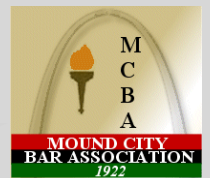


Bar Association

INCLUSION OR ILLUSION:

The Examination of Fact or Fiction

*Present by:
The Mound City Bar Association*

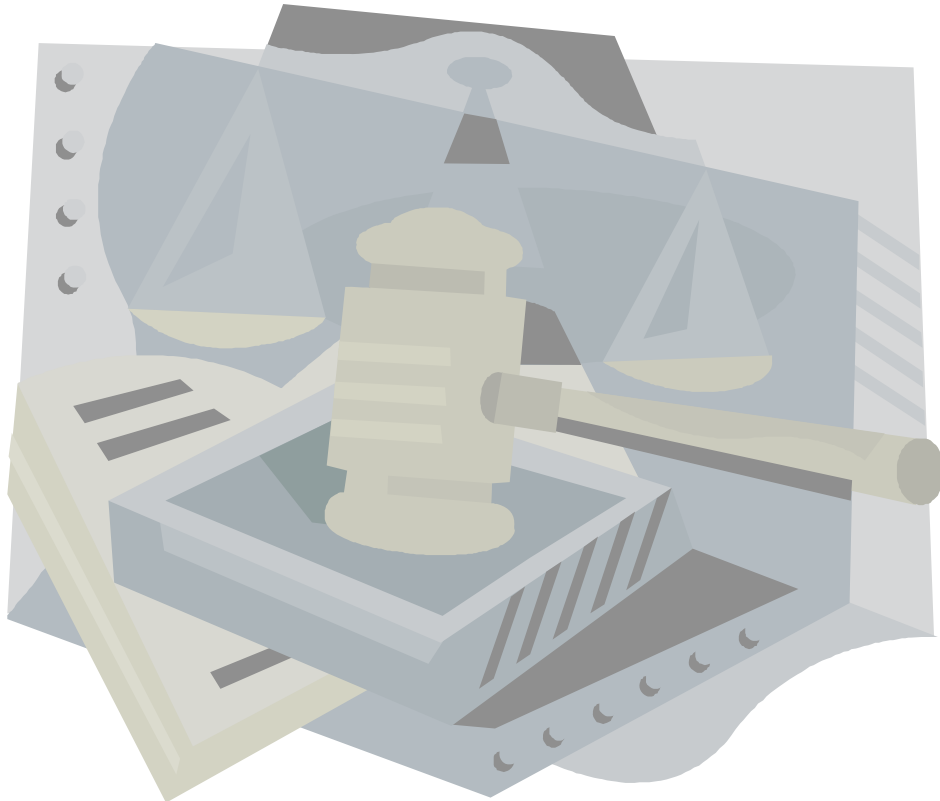


The General Body of the Mound City Bar Association has approved this report pursuant to the Association's By-Laws.

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Bar Associations

Inclusion or Illusion: The Examination of Fact or Fiction



Bar Association Commission

Chair: Leslie P. Wallace, Esq.

Commission Members:

Susie McFarland, Esq.

Michael P. Gunn, Esq.

Frank J. Smith, Jr., Esq.

Donald Calloway, Jr., Esq.

Acknowledgements

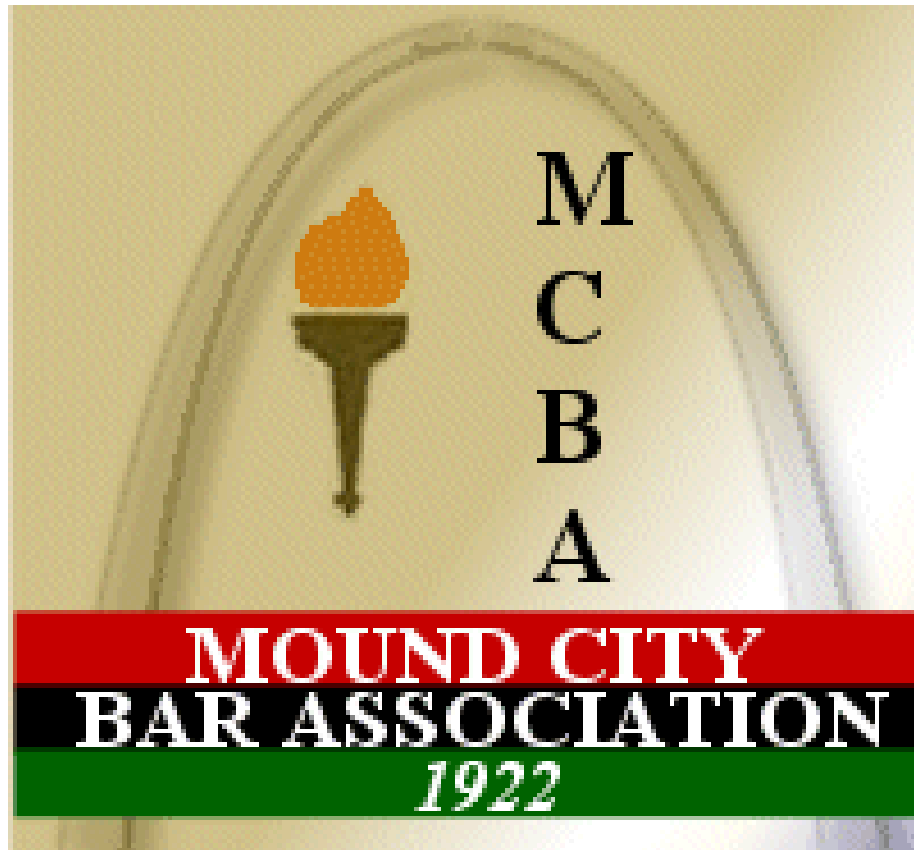
The Mound City Bar Association would like to acknowledge and express its sincere gratitude to The Missouri Bar Unified, the Gender & Justice Committee of the Missouri Bar, the Bar Association of Metropolitan St. Louis, the Lawyers Association of St. Louis and the Women Lawyers Association of St. Louis for its participation and cooperation in the survey and panel discussion. Their participation was essential in evaluating the diversity efforts and initiatives of local bar associations in St. Louis.

Report Writers: Leslie P. Wallace, Esq., Susie McFarland, Esq., and Pamela Meanes, Esq.
Cover by: Leslie P. Wallace, Esq.
Pictures Courtesy of: MCBA

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Forward



Mound City Bar Association

Message from the President

Diversity is one of the most critical issues facing America and the legal profession today. To that end, rarely can one find an institution, business, or establishment which has not implemented a diversity initiative or program. Although most applaud these efforts, when confronted with their results, many have questioned whether said initiatives have created diversity or simply an appearance of it. Confronted with this critical question, in July 2006, the Mound City Bar Association (“MCBA”) decided to test the diversity initiatives of certain entities in the following four disciplines: 1) education, 2) social; 3) healthcare; and 4) employment. To accomplish this goal, a Commission was established for each discipline. Each Commission was charged with: 1) researching and surveying its particular entity; 2) conducting a panel discussion with the leaders of said entities; and 3) drafting a Report which would be published in various media outlets.

In August 2006, the MCBA Bar Association Commission, led by Chairperson Leslie P. Wallace, undertook the task of examining the diversity efforts of: 1) The Missouri Bar unified; 2) The Bar Association of Metropolitan St. Louis; 3) The Lawyers Association; and 4) The Women Lawyers’ Association (collectively hereinafter “Bar Associations”) to determine whether their diversity initiatives have successfully led to the inclusion of African-Americans in critical decision making positions and/or offices.

Without question, bar associations are essential and influential organizations in the legal profession. To that end, they are the collective voice of many and have the ability to impact law school policies and procedures, legal employment, judicial appointments and legislation. Thus, it is critical that when these associations speak that their message is inclusive and representative of the diverse profession which they strive to create and represent. However, this cannot be accomplished unless the drafters of the message consist of diverse individuals whose voices are respected and embraced.

This Report provides a critical analysis of the existing diversity efforts of selective Bar Associations and outlines findings and recommendations gathered from various sources. The motivating factor behind this Report arises from MCBA’s desire to formulate a collaborative partnership with state and local bar associations to: 1) increase African-American representation in these associations; and 2) improve diversity in the legal profession.

I urge you to carefully read this Report, share it with your colleagues, and use it as a catalyst to facilitate meaningful discussion on how to best achieve positive change. Do not dismiss certain findings and recommendations without engaging in a meaningful conversation with others. To that end, this Report will be helpful to the extent that you use it as a guide and challenge to explore what we all can do to improve diversity in state and local bar associations. More importantly, it is essential that you view this Report as a beginning and not as a completed project. The true impact of this Report will be determined in large part by the communication and actions that follow.

2006-2007 MCBA President
Pamela J. Meanes, Esq.

Mound City Bar Association

Message from the Chair

I recently heard my Pastor give a sermon touching on diversity. He spoke of the unique differences between black and white, African-American and Caucasian, stating how foolish he thought it was when people said they do not see color, they do not see black and white, but that they only see Jesus. I remember laughing when he exclaimed, “are you blind?!” As he continued on, he cautioned that if we as human beings do not see color, do not see differences, then we ultimately do not see the opportunity to see different sides of God, for we are each made in His image. As I listened, I reflected on how true a statement and concept it was that if we as humans do not see and embrace our differences, whatever religious beliefs we do or do not hold, we will miss the simplest and most obvious opportunity to understand and change what society does to make equal opportunities available to all. Black or white – while we cannot change the obvious outwardly difference, or as I view it, *uniqueness* of our beings, what *can* change is acceptance of the same. “Diversity” – this word is tossed around so commonly in our society these days, and especially in the legal profession, that a certain indifference to its meaning and intent seems to have developed among those who both utter and hear it. “Diversity” simply means that we have an assortment, a variety, a collection of differences. But unless this variety is appreciated and accepted for its uniqueness, understood in its distinctiveness and valued for its differences, then we miss the opportunity to really evolve both as a profession and a society.

