



Staff Memorandum

HOUSE OF DELEGATES Agenda Item #9

REQUESTED ACTION: Approval of the resolution and recommendations of the Committee on Diversity, Equity, and Inclusion.

The provisions of the Association Bylaws providing for diversity delegates and diversity members-at-large for the Executive Committee will expire on January 31, 2024, without further action.

This resolution recommends removal of the sunset clauses from Bylaws provisions V.3.H. and VII.1.F.1., thereby permanently providing for the diversity delegates and diversity members-at-large positions.

If this resolution is approved, the Bylaws Committee will be requested to prepare Bylaws amendments for subscription at the November 2022 meeting and approval at the 2023 Annual Meeting.

Comments from the Women in Law Section in support of the recommendations are appended here.

The report will be presented by committee member and former co-chair Mirna Martinez Santiago.



NEW YORK STATE BAR ASSOCIATION

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COMMITTEE ON DIVERSITY, EQUITY & INCLUSION

Mirna M. Santiago

Co-Chair, Committee on Diversity, Equity & Inclusion

Violet E. Samuels

Co-Chair, Committee on Diversity, Equity & Inclusion

May 19, 2022

T. Andrew Brown, Esq., President
New York State Bar Association
1 Elk Street
Albany, NY 12207

Dear President Brown and members of the Executive Committee:

Committee on Diversity, Equity and Inclusion

Bylaws Resolution and Report

Bylaws V. House of Delegates. Section 3. Composition. H. Twelve delegates to be appointed by the President then in office from a range of racial and ethnic minority groups identified by the National Association for Law Placement. At least two and no more than four of such delegates shall be appointed from each Judicial Department, and all appointments shall be subject to confirmation by the Executive Committee. This subsection shall expire ten years from the date of amendment (January 31, 2014) and shall be removed from these Bylaws without further action of the Association. Notwithstanding such expiration, the final term authorized under this provision shall be for a full year, concluding May 31, 2025.

Bylaws VII. Executive Committee. Section 1. Composition. F. 1. Eight members-at-large who shall be Active members of the Association. Not less than two of the members-at-large shall be selected from the First Judicial District. Two of the members-at-large shall be selected to further ethnic and racial diversity and may not be drawn from the same Judicial District. Ten years from the date of amendment (January 31, 2014), the provision for the two members-at-large selected to further ethnic and racial diversity shall expire and be removed from these Bylaws without further action of the Association, and the number of these members-at-large on the Executive Committee shall revert to six. Notwithstanding such expiration, the final term authorized under this provision shall be for a full two-year term, concluding May 31, 2025.

NOW THEREFORE, IT IS

RESOLVED, that the New York State Bar Association reaffirms its unwavering and longstanding commitment to increase racial and ethnic diversity within its leadership ranks based upon its firm belief that diversity, equity, and inclusion must be fostered within the legal community and in society at large.

FURTHER RESOLVED, that the mission of the New York State Bar Association's Committee on Diversity, Equity and Inclusion is to promote the full and equal participation of attorneys of color and other diverse attorneys in the Association and in all sectors and at every level of the legal profession.

FURTHER RESOLVED, that the Association is made stronger and more capable of implementing change through the law when its membership reflects the diversity of the individuals and communities served by the legal profession.

FURTHER RESOLVED, that the subject bylaws provisions institutes a deliberate and thoughtful process to identify and recruit diverse members whose perspectives help inform and strengthen the Association's decisions and policies.

FURTHER RESOLVED, that the increased participation of attorneys of color in leadership positions also helps foster a welcoming environment for and serves as an incentive to diverse lawyers considering membership within the Association.

FURTHER RESOLVED, that the subject bylaws provisions promote the objectives approved by the Association in its adoption of the 2020 Diversity Plan which commits the Association to require diversity as an emphasis in all leadership nomination processes, including diversity among the decision-makers on the Nominating Committee.

RESOLVED, that consistent with these stated principles and commitments, the Association hereby approves the continuation of the bylaws provisions, without any sunset clause, to ensure that at least 12 members of the Association will be appointed by the President from underrepresented racial and ethnic groups to serve in the House of Delegates and that two

members-at-large of the Executive Committee of the Association shall be selected to further ethnic and racial diversity.

The mission of the New York State Bar Association's Committee on Diversity, Equity and Inclusion is to promote the full and equal participation of attorneys of color and other diverse attorneys in the Association and in all sectors and at every level of the legal profession. This resolution presented is consistent with the New York State Bar Association's unwavering and longstanding commitment to increase diversity within its membership and leadership ranks. Specifically, as stated in this Association's [Diversity Plan](#) adopted by the House of Delegates in January 2020, the NYSBA aims to "promote and advance the full and equal participation of attorneys of color and other diverse attorneys (including diversity based on gender, race, color, ethnic origin, national origin, religion, sexual orientation, gender identity and expression, age, and disability) in NYSBA."

The Diversity Plan specifically commits this Association to promote diversity within its leadership positions and its leadership development processes. Our Association made the commitment to require diversity as an emphasis in all leadership nomination processes, including diversity among the decision-makers on the Nominating Committee. The Association also committed to following the Mansfield Rule to ensure that at least 50% of leadership roles be filled by women and people of color.

The Association is made stronger and more capable of implementing change through law when its membership reflects the diversity of the individuals and communities served by the legal profession. The subject bylaws provisions have enabled the Association to successfully create pathways to increase the number of members from underrepresented racial and ethnic groups serving in leadership positions, which is consistent with this Association's firm belief that diversity, equity, and inclusion must be fostered within the legal community and in society at large.

