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## Act Now

by Bradley Bannon

**B**y definition, columns like this are words, not actions. And we all know that words mean little without action. So I'm committing this column to words that call for action.

Since its origin in February 2017 as the President's Task Force on Diversity, NCAJ's Diversity + Inclusion Task Force, now a permanent committee, has come a long way. That's thanks in large measure to the commitment, drive, and leadership of the Task Force's inaugural co-chairs, Criminal Defense Section Chair Sarah Olson and Executive Committee Diversity Officer Karonnie Truzy.

Under their leadership over the last six months, the Task Force has grown from about a dozen members to over 50, and it is still growing. It launched its webpage ([www.ncaj.com/diversity](http://www.ncaj.com/diversity)) in July 2017, showcasing the Diversity Statement unanimously adopted by NCAJ's Board of Governors in April 2017, as well as a timeline of events and major accomplishments of the Task Force in just the first six months of its existence.

The Task Force has now taken another giant leap, completing a draft Diversity Plan and presenting it to the Executive Committee at the Committee's annual retreat in August 2017.

Just as words mean little without actions, actions mean little without definition, purpose, and the ability to take meaningful measurements of their progress. Using the American Bar Association's plan as a model, NCAJ's Diversity + Inclusion

Task Force and Executive Committee have developed our draft Diversity Plan as a framework for realistic action that may be taken and measured over the near term to assess that progress.

While both committees are populated by some of NCAJ's most dedicated members and informed activists for diversity, inclusion, and equity, we value *all* voices in forming a Diversity Plan. So, taking a cue from the North Carolina State Bar's deliberative process of adopting ethics opinions and amendments to the Rules of Professional Conduct, I'm giving the greater balance of this space to the draft Diversity Plan and a call for comment.

At Mountain Magic last October, Immediate Past President Bill Powers introduced the diversity initiative to the Board of Governors with a comprehensive presentation on organizational diversity, followed by a Board discussion that launched NCAJ's new era of more deliberate pursuit of diversity, inclusion, and equity within the organization. At this year's Mountain Magic Board meeting, we will celebrate the one-year anniversary of the initiative with a presentation of the Diversity Plan.

Sarah, Karonnie, and I would like for that presentation to be informed by comments from the membership at large. So please take a look at the draft Diversity Plan and email any comments to us at [saharackley@gmail.com](mailto:saharackley@gmail.com), [krtruzy@crumleyroberts.com](mailto:krtruzy@crumleyroberts.com), and [bbannon@pathlaw.com](mailto:bbannon@pathlaw.com) no later than **October 16, 2017**.

*Act Now.* ♦

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## NCAJ DRAFT DIVERSITY PLAN

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### I. NCAJ Commitment to Diversity

**Goal:** Eliminate bias and enhance diversity through implementation of our Diversity Statement

**Objectives:**

- Promote full and equal participation in the NC Advocates for Justice, our profession, and the justice system by all persons.
- Eliminate bias in the legal profession and the justice system.

In the last few decades, NCAJ has undertaken a wide range of diversity efforts. Those efforts have included the work of NCAJ entities: NCCRED, Task Force on Mass Incarceration, Hispanic/Latino Division, and NCAJ Women’s Caucus. In addition to these efforts, many of the NCAJ’s Sections, Divisions, and Committees have made diversity a priority.

On April 7, 2017, the Board of Governors approved the **NCAJ Diversity Statement** which states,

*Today, as before in history, there is a widespread sense of sweeping local, national and global change. While there is a range of opinions about the nature and meaning of these changes, there is no question that we are collectively experiencing a heightened sense of uncertainty and anxiety. At such a time, it is important to publicly reiterate the unwavering mission of the North Carolina Advocates for Justice and the constant that defines who we are, what we do, and who we represent.*

*We stand for the rights of all, regardless of race, age, gender, religion, nationality, disability, political affiliation, sexual orientation, gender identity, or any other quality that defines us. Who we are makes each of us unique. Though different from one another in many ways, we share a commitment to the rights granted to us by our constitutions and statutes. NCAJ remains committed to protecting those rights through our members’ representation of their clients, and our legislative, executive and judicial advocacy efforts. NCAJ is resolute in its dedication to liberty and justice for all, and to a diverse and inclusive community that extends those rights to—and recognizes the humanity of—everyone.*

The DITF has decided to establish an NCAJ-wide diversity plan.

### II. Purposes of the Diversity Plan

This Diversity Plan is intended to lead the NCAJ to achievement of diversity as it applies to NCAJ itself, and thereby to ensure full and equal participation in NCAJ by all eligible members and the elimination of bias in NCAJ. When implemented effectively, the Diversity Plan will foster the recruitment and retention of diverse members in NCAJ, and their advancement through its leadership; enhance opportunities for diverse individuals to participate in NCAJ activities and programs, including the provision of accommodations to persons with disabilities; promote a culture of inclusion that attracts diverse members of the profession to NCAJ; educate NCAJ members and leaders about the benefits and importance of diversity; and, by building diversity within NCAJ, support the NCAJ’s efforts to protect the rights granted to us by our constitutions and statutes through our members’ representation of their clients, and our legislative, executive and judicial advocacy efforts.