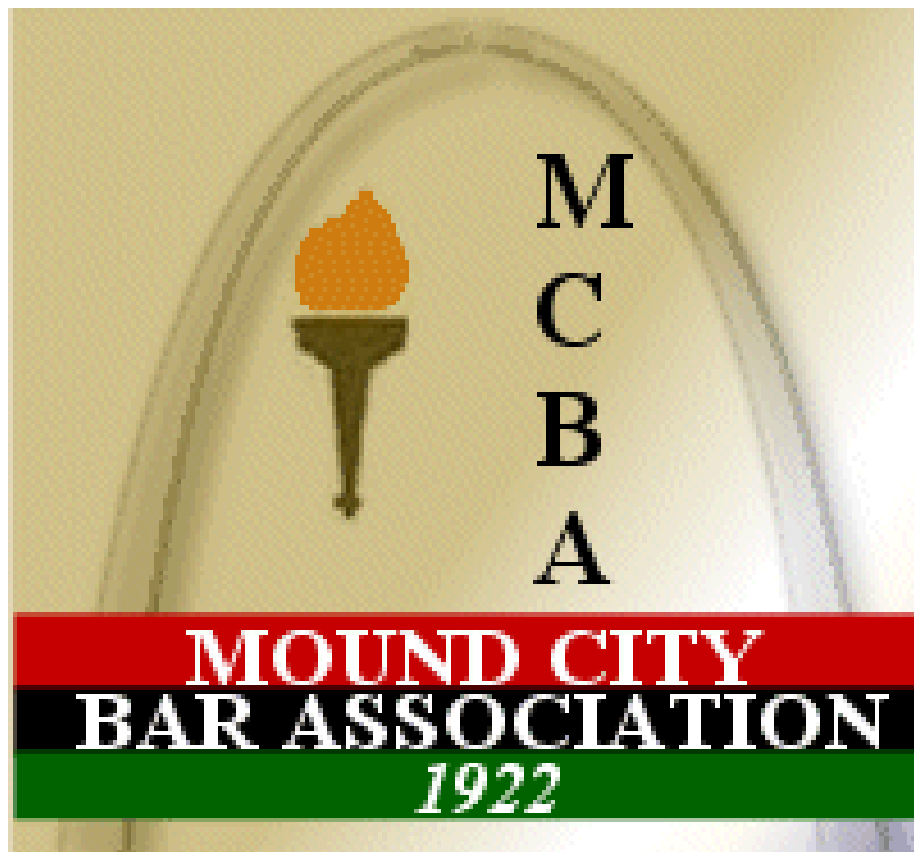
I accepted the task of chairing the Bar Association Commission with a zeal to, in effect, change the world, or at least my small part of it. As I moved forward in carrying out the Commission’s mission, I experienced some disenchantment and disappointment at the views and beliefs expressed about the state of diversity. In short, what I learned emphasized even more the need for the MCBA to create this Commission. On the one hand, despite the proclaimed need for diversity, at times it appeared from the majority that the primary effect of any changes lay solely in the hands of the minority. Moreover, so long as a few members of the African-American community were present on a particular committee or in an association, it seemed to be viewed as enough to conquer the diversity issue. On the other hand, amidst the minority concerns and frustrations about the state of diversity, I fear so many, at times myself included, also speak the need and desire for change but are becoming hardened by the state of diversity and at times give up the proverbial “fight” to bring about the necessary change. Ultimately, the results yielded from this Report should result in the holders of both perspectives gaining further insight that will assist them in taking more substantive and *sincere* steps toward change.

In the following pages, you will find an honest and focused look at the diversity initiatives, past, present and future, among the local bar associations, and their impact, if any, in increasing the minority voice locally in the legal profession. It is the aim of this Commission that you, the reader, will be challenged with the desire to not just speak diversity, but live and practice its acceptance. And in turn, that this acceptance will breed a profession of lawyers who do not fear what we see in each other, but embrace it. It is my personal hope that the minority differences will not be looked at as weaknesses or challenges to continually be discussed or overcome, but rather such differences will be viewed as opportunities to understand that much more the colorful community in which we live and serve.



2006-2007 Bar Association Commission Chair
Leslie P. Wallace, Esq.

Executive Summary



Diversity has become a household word and its complexity continues to evolve. Nationally, there is a perception and a reality of continued racial discrimination in the legal profession.¹ To that end, many states have found that the legal profession remains largely segregated in practice.² “Despite improvement during the 1990s in the number of people of color entering the legal profession, the disparity between the legal profession and the general population is increasing.³ Currently, the legal profession is more than 90% white, while the general population is about 70% white.⁴ In the next 50 years, the general population is projected to be about 50% people of color, while current American law school enrollment is less than 20% people of color.”⁵

While alarming, these statistics indicate that “the legal profession faces no greater challenge in the 21st century than the critical need to diversify its ranks. People of color continue to be woefully underrepresented in the bar and on the bench, while American society becomes increasingly diverse.”⁶ Without question, diversity is essential to the legal profession. To that end, “a more diverse and more representative legal profession will not only foster greater public trust and confidence in the law, but even more fundamentally, it will help to ensure fairness in the justice system.”⁷ Thus, as America becomes “more culturally diverse, it is imperative that the ... legal profession find ways to become more representative of the diverse constituency that [it] serves and keep pace with the rapidly changing ethnic and racial demographics of the county.”⁸

In an effort to address this concern, many state, local, and specialty bars have established diversity initiatives to encourage minorities to enter the legal profession and become active in bar leadership.⁹ For instance, the American Bar Association (“ABA”) established a task force to examine diversity issues in the legal profession. These efforts eventually led to the formation of three ABA entities specifically devoted to racial and ethnic diversity.¹⁰ Thereafter, the ABA sponsored a Diversity Summit to develop an ABA-wide strategy to increase ethnic diversity in its leadership.¹¹ Likewise, other bar associations, such as Washington State, Nebraska and the City of New York have implemented similar initiatives. However, if these initiatives have any hope of succeeding, minorities must be present and their voices respected, supported, and embraced from the inception to the implementation and evaluation of said initiatives.

The Mission

The MCBA Bar Association Commission (“Commission”) was charged with evaluating the diversity initiatives of and African-American participation in The Missouri Bar Unified (“MoBar”), Bar Association of Metropolitan Saint Louis (“BAMSL”), The Lawyers Association of St. Louis, and Women Lawyers Association of St. Louis (“WLA”) (collectively referred to herein as “Bar Associations”). In addition to manageability issues, these Bar Associations were selected either because of its large membership, historic commitment to diversity, and/or specific gender representation.

¹ <http://www.ncbar.org/about/commissionsTaskForce/raceRelations.aspx>.

² *Id.*

³ <http://members.mobar.org/pdfs/about/minority.pdf>.

⁴ *Id.*

⁵ *Id.*

⁶ *See*, Michael S. Greco forward to Embracing the Opportunities for Increasing Diversity Into the Legal Profession, Collaborating to Expand the Pipeline (Let’s Get Real), A.B.A. Post-Conference Report is available at <http://LSACnet.org>.

⁷ *Id.*

⁸ *Id.* *See* Executive Summary.

⁹ <http://members.mobar.org/pdfs/about/minority.pdf>.

¹⁰ *Id.*

¹¹ <http://members.mobar.org/pdfs/about/minority.pdf>.

The central question before the Commission was whether the diversity initiatives of the Bar Associations have led to the inclusion of African-Americans in critical decision making positions and/or offices. In essence, this Commission was charged with measuring, from inception, the progress of these Bar Associations' diversity efforts, identifying areas of concerns, and proposing recommendations to assist in establishing sustained diversity initiatives. To accomplish its goal, this Commission: 1) researched and analyzed the associations' diversity efforts; 2) drafted and distributed a survey to the associations; 3) moderated a panel discussion with the Bar Association's Presidents (or other leadership) in November 2006; and 4) drafted its findings and recommendations ("Report").

About the Title

Mr. William E. Dailey, Jr., Esq., a well-respected colleague, during his position as Chair of MCBA's 2006-2007 Education Commission, stated that *illusion*, in its most basic sense is "something that deceives by producing false or misleading impressions of reality."¹² "Sometimes, an illusion is the unintentional consequence of nature whereby one is inspired by a mirage during moments of trial or distress. At other times, an illusion is the purposeful manipulation of people or activities to reflect a portrait of circumstances that do not exist."¹³ This Commission further postures that, *inclusion*, is also defined as an addition, enclosure or insertion, which depicts the phenomenon in which not just diversity, but the *appreciation* and *utilization* of that diversity is fostered at all levels, and at the forefront, within our legal profession.

Assessing Diversity

Despite the inquiries regarding the number of African-American attorneys serving in various capacities, this Commission's task was not to establish or recommend a minority quota, as some may think, but rather to assess existing numbers, establish a benchmark study, develop and implement initiatives, commit to sustained efforts to measure their effectiveness, discard initiatives that were ineffective, and implement other initiatives to maintain successful results.

Expectation, Aspirations & Proposals

From its inception, this Commission's motives have been genuine, and its members and supporting MCBA general body have operated in a spirit of partnership while seeking to further address diversity issues within the legal community and other bar associations. While the Commission did receive supportive responses and timely cooperation from some bar associations, our efforts were also met with hesitation and skepticism from participants and others in the legal community.

Despite the above, this Commission hopes that this Report will serve as the first step toward an in depth examination of: 1) the current diversity initiatives of these Bar Associations; and 2) whether said initiatives have led to a meaningful inclusion of the African-American voice, or merely the "presence" of an invisible African-American. Finally, this Commission hopes that this Report will ultimately trigger a meaningful and substantive dialogue between all bar

¹² William E. Dailey, Jr., et al, *Educational Inclusion or Illusion: The Examination of a Fact or Fiction*, Mound City Bar Association, p. 11 (2006).

¹³ *Id.*

associations regarding the necessity and value of sustainable diversity initiatives and an understanding that diversity beyond the establishment of programs, committees and/or conferences benefits all.

The Findings

This Commission's study revealed a dichotomy between African-American and white attorneys' perceptions of diversity in the legal community. In most instances, the predominately white Bar Associations perceived their governance as reasonably diverse, whereas African-American attorneys found no significant improvement or inclusion in these Bar Associations when measured against their stated diversity initiatives. To that end, the diversity initiatives of the Bar Associations appeared fragmented and focused on specific events and activities rather than on sustained programming and evaluation. Over the years, there have been numerous surveys, panel discussions, job fairs and formal dinners focused on diversity. While this Commission commend those efforts, majority of them seemed to either lack the endurance necessary to influence change, or the statistical data necessary to measure its progress. This being said, it was not the goal of this Commission to undermine or belittle those efforts that have successfully increased diversity awareness and minority participation. Nonetheless, it was the Commission's objective to critically examine efforts which were utilized to achieve diversity and evaluate their impact, if any, upon the African-American legal community.

Though none of the Bar Associations maintain statistics regarding the racial background of its members, do in part to the request of some of its minority members, both MoBar and BAMSL had the largest percentage of self-reported minority participation in its governance, as well as the majority of programs aimed at diversity, as further detailed herein. Of noteworthy significance, the WLA reported that it had an African-American woman serve as Executive Director or co-Executive Director for the last three years.