The bylaws provisions promote a deliberate and thoughtful process to identify and recruit diverse members whose perspectives help inform and strengthen the Association's decisions and policies. Permanently ensuring the increased participation of attorneys of color in leadership positions also helps foster a welcoming environment for and serves as an incentive to diverse lawyers considering membership within the Association.

The New York State Bar Association's commitment and hard work in the area of increasing diversity within its leadership ranks has strengthened our Association's decision-making processes and is responsive to the needs of our membership and the clients we serve. We have miles to go to truly embody the diversity principles that the Association stands for and to honor our commitment to ensure an equitable legal system. The continuation and permanency of these bylaws provisions is a necessary step to meet these objectives and to promote the future viability of our Association.

Respectfully Submitted,

Mirna M. Santiago & Violet E. Samuels

Mirna M. Santiago and Violet E. Samuels
Co-Chairs, Committee on Diversity, Equity,
and Inclusion

On behalf of the Committee

cc: Lillian M. Moy, Committee on Diversity, Equity and Inclusion
Hon. Helena Heath, Committee on Diversity, Equity and Inclusion
Duane G. Frankson, Committee on Diversity, Equity and Inclusion
Richard J. Washington, Committee on Diversity, Equity and Inclusion
Randy Bernfeld, Committee on Diversity, Equity and Inclusion
Peter John Herne, Committee on Diversity, Equity and Inclusion
Ernesto Guerrero, NYSBA Staff Liaison

From: [Sheryl Galler](#)
To: [reportsgroup](#)
Subject: Re: NYSBA Reports Group: Resolution and Report of the Committee on Diversity, Equity, and Inclusion
Date: Wednesday, June 1, 2022 4:14:49 PM

Good afternoon.

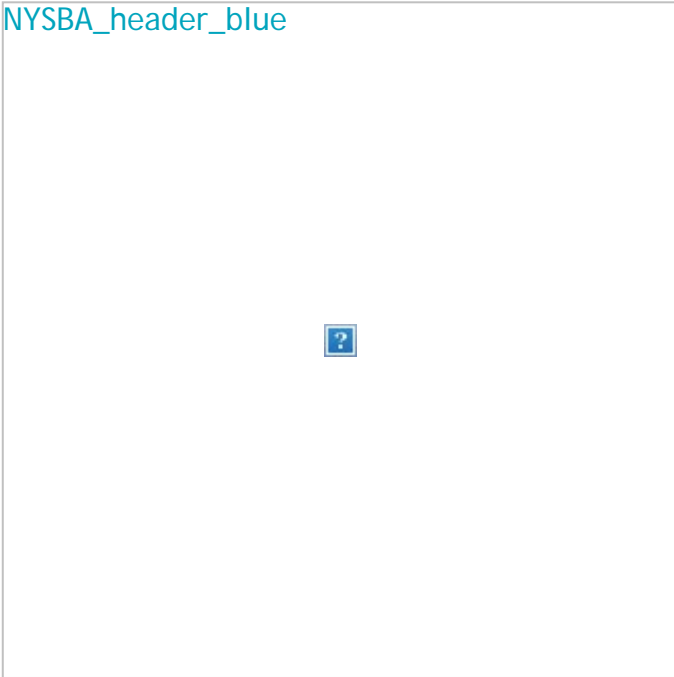
We don't have formal comments, but the Women in Law Section supports the resolution and report of the Committee on Diversity, Equity and Inclusion.

Thank you.

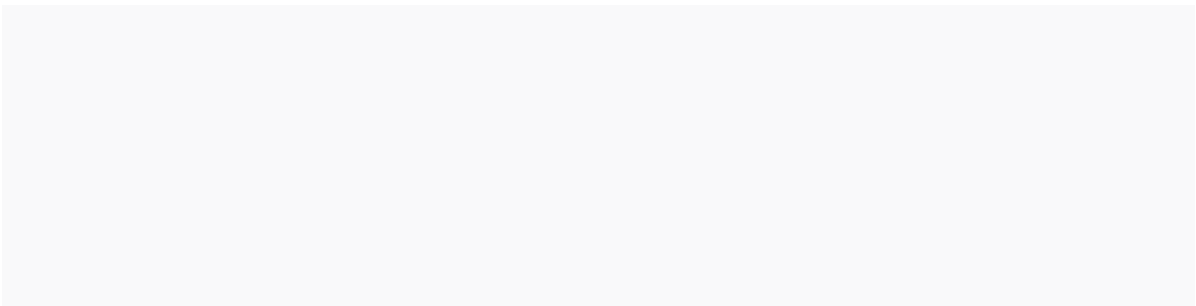
Sheryl Galler
Chair, WILS

On Monday, May 23, 2022, 03:31:53 PM EDT, NYSBA Reports Group <reportsgroup@nysba.org> wrote:

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House of Delegates Reports Group



Dear Members of the NYSBA Reports Group:

The Committee on Diversity, Equity, and Inclusion has submitted a resolution and report for consideration at the June meetings of the Executive Committee and House of Delegates.

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The provisions of the Association Bylaws providing for diversity delegates and diversity members-at-large for the Executive Committee will expire on January 31, 2024, without further action. This resolution recommends removal of the sunset clauses from Bylaws provisions V.3.H. and VII.1.F.1.,

thereby permanently providing for said positions.

Formal comments on this report may be sent to reportsgroup@nysba.org by Wednesday, June 1, 2022.

To access this report, and other reports submitted to the Reports Group for consideration at the June 2022 meetings of the Executive Committee and House of Delegates, please click on the button below.

[View Bylaws](#)



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