- Sustain and reinforce adoption of a truly collaborative approach and refrain from an approach that could be misinterpreted as an attempt to overtake or eliminate affinity bar associations; respect each organization's autonomy and independence, even when that may result in a different approach
- Engage fully and thoughtfully with affinity bar associations to explore suggestions/concerns/ideas regarding such a collaboration and identify benefits to each bar association from continued collaboration
- Identify and promote key benefits of such potential incentives/packages for all stakeholders

Building a Pipeline for Diverse Leadership

- 1) Identify and Provide Leadership Training for Diverse Practitioners with 10 or Fewer Years of Experience

We recommend the IndyBar leverage its Bar Leader Series as an avenue to strengthen the pipeline of diverse leadership involving practitioners with 10 or fewer years of experience.

- Increase diverse participation in the Bar Leader Series by 5% by 2022.
- Provide supplemental financial aid for Bar Leader Series participation for diverse candidates to eliminate financial obstacles.
- Expand BLS post-graduation opportunities to promote a sustainable model.
 - Establish a BLS mentorship program for personal and professional growth
 - Establish expectations of future participation in IndyBar sections, board, bar foundation, and leadership and officer positions, etc.

- 2) Identify and Leverage Leadership Capabilities for Diverse Practitioners with Over 10 Years of Experience (Emphasis on Mid-Level Attorneys)

We recommend the IndyBar employ a variety of strategies to expand its pipeline of diverse candidates with over 10 years of experience for leadership positions.

- Expand financial aid to support general membership dues for diverse candidates to eliminate financial obstacles.
- Establish a 1:1 mentorship program for diverse attorneys to foster personal and professional growth.
- Identify specific diverse representation and participation goals for IndyBar sections, board, bar foundation, and leadership and officer positions, etc.
- Increase funding for networking activities to sponsor (or co-sponsor with affinity groups) networking events to attract diverse candidates in a “warm and inviting” manner (must avoid cliques).
- Implement targeted educational opportunities for diverse practitioners to discover more about IndyBar’s efforts, financial aid, mentors, leadership opportunities, etc., to increase diversity participation on all levels.

Building a Pipeline for Racial Equality, Diversity & Inclusion from Law School to the Profession

- 1) Identify and Implement Best and Successful Practices to Recruit Law Students and Recent Graduates

We recommend that the IndyBar employ intentional strategies and practices to identify and engage minority and underrepresented students.

- Implement a new (or newly prioritized) goal of increasing equality, diversity, and inclusion in the IndyBar Law Student Division. Establish key metrics to track progress toward (or away from) this new goal.

- Establish, strengthen, or renew strategic partnerships with McKinney's Pathway to the Law and ICLEO. Through these partnerships, the IndyBar will seek to empower minority and underrepresented students as they make their way through law school. The IndyBar, by providing a well-structured and diverse Student Section, can attract the law school students that are members or alumni of these entities.
- The IndyBar will support the cultural needs and goals of minority and underrepresented students by collaborating with the various affinity groups at McKinney. The IndyBar will offer programming that is inclusive and fosters a diverse culture, while enhancing the personal development of all law students. Through these intentional partnerships, the IndyBar will be able to increase awareness both in the law school and within the larger Indianapolis legal community of the various issues facing minority and underrepresented students at McKinney.
- The IndyBar will engage in a partnership with McKinney's Office of Student Affairs and the Office of Diversity and Inclusion to facilitate a professional development alliance for minority and underrepresented students. This partnership will create an investment pipeline from the law school to IndyBar, providing students with career guidance, personal support, and opportunities to connect with the larger Indianapolis legal community.
- The IndyBar will review its administrative policies to address any financial barriers that prevent minority and underrepresented students from joining the IndyBar Law Student Division. To ensure that financial barriers do not stand in the way of minority or underrepresented student membership, the IndyBar will consider developing a mechanism to reduce or waive the \$95 student association joining fee through an IndyBar Scholarship, IndyBar Member Sponsorship, or possible corporate giveaway or drawing. By removing this financial barrier, the IndyBar will increase the accessibility of the benefits of the IndyBar Law Student Division to minority and underrepresented students at McKinney.

Providing Quality Education to Create a Culture of Racial Equality, Diversity & Inclusion

- 1) Implement Anti-Discrimination and Equality, Diversity, and Inclusion Training for IndyBar Employees

We recommend implementing compulsory training sessions for IndyBar employees to ensure that such employees are well-educated on such topics.

- Implement compulsory training sessions for all IndyBar staff, which should occur at least semi-monthly or quarterly and must include anti-discrimination and equality, diversity, and inclusion topics.
 - At least annually, require one in-person training session; remaining sessions may include web training sessions.
 - Recruit a diverse set of trainers to provide the required training.
- 2) Implement Anti-Discrimination and Equality, Diversity, and Inclusion CLE Programming for IndyBar Leadership, Membership, and Other Interested Attorneys

We recommend the IndyBar commit to providing at least 6 hours of live CLE programming annually on anti-discrimination and equality, diversity, and inclusion topics.

- Such programming should, in most instances, mirror that provided to employees (with the addition of offering CLE credit).
 - Consider mandating that all individuals serving in IndyBar's leadership, including Board(s) of Directors, Foundations, section and committee chair positions, receive at least 2 hours of anti-discrimination and equality, diversity, inclusion CLE programming (or equivalent training if a non-attorney) each year.
 - Recruit a diverse set of presenters to provide the CLE programming.
- 3) Publicly Support the Indiana State Bar Association's Resolution in Support of Diversity and Inclusion CLE Requirements

We recommend that IndyBar publicly offer support for the Indiana State Bar Association resolution requiring one hour of diversity and inclusion CLE during each three-year CLE renewal period, which is currently pending before the Indiana Supreme Court.

- Issue a statement in support of the pending resolution within one week of adoption of these Recommendations.