Finally, regarding the panel discussion ("discussion"), the Commission's original intent was to engage in a meaningful discourse with the current presidents of these Bar Associations. However, none of them were in attendance, for reasons known and unknown. Instead, the panelists consisted of executive members of the respective Bar Associations. The discussion was attended by members of the MCBA General Body and the Executive Board, and was open to the legal community. While each panelist offered responses to general questions, some of the responses appeared to err on the side of political correctness and at times a bit non-responsive. Only a few appeared to really tackle the issues. The pages following set forth more detailed information regarding panelists' responses.

COMMISSION FINDINGS

&

RECOMMENDATIONS



Figure 1

Figure 1: The Missouri Bar - Photo Gallery - 2005 Martin Luther King Jr. Poster Contest - 1st Place: Azizah Badwan, Ferguson-Florissant School District (<http://www.mobar.org/5313d87f-07a2-4d0a-ae1e-61bf182dc690.aspx>).

MCBA BAR ASSOCIATION PANEL

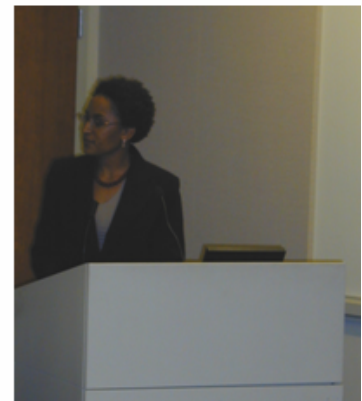
HARRIS STOWE UNIVERSITY
WEDNESDAY, NOVEMBER 29, 2006
7:00 P.M.

PANELIST



BAMSL: David Crawford & Gen Frank; Missouri Bar: Keith Birkes; Lawyers' Association: Bill Thomas; WLA: Genevieve Nichols

MODERATOR



Leshe P. Wallace



**BAR ASSOCIATION INCLUSION OR ILLUSION?
THE EXAMINATION OF A FACT OR A FICTION**

The Missouri Bar

& The Gender & Justice Committee

The Missouri Bar Unified (“MoBar”) was founded in 1944. Currently, it has approximately 29,000 members. According to MoBar, its membership is not categorized by racial classifications. Moreover, its current programs, specifically the Leadership Academy, have been instrumental in introducing minority attorneys to avenues of leadership. Of the four Bar Associations, MoBar was most responsive to the survey and was eager to discuss ways to network and cooperate with other organizations to address race and diversity issues as they relate to the justice system. Below are highlights from MoBar’s responses to the survey and panel discussion. The entire survey response and the questions asked at the panel discussion are located in the Addendum.

The Gender & Justice Committee, a committee of MoBar, has been in existence since 1996 and has approximately 93 members. In addition, this Committee also completed the survey, and its responses are highlighted below. The entire survey response is located in the Addendum.

Inclusion...

a. The Survey - The Missouri Bar

In its survey responses, MoBar identified the following diversity initiatives:

- ❖ MoBar has had significant African-American participation on the Board of Governors (“Board”) and ABA House of Delegates. With respect to the Board, at least six African-Americans have been members. With regard to the ABA House of Delegates, although the By-Laws does not address race or diversity, the Board’s policy regarding the appointment of ABA delegates requires that one of its delegates be a minority member.
- ❖ MoBar has several active committees related to minorities. These committees include: Minority Issues Committee (preceding Women & Minority Committee) and Gender and Justice Committee. These committees have been in existence for approximately five to seven years, with predecessor groups initiated approximately ten years before the current committee. The goal of these committees is to increase diversity, from both a gender and racial perspective, in all aspects of MoBar.
- ❖ In addition to above committees, in 2000, MoBar established the Leadership Academy (“Academy”). This Academy annually selects ten to twelve participants with diverse gender, racial and geographic backgrounds, and provides these individuals with substantial training and involvement in all aspects of the operation of MoBar. Many of the Academy graduates have gone on to serve in leadership positions on MoBar committees and the Young Lawyers Section Council of MoBar.
- ❖ Over the past twenty years, MoBar sponsored a variety of programs and panel discussions on diversity. In addition, MoBar hosted two job fairs aimed at increasing diversity in the workplace.
- ❖ MoBar seeks to cooperate with minority bar associations to solicit candidates for the Leadership Academy.

- ❖ Finally, MoBar is always willing, through its officers and Board of Governors, to discuss and consider opportunities to diversify the legal profession and to network and cooperate with other groups to address race and diversity issues related to the justice system.

b. The Survey – Gender & Justice Committee

MoBar's Gender and Justice Committee set forth the following diversity efforts:

- ❖ This Committee has had African-American members as part of its governance.
- ❖ In 1993, in conjunction with MoBar, the Gender & Justice Committee commissioned a survey and thereafter advised the Missouri Supreme Court to implement certain findings.
- ❖ Diversity issues are an integral part of this Committee's activities.
- ❖ This Committee is willing and open to working with other organizations to address diversity issues.

c. The Panel Discussion

Overall, MoBar provided no substantive information which was not furnished in its survey responses. During the panel discussion, its representative addressed: 1) the association's current diversity efforts; 2) African-American leadership; and 3) the probability of appointing an African-American from the St. Louis metropolitan area to the Board.

With respect to diversity initiatives, MoBar indicated that two of its objectives were inclusion and diversity. To that end, it has sponsored numerous law-related education programs which were designed to encourage students to attend law school.

With respect to minority leadership, MoBar indicated that over the past years, its Board has been reasonably diverse. For instance, two African-Americans currently serve on the Board, and in the prior year, three served. Further, recently it elected its first African-American President-elect, Charlie Harris, who also has a particular interest in diversity. During his administration, he intends to devote a significant amount of time on this issue. Moreover, in 2000, MoBar established the Leadership Academy in an attempt to further diversify all aspects of its organization. Finally, MoBar indicated that it believed that there was a greater need for increased gender diversity.

With respect to appointing an African-American from the St. Louis metropolitan area to the Board, MoBar indicated that in prior years the Board has considered this proposal, but decided not to adopt it because it favored Missouri lawyers selecting their own representatives.

In regards to the Gender and Justice Committee, MoBar indicated that this Committee's objectives were limited to gender and justice, not race. Over the last ten years, this Committee conducted a survey. It is currently in the process of formulating a follow-up survey to ascertain what progress has been made.

...or Illusion?

The diversity initiatives described by MoBar were inclusive and illusive. For example, MoBar previously acknowledged that historically there has been a low number of minority attorneys in

leadership roles in state bar organizations and that the election of minority attorneys to such positions has not been widespread.¹⁴ Finally, MoBar maintained that in the last few years, only ten state bars elected their first man or woman of color as President or President-elect.¹⁵

Yet, in the face of these alarming statistics, MoBar expressed that its governance was reasonably diverse because it currently has two African-American Board members, and recently elected its first African-American President-elect. Historically, MoBar has only had six African-Americans serve on its Board, at least four of whom were elected. With respect to St. Louis, in the last twelve years, only one African-American has served on the Board, and this individual was appointed, not elected.

MoBar also stated that it “has been actively involved for several years in seeking ways to increase diversity in the legal profession and to encourage active bar participation among minority attorneys. In 2000, the Special Committee on Women & Minorities was made a standing committee and re-designated the Committee on Minority Issues to further define its mission and distinguish its purpose from that of the Committee on Gender & Justice. The committee was charged with considering issues affecting and involving minority members of the bar, developing Missouri Bar programs to address issues affecting and involving its minority membership, and serving as a liaison between MoBar and the various minority bar organizations throughout the state.”¹⁶ Yet, MoBar did not provide the Commission with any specific data regarding what either of these committees have accomplished regarding diversity.

Based on its survey responses, one of MoBar’s major diversity initiatives is the Leadership Academy (“Academy”). As indicated above, this Academy is designed to recruit diverse attorneys who have demonstrated leadership skills in their local communities and prepare them for potential leadership in the bar. According to MoBar, this Academy has enhanced diversity in its governance. For instance, many of its graduates have served in leadership positions on bar committees and in the Young Lawyers Section. Accordingly, MoBar has stated that “the continued, active involvement of Leadership Academy graduates remains an important focus ...”¹⁷ However, because MoBar does not maintain specific statistics regarding the success of this Academy, the Commission’s findings remain undetermined as to whether this initiative has led to the inclusion of African-Americans in key leadership positions or offices in MoBar. To address this issue, MoBar indicated that it plans to survey all Academy graduates to determine their ongoing involvement in the bar.

Generally, with the exception of the Academy, the Commission concluded that MoBar was satisfied with its current diversity initiatives and has not actively sought ways to measure their effectiveness. MoBar’s failure to identify the activities that its diversity committees have accomplished and its lack of statistical data concerns this Commission. To that end, the absence of this information raises the concern, at least for this Commission, that said initiatives are more illusive than inclusive. In short, there was an illusion of movement. It is not an illusion that the MoBar has created many valuable programs and that they have demonstrated a strong commitment to diversity. However, this Commission would challenge MoBar to take its initiatives, move beyond the status quo, to institute mechanisms to evaluate your initiatives and

¹⁴ <http://members.mobar.org/pdfs/about/minority.pdf>

¹⁵ *Id.*

¹⁶ <http://members.mobar.org/pdfs/about/minority.pdf>

¹⁷ *Id.*

demand movement from your diversity committee and become the leader that other bar associations emulate.

The Bar Association of Metropolitan St. Louis (“BAMSL”) was founded in 1874. Currently, it has approximately 6,000 members. Of the four Bar Associations, BAMSL was most responsive at the panel discussion, offering many substantive comments about its current and proposed diversity outreach programs. In addition, BAMSL continually expressed a desire to obtain suggestions from Mound City Bar Association (“MCBA”) and the legal community regarding ways it could better serve the St. Louis legal community. Below are highlights of BAMSL’s survey and panel discussion responses. The entire survey response and a copy of the questions posed at the panel discussion are located in the Addendum.