For the purposes of this Diversity Plan, the term “diversity” generally represents both diversity and inclusion. Diversity often pertains to the numbers—ensuring sufficient numbers of targeted populations are represented. Diversity includes race, age, gender, religion, nationality, disability, political affiliation, sexual orientation,

gender identity, or any other quality that defines us. Inclusion addresses how well the diverse individuals are included and participating in all aspects of the organization. In summary, this Diversity Plan is designed to achieve not just diversity—the presence of legal professionals from all backgrounds—but inclusion as well—their full and equal participation in NCAJ.

### III. Objectives of the Diversity Plan

The Diversity Plan sets forth numerous objectives and broad goals aimed at implementing the NCAJ Diversity Statement. Certain implementation recommendations are set forth as specific actions NCAJ is urged to undertake in the immediate future.

#### A. Widely disseminate the Diversity Statement and Plan within the NCAJ and publicly, including:

1. Membership-wide dissemination of the Diversity Statement and Plan after adoption, with a cover letter or email from the NCAJ President to existing and new members.
2. Continuous availability of the Diversity Statement and Plan through pertinent pages on the NCAJ website and the [www.ncaj.com/diversity](http://www.ncaj.com/diversity) webpage.
3. Reference to the Diversity Statement and Plan in member solicitation materials.

#### B. Promote and track diversity within NCAJ's leadership, including:

1. NCAJ's Executive Committee (President, President-Elect, etc.).
2. Board of Governors.
3. Committee and Section Leadership.

*Implementation Recommendation 1: That NCAJ designate that the Diversity Officer have the responsibility to oversee the implementation of this Diversity Plan. Each year, that person will develop and secure approval of specific annual implementation steps (including updates to this Diversity Plan) with a corresponding timeline, budget and assessment procedure.*

#### C. Promote and track diversity in NCAJ's leadership nominations and leadership development processes.

1. Require diversity as an emphasis in all leadership nominations processes, including diversity among the nominations of decision-makers.

*Implementation Recommendation 2: That the NCAJ review the Board of Governors, Committees, and Section leadership, and the manner of selecting the individuals for those positions, to ensure that the purpose of this Diversity Plan is being served in the nominations process.*

2. Urge Sections to emphasize diversity in leadership and activities.
3. Build diversity-related sessions and training into Board of Governor's meetings.
4. Designate two DITF members per Section who will report to Section Chair about implementation of Diversity Plan.

#### D. Promote diversity in NCAJ membership.

1. Marketing and membership solicitation materials should be welcoming to diverse populations.
2. NCAJ entities are urged to engage in active marketing, recruitment and outreach efforts to affinity bars and other professional organizations, legal communities, and law schools to promote diversity.

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

**E. Promote diversity in CLE and other programming, both live and virtual.**

1. Implement strategic actions to improve diversity among speakers, moderators, and attendees.
2. Ensure program content appeals to diverse communities.
3. Urge NCAJ entities to explore partnering or co-sponsoring opportunities with affinity bars and other organizations that can contribute to diversity.
4. Ensure program venues and materials are accessible to participants with disabilities.
5. Urge NCAJ entities to use program locations and venues, as well as social media, to enhance opportunities for participation by diverse lawyers and law students (e.g., locations that may minimize cost barriers; venues that may increase diverse community participation, like HBCU law schools, affinity bar association locations; and social networking sites that may increase marketing efforts to diverse communities).
6. Promote diversity in NCAJ publications (hard copy and electronic) by recruiting diverse contributors and ensuring that publication content appeals to diverse communities.

*Implementation Recommendation 4: That the NCAJ present at least one CLE program focused on diversity annually.*

7. Promote diversity in NCAJ events (e.g., annual awards dinners, luncheons, receptions, Convention, and Mountain Magic), including:
  - a. Diversity of speakers.
  - b. Diversity of award recipients.
  - c. Diversity of planning and award nominations committees.

**F. Enhance the current tracking and reporting of progress in diversity efforts, including:**

1. Track race and gender of CLE speakers and Section leadership.
2. Prepare an annual report on diversity of membership and leadership of NCAJ.

**G. Promote NCAJ's diversity accomplishments, including the following:**

1. Develop and prominently post on NCAJ website information about successful diversity programs and activities of NCAJ and its Sections, Divisions, Committees, and other entities.
2. Invest in a regular presence in pertinent legal and diversity publications to showcase NCAJ diversity accomplishments.
3. Urge NCAJ members and staff with an expertise in diversity areas to regularly write and speak on behalf of the NCAJ.
4. Have the DITF liaisons communicate with Chair of each Section after each DITF meeting.