Inclusion...

a. The Survey

In its survey responses, BAMSL identified the following diversity initiatives:

- ❖ Since its inception, BAMSL has had approximately twenty-two African-American attorneys serve on its governance.
- ❖ BAMSL has one committee designated to minorities issues, the Minorities in the Legal Profession. Currently, this Committee is not active because it does not have a chairperson. To that end, at the beginning of its 2006-2007 bar year, President Lynn Ann Vogel requested volunteers from both MCBA and Missouri Asian Bar Association (“MABA”) to serve as co-chairs to ensure co-sponsored programming and communication. As of to date, BAMSL has not received names from either organization.
- ❖ BAMSL conducted the following minority survey/report: “A Look Beyond the Numbers” (April 2002).
- ❖ In 1999, BAMSL held the Conference on Minorities in the Legal Profession. This Conference was co-sponsored by BAMSL and MCBA. Recommendations have not been implemented from this Conference, because unfortunately, even after numerous requests, the Conference chairperson has chosen not to submit a report or specific recommendations for adoption.
- ❖ Over the years, BAMSL has implemented and/or participated in the following diversity programs/initiatives: St. Louis Internship Program (“SLIP”), Mock Trial, Teen Speak Out, Truancy Court, Matthews Dickey After School Program.
- ❖ BAMSL has been effective in its diversity initiatives in its law-related education and community outreach.
- ❖ During the 2007-2008, President-elect Genevieve Frank has identified co-chairs for a Diversity Task Force because BAMSL has had difficulty finding leadership for its Minorities in the Legal Profession Committee.

b. The Panel Discussion

During the panel discussion, BAMSL's representatives discussed: 1) its current and future diversity initiatives; and 2) minority leadership and participation.

According to its representatives, BAMSL is committed to pro bono and diversity, and has developed various programs and committees to promote those goals. With regard to diversity programs and/or outreach, BAMSL has developed and/or participated in the following: Teen Speak Out, "A Lawyer Like Me," tutoring at Mathews-Dickey Boys and Girls Club, various activities with law schools, Mock Trial, and the St. Louis Internship Program ("SLIP"). Most of these programs are organized by the Young Lawyers Division ("YLD"), which primarily is the association's public service section. Moreover, in 1999 many of its current staff and leadership participated in the Minorities in the Legal Profession Conference. Finally, historically a YLD member serves as a MCBA liaison, and BAMSL includes MCBA in the planning of its Bench and Bar Conference.

In addition to the above, BAMSL also established the St. Louis Minority Clerkship Program ("Program"). At some point in time, it turned control of this Program to the law schools' career services departments. According to BAMSL, there is no statistical data or methods designed to measure the Program's success. To address this concern, BAMSL indicated that it plans to have a meeting with St. Louis University and Washington University schools of law's career services personnel to offer assistance.

With respect to committees, BAMSL has a Minorities in the Legal Profession Committee ("Committee"). The purpose of this Committee is to increase the role, participation, and advance the interest of minorities in the legal profession. Unfortunately, this Committee is non-functional because BAMSL has had difficulty finding leadership. Accordingly, BAMSL encouraged MCBA to examine its survey results and provide suggestions regarding ways it could better serve St. Louis lawyers. In short, BAMSL maintained that, despite its best efforts, it could not make changes unless it receives suggestions.

With regard to future diversity initiatives, BAMSL indicated that during the 2007-2008, it plans to establish a Diversity Task Force. To that end, co-chairs have been selected. Finally, BAMSL representatives encouraged MCBA to provide suggestions about how the two organizations can work together.

With respect to minority leadership, BAMSL acknowledged the importance of diversity in its governance. Accordingly, it maintained interest in establishing a program which would recruit and train future leaders. Similar to other organizations, positions on BAMSL's Board of Governors, officer and section chairs are determined through self-nomination and open election. However, BAMSL currently has a Task Force on the Board of Elections which is studying whether to make changes to this process. One of the possibilities that this Task Force is exploring is instituting a nomination process whereby a committee would analyze a grid and/or matrix to determine what racial, practice-area, and gender diversity was appropriate.

Finally, with regard to minority involvement, BAMSL representatives indicated that young minority lawyers were inactive because they did not see minorities in leadership positions. To address this issue, BAMSL intends to utilize the proposed Diversity Task Force to explore ways

to diversify its leadership. Finally, it hopes to broaden recruitment and training efforts, and thus demonstrate that there is not a single path to bar leadership.

or Illusion?

In the past twenty-six years, approximately twenty-two African-American attorneys¹⁸ were involved in BAMSL governance. Despite this participation, some of BAMSL diversity initiatives were illusive because they have not been implemented or there was a lack of sufficient statistical data to measure its effectiveness. To illustrate, the Minorities in the Legal Profession Conference (“Conference”) was held in April of 1999. It is worth noting that the conference was the innovation of past BAMSL president Reuben Shelton (the first and only African-American president of BAMSL to date) and was an opportunity to address the stereotype of minorities as inferior by “provid[ing] a forum for minorities and in some cases non-minorities to air their frustrations in hopes of affecting change.”¹⁹ Eight years have past since this Conference was held, yet BAMSL has not: 1) produced a final report; 2) implemented any recommendations from this Conference; or 3) held a follow-up Conference. BAMSL attributes this to its inability to obtain a final report from the Conference chairperson. While this Commission does acknowledge this obstacle, given the valuable suggestions and recommendations which derived from this Conference, BAMSL could have utilized alternative methods to obtain a final report. For instance, BAMSL did receive a draft report. Accordingly, it could have implemented the recommendations from that report. Alternatively, given the fact that many of its current staff and leadership participated in this Conference, it could have directed one of these individuals to review and finalize the draft report.

As indicated above, BAMSL’s Minorities in the Legal Profession Committee (“Committee”) is not active. BAMSL attributes this to its inability to find a chairperson. According to BAMSL, at the beginning of the 2006-2007 bar year, President Lynn Ann Vogel requested volunteers from both MCBA and Missouri Asian Bar Association (“MABA”) to serve as co-chairs to ensure co-sponsored programming and communication. As of November 2002, BAMSL had not received names from either organization. Although this Commission applauds BAMSL’s desire to work with minority bar associations, it is greatly concerned that this Committee’s function hinged solely upon participation from two minority bar associations. Given the importance of this Committee, BAMSL should have proceeded with its work whether or not it was chaired or co-chaired by a minority. To that end, when BAMSL failed to obtain a response from either MCBA or MABA, it should have utilized alternative methods to recruit a chairperson. For instance, it could have either appointed one of its own minority and/or majority members or a Board member to serve as chairperson. Thus, BAMSL’s efforts were illusive and not reflective of the fact that diversity benefits all, not just minorities.

In addition, this Commission is also greatly concerned about BAMSL’s commitment to implementing and maintaining successful diversity initiatives given the state of the St. Louis Minority Clerkship Program (“Program”). This Program was established by BAMSL in 1990. The purpose of the Program is to assist minority students in obtaining employment with law firms, corporations and public service organizations during the summer before their second year. This program is now being administrated by the law schools career service offices without any clear monitoring from BAMSL. According to BAMSL, there is no current mechanisms in place

¹⁸ This number does not reflective of African American participation in committee, section or project.

¹⁹ <http://www.bamsl.org/members/stlawyer/archive/99/Sept99/Mccullin.html>

to evaluate the Program's effectiveness. Previous surveys conducted by MCBA have suggested that such monitoring by BAMSL would be beneficial to the Program.²⁰

Finally, similar to MoBar, BAMSL representatives openly and readily discussed its efforts to address diversity during the 2007-2009 bar years, as well as its desire to receive suggestions from MCBA and the legal community. However, this Commission has grave concerns regarding BAMSL's genuine commitment and ability to implement these initiatives. This concern is derived from an admission that similar diversity initiatives, as indicated above, have previously failed or were not instituted solely due to the lack of minority involvement and leadership.

²⁰ William E. Dailey, Jr., et al, *Educational Inclusion or Illusion: The Examination of a Fact or Fiction*, Mound City Bar Association (2006).



The Lawyers Association of St. Louis (“Lawyers Association”) was founded in 1934. Currently, it has approximately 1000 members. Historically, this Association has been applauded for leading the struggle against racism in organized bar associations. Admittedly, the Lawyers Association does not have any formal diversity initiative. Below are highlights of the Lawyers Association’s survey and panel discussion responses. The entire survey response and the questions posed at the panel discussion are located in the Addendum.

Inclusion...

a. The Survey

In its survey response, the Lawyers Association identified the following diversity efforts:

- ❖ Lawyers Association was founded upon the principals of diversity. In November 1934, it was the only organization in the area to offer membership to all lawyers in good standing, without discrimination as to race, color, or specialty of legal practice. Other local bar associations had allowed selective membership to lawyers approved by its membership committee, while a founding member of the Lawyer’s Association, Mr. Hyman Stein, advocated to allow membership to all. In part frustrated with the policy of other local bars, several individuals formed the Lawyers Association so that all lawyers might be able to be members and participate in the association with other lawyers in an organized bar.
- ❖ The Lawyers Association keeps records of its past Presidents, but not of all of its past Executive Committee members. Currently, an African-American serves on the Executive Committee, and her term will not expire until 2008.
- ❖ Lawyers Association has not adopted any formal initiatives regarding increasing non-white members in its governance.
- ❖ In conjunction with the MCBA, the Lawyers Association hosts the annual Judge Theodore McMillan Black History monthly dinner. The dinner is designed as a celebration of achievement and recognition of the efforts of African-Americans in the law in St Louis and the state generally.
- ❖ A formal diversity statement is the “essence” of the founding principles of the Lawyers Association. Through its meetings, dinners, Award of Honor, Gridiron Show, picnic, memorial service, Black History Month Dinner, and other events, the Lawyers Association has continually promoted discussion, dialogue and inclusion amongst its many diverse members.
- ❖ Lawyers Association indicated that it was willing to network with other organizations to further create diversity.

b. The Panel Discussion

During the panel discussion, the Lawyers Association's representative discussed the organization's rich history of diversity. As indicated above, the association was founded upon the principle of inclusion of all attorneys in its organization – regardless of race, creed or ethnicity. This founding principle has instilled a pride that permeates throughout the organization. Finally, in addition to its rich history, one of the most essential benefits of the organization is its camaraderie.

With regard to diversity events and activities, the Lawyers Association, in conjunction with MCBA, hosts the annual Judge Theodore McMillan Black History Month dinner in February. Generally, the dinner is well attended by the legal community and by minorities (25-35%).

Other than the dinner, the Lawyers Association does not currently have any programs specifically designed to address diversity or to encourage minorities to attend law school. However, the organization does believe that interaction with law school students is important. Thus, it has contemplated placing a law school student(s) on its Executive Committee. Further, the association historically presents the Napier Award to a law school student who has demonstrated trial advocacy skills. However, the organization indicated that it is difficult to create sustainable programs because said programs would have to compete with long standing programs from other bar associations. To resolve this concern, the Lawyers Association suggested that the local bar associations should share and coordinate their calendar of events.

With respect to minority leadership, an African-American currently serves on the Executive Committee. According to its representative, leadership positions are available to all active minority members. However, like all members, minorities must be willing to invest time in the organization and work their way up before ascending to higher leadership positions.

or Illusion?

Admittedly, this organization has no formal diversity initiatives. Therefore, a determination of illusion would be misplaced. Having said that, because diversity is evident in its mission, this Commission encourages this association to create specific programs aimed at creating and promoting diversity. This Commission would further challenge the Lawyers Association to go beyond the status quo, and to take steps toward true inclusion, versus isolated activities. While the Judge Theodore McMillan Black History Month Dinner is a very important event and does honor and celebrate the African-American culture and contributions, this Commission maintains that true inclusion places the minority voice at the table when it matters and positions it to affect change and policy issues that ultimately shape the legal profession.



The Women Lawyers' Association of St. Louis ("WLA") was founded in 1975. Currently, it has approximately 300 members. Historically, WLA has been applauded for leading the fight for women attorneys. To that end, WLA confronts "[i]nequality of pay, inequality of opportunity for advancement, difficulty of mentoring opportunities and social pressures of life/work issues"²¹ that face women in the legal community. Similar to the Lawyers Association, this organization has no formal diversity initiatives. Of the attending panelist, WLA representative provided some of the most honest and refreshing responses. To that end, she maintained that simply put, the state of diversity, particular among minority women, is bad and we need to change it. Overall, WLA seemed eager to facilitate change, but also admitted, in fairness, that their small numbers and limited funds restrict what it is able to do. Below are highlights from WLA's survey responses and the panel discussion. The entire survey response and a copy of the questions asked at the panel discussion are located in the Addendum.

Inclusion...

a. The Survey

In its survey, WLA outlined the following diversity efforts:

- ❖ WLA has had African-Americans as part of its governance.
- ❖ WLA is interested in increasing its non-white membership, and is interested in exploring the possibility of a diversity committee if an attorney becomes active within the organization.
- ❖ Various diversity panels were part of WLA's recent conference, Midwest Conference on Women in the Law.
- ❖ WLA desires more contact with MCBA and specialty bars in order to address issues of gender and racial diversity. WLA hopes its recent appointment of a liaison to MCBA will increase membership and Board awareness and involvement in both our organizations. WLA has discussed the possibility of a "package membership" whereby individuals could pay one membership fee (some multiple of out individual bar fees) and become members of multiple associations. This would increase membership of both organizations and combine efforts to reach to new members.

b. The Panel Discussion

During the panel discussion, the WLA representative discussed: 1) the organization's commitment to women and diversity; and 2) the 2006 Judicial Survey Results. With respect to its commitment to women and diversity, WLA indicated that its goal is to include and assist women in the legal community. Accordingly, the organization has historically awarded an annual scholarship to a female law student. Furthermore, it utilizes its limited funds to support and/or sponsor programs which are designed to advance women lawyers. Finally, WLA

²¹ <http://www.wlastl.org/history.html>

asserted that diversity in the legal profession was necessary and that it places a pivotal role in assisting minority women attorneys. To the end, although there is no formal policy initiative, to the extent that it can, WLA assists African-American women.

With respect to leadership, WLA has had at least one African-American woman on its Board of Governors for the last few years. Moreover, it recently appointed a liaison to attend MCBA to assist with obtaining an understanding about the issues facing people of color.

With respect to the 2006 Judicial Survey, WLA's representative acknowledged that the organization was particularly displeased with the rating that minority women received and would like to partner with other members of the legal community to effectuate change. Finally, WLA suggested the WLA and MCBA create a package membership which would enable individuals to join both organizations simultaneously.

or Illusion?

Admittedly, this organization has no formal diversity initiatives, and therefore a determination as to any illusion would be misplaced. However, the ABA's recent Commission on Women in the Profession recently addressed the issues of women of color in the law firms.²² Based on its alarming findings and WLA's expressed desire to assist women of color, this Commission would challenge this association to create initiatives and/or a task force to examine this issue in the St. Louis metropolitan area.

The Executive Summary of the ABA Commission stated in part that:

“Women of color experience a double whammy of gender *and* race, unlike white women or even men of color who share at least one of these characteristics (gender or race) with those in the upper strata of management. Women of color may face exclusion from informal networks, inadequate institutional support, and challenges to their authority and credibility. They often feel isolated and alienated, sometimes even from other women. Previous research focused specifically on either women or on people of color in the legal profession. Recognizing the need for a comprehensive analysis of the unique concerns and experiences of Hispanic, African-American, Native American, and Asian-American women in the legal profession, in 2004 the Commission on Women in the Profession undertook a two-part research study, composed of a national survey and focus groups.”²³

Even unknown to this Commission, prior to its undertaking, the issue of diversity has yet another slice of the pie that merits examination. The ABA study further stated that:

The experiences, challenges, and career trajectories of women of color have never been fully understood before by just looking at either race or gender. Until the Commission on Women undertook this study, women of color in law firms have been consistently invisible and often ignored in spite of many of the diversity efforts under way in law firms. Our progress on diversity generally has been slow, but our progress with women of color has been even slower. What the findings of this study really demonstrate is that the combination of being a racial and a gender minority has a particularly devastating

²² <http://www.abanet.org/women/VisibleInvisibility-ExecSummary.pdf>

²³ *Id.*

effect on women of color’s personal and professional lives, and we, as a profession, have to step up to understand this situation better and do something about it. Across the board—whether we are talking about opportunities for advancement, integration into the social fabric of a law firm, or being compensated for one’s efforts—the study’s findings illustrate that women of color fare worse than women in general or men of color. And, women of color are the farthest removed from the successes of white men, who still tend to have the greatest levels of success regardless of where they went to school or their grades in law school. As law firms seek to become more competitive by having the best and brightest of the available talent, they have to have an understanding of the talent drain that is occurring in their women of color ranks. It is truly time to make these women visible again so that their talents can contribute to the growth and prosperity in our profession. Before undertaking this study, we knew generally what we were going to find, but the depth to which women of color are experiencing and being negatively impacted by their experiences in law firms was not only surprising, it was a jarring wake-up call even to those of us who deal with this issue in our own lives. We are not just losing talent; we are treating talented people in ways that do not speak well of our profession or the values that undergird it.”²⁴

It is clear that the integration of women of color into the fabric of the legal profession is an issue which requires independent and collaborative attention. As noted in the ABA study, there must be a strategy aimed at fostering the careers of women of color, and if “women of color are not viewed as separate from women in general or people of color in general, [the legal community’s] ability to recruit, retain, and advance them is impaired.”²⁵

²⁴ <http://www.abanet.org/women/VisibleInvisibility-ExecSummary.pdf>

²⁵ *Id.*

. . . and Recommendations

As previously stated, the Bar Association Commission's task was not to establish or recommend a minority quota, rather, the goal was to assess the existing numbers, establish a benchmark study, develop and implement initiatives, commit to sustained efforts to measure their effectiveness, discard initiatives that were ineffective, and implement other initiatives to maintain successful results.

To Mound City Bar Association

In response to the above findings, the Bar Association Commission recommends that the Mound City Bar Association:

- (1) Maintain active and strategic involvement in local bar associations – MCBA needs to speak up and speak out.
- (2) Demonstrate leadership and accountability to local bar associations beyond mere membership.
- (3) Exchange ideas with other bar associations.
- (4) Assist with the creation of a Presidents' Roundtable.
- (5) Routinely update this Report.

To The Bar Associations

In response to the above findings, the Bar Association Commission recommends that all the Bar Associations:

- (1) Amend its By-Laws to include a formal diversity statement which pledges the association's commitment to diversity. Said statement should also be placed on the Bar Associations' web site and other media material.
- (2) Establish a Task Force/Commission to study and eliminate the dichotomy between minority and majority perceptions of diversity.
- (3) Network and coordinate with local bar associations to establish specific goals and initiatives to achieve diversity within the legal profession.
- (4) Establish a Presidents Roundtable which will meet at the beginning of each organization year. The purpose of this roundtable is to discuss and coordinate respective platforms, agendas, and plans.
- (5) Implement procedures which will allow the association to annually measure the progress of its diversity initiatives.

To The Missouri Bar

In response to the above findings, the Bar Association Commission recommends that The Missouri Bar:

- (1) Reconsider the creation of a St. Louis diversity seat on Board of Governors.
- (2) In the alternative, demonstrate a firm commitment to diversity by actively advocating for a diverse Board of Governors and implementing various forms of assistance for minority candidates who are seeking Board positions.
- (3) Ensure that the panelists and/or presenters for the Missouri Bar Annual meeting are diverse.
- (4) Ensure that the members of the Missouri Bar Annual Planning Committee are diverse and that said diversity is not limited to representatives from MCBA and MABA.
- (5) Move your diversity initiatives beyond the status quo and establish the standard that others strive to follow.
- (6) Design evaluation mechanism to measure the success of your diversity initiatives.

To Bar Association of Metropolitan St. Louis

In response to the above findings, the Bar Association Commission recommends that BAMSL:

- (1) Reconsider the current appointment of Diversity Task Force Chairs to prevent overexposure of members.
- (2) Re-evaluate the present objectives and viability of the Minority Clerkship Program to assure that it does not unwittingly decrease opportunities or create a stigma for its participants.
- (3) Consider recreating the Minority Clerkship Program Committee and approving a representative from participating law firms and other employers to assist in establishing the criteria and uniform standards.
- (4) Consider creating a MCBA liaison seat on the Board of Governors (subject to voting restrictions).
- (5) Appoint a chair for the Minority and Legal Professions Committee.
- (6) Finalize the Minority In Legal Profession Conference Report.
- (7) Alternatively, adopt and implement finding set forth in the Minority In Legal Profession Conference draft report.
- (8) Design evaluation mechanism to measure the success of your diversity initiatives.

To The Lawyers Association – St. Louis

In response to the above findings, the Bar Association Commission recommends that The Lawyers Association:

- (1) Encourage mixed-seating at Black History Month Dinner.
- (2) Implement diversity initiatives designed to ensure diversity in the leadership of your organization.
- (3) Appoint a liaison person to MCBA.
- (4) Reaffirm commitment to diversity by creating a Committee/Commission designed to address diversity in the legal profession.

To Women Lawyers Association

In response to the above findings, the Bar Association Commission recommends that
WLA:

- (1) Co-host function(s) with MCBA
- (2) Submit a written proposal to MCBA regarding the pros and cons of joint membership between MCBA and WLA
- (3) Confer and consult with MCBA and other interested groups regarding approaches for increasing awareness of diversity issues facing minority women
- (4) Create a task force or commission to study minority women in the legal profession

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July 13, 2006

Ms. Sara Rittman
Legal Ethics Counsel
The Missouri Bar
217 E. McCarty
Jefferson City, MO 65101-3112

Re: *The Missouri Bar Gender and Justice Committee*

Dear Ms. Rittman,

By way of introduction, my name is Leslie P. Wallace and I am an attorney in the St. Louis area, as well as the current Chairperson of the Bar Association Commission of the Mound City Bar Association (MCBA). In this capacity, I have been charged with the duties of evaluating the diversity efforts and minority participation in our various legal associations, including The Missouri Bar.

The purpose of this letter is twofold. First, I am interested in learning the racial make-up of the Gender and Justice Committee. Specifically, I would like contact information for all African-Americans sitting on this committee. If there are currently no African-Americans on this committee, could the MCBA participate in some capacity towards the endeavors of this committee? Second, it has come to my attention that the Executive Committee of The Missouri Bar has been discussing the possibility of recommending that the Bar and the Court begin collecting gender and race data from members of the Missouri Bar. As I understand, a survey of this magnitude was conducted thirteen years ago, but no similar data has been collected since. If you are able, can you please provide me with a copy of that earlier survey for my archives? Similar to the above request, to the extent the MCBA may participate in this discussion we would be honored to do so.

Ms. Rittman, let me assure you that my motives are genuine. I am eager to facilitate a long-standing network between the MCBA, The Missouri Bar, and the Gender and Justice Committee to further diversify our esteemed profession. I will follow up with you during the week of July 24, 2006 to discuss this letter. In the meantime, I am happy to discuss any questions, concerns or comments you may have. I truly hope this is the continuation of distinguished relationship between the MCBA and The Missouri Bar.

Respectfully,

Leslie P. Wallace, Esq.

cc Pamela J. Meanes, President

www.moundcitybar.com

Wallace, Leslie

From: Sara G. Rittman [sara.rittman@mo-legal-ethics.org]
Sent: Monday, July 17, 2006 2:43 PM
To: Wallace, Leslie
Subject: Gender and Justice Committee

Leslie,

I am responding to your letter of July 13, 2006, on behalf of the Mound City Bar Association.

As you know, The Missouri Bar does not collect race information from members. Therefore, I can only provide you with information about African-Americans on the committee based on my personal knowledge. I have attached a list of the current members, which I obtained from the Members Only section of The Missouri Bar's website. The only person on this list who I know is African-American is Michelle Coleman. However, it is possible that others are.

This is an open committee of the Bar. In other words, any Missouri Bar member who would like to join can join. You can notify the Bar or you can join online by going to View/Edit Membership Record, scroll down to Committee Assignments and click on the link for joining committees. On the next page, click on Join Committees in the upper left corner. Click Join for the committee you would like to join. If there are members of the Mound City Bar Association who would like to join this committee, they would be quite welcome.

The survey that was conducted approximately 13 years ago was not for the purpose of collecting gender and race data. Data obtained from that survey was not added to any permanent recordkeeping system. That survey was for the purpose of determining whether gender bias existed in Missouri's judicial system. Of course, that short description does not do justice to the scope of that survey. The task force report is over an inch thick. I have attached the Executive Summary. If you would like the entire document, I am sure we can get or make a copy.

The inquiry I recently sent to the Gender and Justice Committee's listserv is to find out the thoughts of committee members about whether the Bar and Court should start collecting gender and race information as demographic data to be stored in the database record for each attorney. I understand that some of the minority bar associations have expressed an interest in collection of this type of information in order to allow more effective communication with minority members of the Bar. So far, I believe it is safe to summarize the responses on our listserv as supporting the collection of this type of data on a voluntary basis.

The reason for the inquiry is the upcoming meeting of the Board of Governors of The Missouri Bar, at which this topic will be discussed. One of the Board of Governors members, who is one of the liaisons to this committee is Jennifer Joyce. She wanted input from members of the committee in preparation for the discussion at the Board of Governors meeting. I am copying her on this e-mail, for that reason.

Sara Rittman
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17 E McCarty

7/18/2006

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12/18/2006

Members of Gender and Justice Committee (88 Members)

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COPY
REPORT OF THE
MISSOURI
TASK FORCE ON GENDER
AND JUSTICE

EXECUTIVE SUMMARY

Submitted to:
The Executive Council of the
Missouri Judicial Conference

Chief Justice Edward D. Robertson, Jr., Chair

March 1993

EXECUTIVE SUMMARY

PREAMBLE

The Missouri Task Force on Gender and Justice was created by Resolution of the Executive Council of the Missouri Judicial Conference. Its members were appointed by the Chief Justice of the Missouri Supreme Court in February, 1990. The Resolution charged the Task Force with studying "the organization, rules, methods of procedure, and practice of the judicial system of the State of Missouri to determine whether gender bias exists." The Task Force was instructed to issue "a report containing [its] findings and recommendations and provide a plan for the education of the bench, bar, and public with respect to its findings and recommendations."

Missouri's Task Force is one of 33 established in other states, the District of Columbia, Puerto Rico, and the Ninth Circuit Court of Appeals. The Task Force examined reports issued by some of the other task forces for suggested areas of concern and methodology for its study.

Members of Missouri's Task Force were diverse and included judges, attorneys and educators from all parts of the state.

The Task Force studied five areas: domestic violence, family law, criminal justice, treatment of persons in and by the courts, and judicial selection. Under the supervision of a statistical expert, the Task Force conducted a statewide survey of attorneys, judges and court personnel. Its objective with respect to the surveys was to assess the perceptions and recent experiences of the respondents concerning possible gender bias in areas of the court system with which the respondents were most familiar. Recipients were asked to complete only those sections of the questionnaire about which they had knowledge or experience within the last five years. The response rate was 17% for attorneys, 42% for judges, and 20% for court personnel.

The survey results enabled the Task Force to draw conclusions about the attitudes, observations and experiences of participants in the legal process and to contrast the views of judges and male attorneys with those of female attorneys. A statistical analysis of the data received was performed by a statistical expert who is an assistant professor and a fellow of the Public Policy Research Center at the University of Missouri - St. Louis. An external review of the expert's survey methodology and report was conducted by the director of the Office of Social and Economic Data Analysis at the University of Missouri - Columbia.

The Task Force also conducted public hearings in St. Louis, Kansas City, Springfield, Columbia, Cape Girardeau and Kirksville. Approximately 150 judges, attorneys, litigants, and representatives of organizations associated with the court system testified at these public hearings. The anecdotal material received by the Task Force at the public hearings and in survey comments provided a human perspective to complement the empirical, quantitative findings. From these sources the Task Force was able to pinpoint many of the ways bias manifests itself in Missouri's judicial system.

In addition, the members of the five Task Force committees read current literature pertaining to the subjects being investigated, and reviewed relevant appellate decisions. A separate questionnaire regarding court rules, policies and procedures was sent to the 44 circuit courts and three appellate court districts. Members of the Missouri Nonpartisan Court Plan appellate and circuit judicial nominating commissions also received a separate questionnaire.

Through this fact-gathering process, the Task Force discovered that in virtually every area identified in other states as presenting gender-related obstacles to the administration of justice, substantial gains have been made in Missouri. For instance, Missouri has adopted an impressively comprehensive Adult Abuse statute; courts are increasingly recognizing the economic contribution of the homemaker spouse when distributing marital assets; and judges, attorneys and court personnel reported a marked decrease in improper, sexist conduct in the courts.

Although encouraged by these gains, the Task Force concludes that improvement is still needed in the areas of domestic violence, dissolution of marriage, child custody, sentencing, court access, conduct in the courtroom environment, treatment of court personnel, and judicial selection. The Task Force Report emphasizes the areas where improvement is needed in order to raise the consciousness of the readers. The many recommendations for change, further study, and continued monitoring contained in this Final Report will provide the opportunity for attorneys and judges to demonstrate their commitment to eliminating gender bias from the administration of justice in Missouri.

Although the Task Force was charged only with examining gender bias in the court system, as the study progressed, it became evident that the effects of gender and race on the administration of justice are often intertwined. The Task Force decided to address the effect of racial bias when it was raised and to record and report any evidence of racial bias produced by the study. Testimony of racial bias was not solicited at the public hearings, but the survey included a limited number of questions on the subject of racial bias. From the information the Task Force received, it concludes that there is significant evidence to support the establishment of a separate task force to study race and justice issues and to work to eliminate racial bias.

I. DOMESTIC VIOLENCE

Missouri took an important step in responding to the growing problem of domestic violence by enacting its Adult Abuse laws. These statutes have been nationally recognized as being both progressive and comprehensive. The Adult Abuse laws provide victims of domestic violence with access to court-ordered protection while at the same time ensuring that an alleged abuser's due process rights are preserved.

The Task Force heard testimony from law enforcement officials, prosecuting attorneys, legal aid attorneys, and representatives of battered women's shelters concerning the courts' administration of the Adult Abuse laws. Although officials within the system have a genuine desire to provide victims with protection and assistance, both officials and victims sometimes find the manner in which the Adult Abuse laws are administered to be frustrating and ineffective. Much of that frustration stems from a lack of information and education, rather than from statutory inadequacies. The system's performance could be enhanced by providing education and training to officials and by coordinating efforts of officials within the system so that victims receive more complete information about available services.

Domestic violence cases in Missouri have a high rate of dismissal. Slightly more than half of all petitions for orders of protection filed under Missouri's Adult Abuse Act in 1991 were eventually dismissed. Officials within the system testified about their perception that most prosecutions under the Adult Abuse laws result in dismissals because victims fail to pursue their rights. The high dismissal rate of domestic violence cases causes some officials to assign such cases low priority and devote fewer resources to them.

The Task Force recognizes a need for education and training to help law enforcement personnel, court clerks, judges, and prosecutors understand the pressures surrounding domestic violence and the psychological trauma that accompanies it. Understanding and enforcement of the adult abuse laws tends to be more advanced in urban areas and larger towns so that the need for such programs is greater in rural areas. The goal of such educational programs should be to help officials identify why victims do not always act in their own best interest and often hesitate to proceed with prosecution. Educational programs should help officials understand that victims are often financially dependent upon their abusers, isolated by the abuser from family and friends, and unable to seek alternatives because of fear or lack of information on how to pursue assistance.

In some areas of the state, court clerks were reported to be helpful to victims in filing for protection orders, while in other areas they were impatient and uninformed. Training programs should provide court clerks in all areas of the state with the information to assist victims so that victims will not be so intimidated by the system that they are discouraged from seeking relief.

Prosecutors testified that they would welcome additional and continual domestic violence training to increase their effectiveness in dealing with victims. Prosecutors are encouraged to increase the priority of domestic violence cases by prosecuting in state courts rather than municipal courts and by adopting a policy of not dismissing criminal domestic violence prosecutions.

Judges in Missouri generally grant orders of protection where appropriate and give equal consideration to the testimony of both the victim and the alleged abuser. Judges on occasion, however, have made inappropriate comments, lectured victims, and granted mutual orders of protection which contradict statutory provisions.

Victims would be served better by the system if there were more coordination between prosecutors and social services so that prosecutors would have the information necessary to direct victims to the available services. The Task Force also recognizes the need in many counties to create or expand organized support services available to victims of domestic violence.

Misuse of Missouri's Adult Abuse laws does exist. The perception of spouses against whom orders of protection are sought is that a full and complete hearing on the issues is not provided before the permanent order is entered. Sometimes the laws are used by pro se litigants and attorneys to gain an early advantage in dissolution proceedings or to modify custody orders. This improper use of the Adult Abuse laws contributes to the frustration and ineffectiveness that sometimes surrounds the administration of these laws.

In general, a lack of understanding and poor dissemination of information makes the administration of the Adult Abuse laws in Missouri less successful than it could be. Officials within the system lack a comprehensive understanding of the psychological and societal pressures victims face. As a result, domestic violence cases receive low priority within the system and victims are sometimes treated with insensitivity. Lack of education about domestic violence leads officials to misinterpret a victim's actions as abuse of the system when in many cases the victim's behavior may stem from being intimidated or overwhelmed by the system. Education and training programs, when combined with increased coordination of individual efforts within the system, will increase the effectiveness of the system and improve the protection and assistance provided to victims of domestic violence.

II. FAMILY LAW

The Missouri courts are charged with the responsibility of sorting out the economic pieces and the future composition of the disintegrated family. It is by order of the court that a marriage is dissolved and the husband's and wife's prospective obligations to one another and to their children are defined. The areas of dissolution and child custody are those in which the general population is most likely to have intimate contact with the judicial system and, hence, the greatest opportunity to observe and judge the fairness of the courts' operations. The courts have an obligation to ensure litigants fair and effective access to the judicial system. The courts must also render decisions grounded in the economic and psychological realities of the family unit which are unaffected by gender-based stereotypes. The courts' determinations of family law issues are not only of elemental human importance to the women, men, and children who seek to enforce their rights, but also a critical ingredient in the public's perception of the courts.

In many cases women have less ability than men to retain counsel and adopt effective litigation strategies in family law cases. The husband usually has more ready access to the family's liquid

assets and to a higher income, which can be used for the retention of counsel and enforcement of rights. Courts have broad discretion in balancing the parties' access to counsel by requiring the economically dominant spouse to apply family resources to both parties' litigation costs. Adequate awards of attorneys' fees, however, are usually not made early in the litigation, which creates difficulty for the economically dependent spouse, usually the woman. The result is that women are forced to accept settlements contrary to their interests because they do not have the resources to pursue litigation.

More often than is desirable, Missouri trial courts award inadequate maintenance to the economically dependent spouse of a long-term marriage. The amount of maintenance awarded and the duration of the award is too small to enable the economically dependent spouse, usually the woman, to maintain a standard of living near that enjoyed by the ex-spouse after the dissolution. Although trial judges feel they are being fair in the awards made, they do not understand the consequences of such awards. An award of several years' duration, after years out of the work force, does not permit the homemaker to maintain the standard of living of the parties during the marriage or, if there must be a reduction in the standard of living, cause the reduction to be shared by both parties. Even if a displaced homemaker is retrained, the homemaker will never have the marketable skills of the working spouse. In cases where inequitable maintenance awards have been appealed and the working spouse had the ability to pay, the appellate courts have consistently reversed the trial courts' decisions.

In dividing the marital property, courts are to assess the contribution of each spouse to the accumulation of the marital property, including the contribution of a homemaker spouse, and divide the property in such proportions as are deemed just. Although Missouri courts increasingly recognize the contributions of the homemaker spouse, some courts still give greater weight to financial contributions.

For the most part, the child support guidelines adopted by the State of Missouri are followed by trial courts, although some instances of inappropriate deviation were reported. Courts sometimes fail to consider the child care costs of the custodial parent in ordering child care payments.

Missouri long ago abandoned the statutory concept of the "tender years doctrine," which favored mothers over fathers in granting custody of the children. Nevertheless, when custody is in dispute, some judges continue to award custody based on a preference for mothers. Missouri courts generally grant joint legal and physical custody when it is agreed to by the parties. A presumption favoring the primary caretaker during the marriage would establish a gender-neutral standard.

Both men and women who testified before the Task Force felt courts do not enforce orders for visitation, child support, or custody. Men are discouraged by attorneys from pursuing custody; women are discouraged from raising issues of child or adult abuse which may affect visitation rights.

Many judges view family law as lower status work and as an undesirable assignment. Because of this negative attitude, judges sometimes give family law cases low priority. In some areas of the state, domestic assignments are rotated frequently, sometimes as often as every six months, which creates a lack of continuity of judges in domestic cases. The creation of a Family Court provides the most all-encompassing solution to these problems. A Family Court would address all matters concerning the dissolution of marriages, division of property, child custody, domestic violence, adoptions and juvenile matters.

III. CRIMINAL JUSTICE

A consensus of the survey respondents and the public hearing witnesses is that female criminal defendants frequently receive more lenient treatment than male criminal defendants in all phases

of criminal proceedings. There are some offenses, however, for which women receive harsher treatment than men. Although there was almost universal agreement that disparity exists, the more difficult question facing the Task Force was whether the different treatment results from sexual stereotyping or is instead based on legitimate factual differences. No clear conclusion can be reached, in part due to the nature of the criminal system. Prosecutors are required to exercise significant discretion in determining whether to prosecute and in plea negotiations, and judges use discretion in setting bail and in sentencing. Such discretion should be exercised based on the facts of each case and the circumstances of each defendant.

Statistics available to the Task Force revealed the crime charged, the sex of the defendant, and the sentence received. To analyze whether prosecutorial and each judicial decision are gender neutral, additional statistics would need to be compiled by appropriate agencies, which further identify each defendant's personal circumstances and the nature of the offense.

The majority of judges and attorneys believed that females receive more lenient treatment than males in the areas of arrest, bond, prosecution and sentencing, particularly when charged with non-violent crimes. Statistics from the Department of Corrections indicate that the mean or average sentence received by women is shorter than the mean sentence received by men in over 75% of the offense categories. In addition, women serve a shorter percentage of their sentences than men before their release in 70% of the offense categories. Women charged with offenses viewed as violent or unacceptable for women, however, receive longer sentences than men and are required to serve a greater percentage of their sentence. This disparity appears to be decreasing in that the trend is toward more equal sentencing of men and women, except when the woman is pregnant. Increased awareness of gender stereotypes among judges, prosecutors, defense attorneys and others participating in the system would lead to discretionary decisions being based upon legitimate factual distinctions.

Although the Department of Corrections is not within the jurisdiction of the courts, incarceration and parole are an integral part of the criminal justice process and were examined by the Task Force. The female inmate population in Missouri prisons increased 81% compared to 43% for males over the last five years, yet only 6% of all inmates are female. Fewer female inmates translates to fewer prison facilities across the state. Because the two exclusively female facilities are located in central Missouri, it is more likely that female inmates will be from other areas of the state and will have difficulty maintaining family contact. Female inmates, however, benefit from better programs to assist in maintaining family ties than male inmates. The male inmates have an advantage over females in educational and vocational opportunities. The scanty educational and vocational training for women defeats the goals of rehabilitation and decreases the likelihood of success on probation.

Another area where there is the potential for gender bias is in the prosecution of crimes where the victims are predominantly female, such as rape and sexual assault. Prosecutions of these offenses are susceptible to sexual stereotyping and gender-biased conduct. The victims often do not report the crimes and are reluctant to prosecute, because they fear that prosecuting the crime will be as emotionally damaging as enduring the crime itself. Although Missouri's statutes are gender neutral and spouses are now protected from rape, sodomy and sexual abuse in the first degree, there was evidence that prosecutors, defense attorneys and judges do not always comply with the statutory provisions which protect the victim. Education of judges and attorneys and the utilization of victims' advocates have improved the prosecutorial process and conviction rates in other states and should be promoted in Missouri.

IV. TREATMENT OF JURORS, WITNESSES, LITIGANTS, ATTORNEYS, JUDGES AND COURT PERSONNEL IN THE COURTS

The Task Force examined the courtroom environment to determine if any of the participants in court proceedings perceived biased behavior. The confidence of jurors, witnesses, and litigants in the judicial system and their respect for the court are determined in large part by the absence or presence of decorum and professionalism in the courtroom. "The treatment accorded attorneys by judges, other attorneys, and court personnel obviously plays a significant role in an attorney's success or failure in the courtroom and affects a client's confidence in an attorney's abilities. The integrity of the judicial system rests in part on the public perception that the judiciary exercises its duties with fairness, impartiality, and compassion."¹

Information received by the Task Force suggests that instances of inappropriate courtroom conduct toward jurors, litigants, witnesses, attorneys, and judges occur. Public hearing witnesses expressed the belief that conditions have improved in recent years in that overt acts of bias have decreased. It was reported, however, that biased conduct exists now in more subtle forms which are less easy to detect.

There is a significant difference between the perceptions of female attorneys and the perceptions of judges and male attorneys as to the prevalence of gender-biased conduct. Specifically:

- 37% of female attorneys reported the outcome of cases is affected by bias against female attorneys; compared with 9% of male attorneys and 0% of judges. Only 2% of female attorneys, judges and male attorneys reported the outcome of cases is affected by bias against male attorneys.
- 50% of female attorneys reported judges assign more credibility to the arguments of male attorneys; compared with 21% of male attorneys and 0% of judges. Only 2% of female attorneys reported judges assign more credibility to the arguments of female attorneys; compared with 1% of judges and male attorneys.
- 39% of female attorneys reported judges are more likely to interrupt the presentation of female attorneys; compared with 7% of male attorneys and 0% of judges. Only 2% of female attorneys reported judges are more likely to interrupt the presentation of male attorneys; compared with 7% of male attorneys and 2% of judges.
- 47% of female attorneys reported that female judges and female attorneys are addressed by first names or familiar terms; compared with 20% of male attorneys and 22% of judges.
- 42% of female attorneys had overheard remarks or jokes demeaning to women by judges; compared with 16% of male attorneys and 6% of judges.
- 53% of female attorneys had overheard remarks or jokes demeaning to women by attorneys; compared with 23% of male attorneys and 12% of judges.

¹Gender and Justice in the Courts: A Report to the Supreme Court of Georgia by the Commission on Gender Bias in the Judicial System, 8 Ga. St. U. L. Rev. 539, 702 (1992) (citations omitted).

- 41% of female attorneys had heard comments about the physical appearance of women in the courtroom made by judges; compared with 21% of male attorneys and 17% of judges.
- 57% of female attorneys had overheard comments about the physical appearance of women in the courtroom made by attorneys; compared with 39% of male attorneys and 23% of judges.

These survey results highlight the need for judges and attorneys of both genders to develop sensitivity to the perceptions of others. Amending the Missouri Code of Judicial Conduct with a canon and the Missouri Rules of Professional Conduct with a rule prohibiting language or conduct manifesting bias or prejudice would set the standard for judicial and attorney conduct, underscore the importance of eliminating bias and prejudice, and indicate to the public the importance with which the judicial system considers the issue. A handbook for courtroom conduct could be an additional resource that is readily available and easily understood.

Examination of the data shows that current jury selection methods warrant further review for possible gender inequities. The language in some statutes, rules and court documents is not gender neutral and should be modified. The need for adequate child care for children of jurors, witnesses, litigants, and court personnel was recognized.

The Task Force received a small, but still disturbing, number of reports of inappropriate or demeaning conduct toward court personnel, primarily female employees. Examples of the type of conduct reported are references to the employee as "dollie" or "sweetie," rude jokes, and conversations with sexual overtones. Twenty-seven percent of female employees responding to the survey and 4% of male respondents reported at least one experience of being subjected to unwanted verbal or physical sexual advances or harassment.

The Supreme Court has adopted Administrative Rule 7 for the employees of the circuit courts and a new policy manual, Policy No. C-7, for its own employees at the Supreme Court. Both Administrative Rule 7 and Policy No. C-7 provide excellent examples of gender-neutral policies and procedures for court personnel, including grievance procedures for sexual harassment and family leave policies. Uniform policies and procedures should be promulgated for the remaining employees of the court system, including those who are paid by the counties. Additionally, many employees are not aware of the existing policies available to protect them and should be educated as to their rights. Gender-neutral hiring and promotional standards are essential to a fair work environment. Objective job performance and salary reviews will ensure that promotion and compensation are based upon merit and build employee confidence in the system.

Any and all biased treatment which occurs in the courts or by the courts is unacceptable, because the courts must be held to the highest standard. Fairness and public confidence in the judicial system demands perceived, as well as actual, impartiality.

V. JUDICIAL SELECTION

Missouri has a long and distinguished history of advancing women in the legal profession. Missouri was the first state to admit women to law school and the second state to admit women to the bar. It was not until 1954, however, that the first woman judge was elected, and not until 1979 that a woman judge was appointed under Missouri's Non-Partisan Court Plan. In 1987, the first woman was appointed to one of the Missouri Courts of Appeal and in 1988, the first woman was appointed to the Supreme Court of Missouri. As of January 1, 1993, 27 of the 342 judges in

the state were women. This representation (7.9%) is lower than the national average for both elected and appointed judges. Approximately 20% of all lawyers and 53% of all citizens in Missouri are women.

The majority of judges, attorneys, and court personnel responding to the Task Force survey expressed the strong belief that gender diversity on the bench is desirable for the fair administration of justice. Whether and how gender bias might affect judicial selection in Missouri is important to public confidence in an unbiased judiciary and to equal opportunity for qualified applicants.

Some survey respondents commented that the electoral process of selecting trial judges, used in Missouri counties outside Kansas City and St. Louis, is unfair to women because most openings occur prior to the end of a term and are filled by the governor, who appoints an interim replacement. The incumbent then has the advantage in the next election. The number of women appointed to these interim judicial positions during the last two decades was very small—5 out of 102 appointments since 1976.

Although the Non-Partisan Court Plan, used to select appellate judges and trial judges in the major metropolitan areas of Missouri, was designed to eliminate partisan considerations and focus on the merit of the candidates, it too received much criticism from survey respondents. The vast majority of female and male attorneys and judges felt that the gender of applicants affects the nomination and appointment processes. The judges and male attorneys believed that female and minority applicants are given preference in the selection process; half of the female attorneys agreed this is true when the court does not already have a woman or minority on it. Once one female or racial minority becomes a member of such court, most female attorneys felt another would not be appointed; one-third of the judges and male attorneys agreed.

The training of Missouri Plan nominating commissioners who interview candidates and submit three names to the governor, is informal and irregular at best, non-existent at worst. No formal training is provided for the commissioners; no uniform procedures are articulated; no uniform application forms are utilized; no records are maintained; and no rules of ethics govern the conduct of the commissioners. The process allows opportunities for the personal biases of the commissioners to enter the nominating process. In particular, that individual interviews of candidates frequently lead to inappropriate questions being asked. There is a need to increase gender and racial diversity on the nominating commissions, through rule or statute, as has been done in other states.

VI. INSTITUTIONALIZING REFORM: IMPLEMENTING THE TASK FORCE RECOMMENDATIONS

The Task Force's examination of the court system in Missouri has revealed a high level of understanding among the judiciary, the bar, and court constituent groups of the nature of gender bias in the courts, as well as a genuine commitment to equal justice and opportunity. Throughout the Report, the Task Force has endeavored to illustrate how that commitment has, over the past decade and more, translated into material and tangible progress in ensuring that justice is administered evenhandedly and that all court participants are accorded dignity and respect, irrespective of gender. The Task Force has also emphasized that, in many areas, good intentions notwithstanding, the promise of reform has not been fulfilled and that material obstacles to the administration of justice remain.

In its original directive from Chief Justice Blackmar, the Task Force was instructed to issue a report containing "its findings and recommendations" and "provide a plan for the education of the bench, bar and public with respect to its findings and recommendations." Throughout the Report, the Task Force has offered recommendations in the particular substantive areas it studied and

identified areas in which an institutional commitment to reform by the courts and constituent groups would have the most enduring effect.

A. Education and Leadership: The Role of The Missouri Bar

The Task Force took seriously its charge to "provide a plan for the education of the bench, bar and public." Every topic the Task Force addressed in the Report identifies "education" as a principal component of reform. In reflecting on how the particular recommendations for education could be translated into the practical "plan" the Executive Council of the Missouri Judicial Conference requested, the Task Force has concluded that, for purposes of remedying gender-based impediments to the administration of justice, "education" is in many cases interchangeable with principles of leadership.

The organized bar in Missouri — The Missouri Bar, the women's bar associations, the minority bar associations, and the many other local and statewide organizations — has a long and distinguished history of providing leadership in many areas of court improvement. The organized bar is uniquely well suited to perform this function because, in approaching court improvement, it integrates all areas of the legal system — the judiciary, practicing attorneys, law schools and legal academics, and community leaders. Like virtually every project intended to improve the administration of justice, fulfilling the promise of reform on the subject of gender and justice will require the participation of and commitment from each of these constituent groups.

It appears to the Task Force that existing apparatus and committees formed by Missouri's organized bar provide a superior forum for reducing to practical application a large number of the recommendations contained in the Report. The organized bar has a historical commitment to examining domestic violence, family law, criminal law, legal ethics, court administration, and judicial selection. Most of the state's major bar associations have standing committees and distinct subcommittees on virtually all of these topics. It is the Task Force's view that the specialized professional experience that bar committee members can bring to bear will make a distinctive contribution toward practical solutions to problems of gender and justice in the courts.

B. Creation of a Family Court

As part of its discussions of Family and Domestic Violence law, the Task Force has recommended the creation of a Family Court. No single recommendation made by the Task Force can, in the Task Force's view, if followed, have a more profound practical effect on achieving fairness and equality between men and women in the administration of these laws that are especially susceptible to gender bias. Creation of such a court will, in the first instance, be symbolic of the court system's understanding of the unique role it plays as arbiter of family related matters. On a practical level, such a court ideally would employ a specialized judiciary committed to understanding the complex factors affecting the administration of family and domestic violence laws.

C. Legal Services for the Indigent

Access to the courts and the availability of legal services for women and men has been determined by the Task Force to be an indispensable component of reform. The Task Force concurs with the Minnesota Supreme Court Task Force for Gender Fairness in the Courts, which observed in its 1989 report that "[t]he question of access is crucial to any meaningful inquiry into gender fairness in the courts. If women and men do not have an equal opportunity to seek relief from the courts, the fairness of the entire system is undermined."

In examining the issue of whether such access is denied along gender lines, the Task Force has determined that, among the low-income population, a grossly disproportionate number of women seek but lack the financial resources to obtain counsel in family law, domestic violence and other legal matters and that the inability to obtain counsel affects women more severely than men. As a result, the Task Force has recommended that "state resources should be made available for the funding of legal representation for poor people in family law and domestic violence matters."

D. Increased Diversity in the Judiciary

The need for increased diversity in the judiciary is another indispensable component of reform. The Task Force concludes that determining how gender bias may affect judicial selection and taking steps to avoid such bias are critical to the administration of justice by Missouri's courts in two major respects. The first is public perception and trust that the judiciary is unbiased. The second is equality of opportunity for qualified applicants who seek judicial office. The Task Force proposes a number of reforms in both the elective and appointive processes to reduce the potential for gender bias, create a more level playing field for the advancement of women to the judiciary, and better serve the ultimate objective of equal justice under the law.

E. Ethical Rules and Guides to Conduct

In a number of instances, the Task Force concludes that judges, attorneys, court personnel, and judicial nominating commissioners would be greatly aided by clearer articulations of rules of conduct regarding gender bias. Some of those proposed rules require reforms to the Missouri Code of Judicial Conduct and the Missouri Rules of Professional Conduct. Others require the adoption of new rules of conduct. In addition, and prior to formal rule changes, the Task Force recommends that the Missouri Supreme Court adopt a Missouri Courtroom Conduct Handbook similar to that recently adopted by other states such as Florida. The handbook would provide a uniform frame of reference for identifying gender bias since conduct is often perceived differently by individuals.

F. Task Force For Implementation of the Task Force Recommendations

Many of the Task Force recommendations can be implemented, as indicated above, through the leadership and education efforts of the organized bar. Others may require a task force to assist the Supreme Court with implementation of the recommendations. The Task Force urges the Chief Justice and the Executive Council of the Missouri Judicial Conference to undertake the implementation process as quickly as possible.

G. Task Force on Race and Justice

The Task Force recommends that the Missouri Supreme Court establish a Task Force on Race and Justice to conduct a study of whether racial bias exists in the administration of justice in Missouri, and, if so, what steps should be taken to remedy it. Although the Task Force did not undertake a full investigation of racial issues, it is hoped that the limited information collected by the body may provide some assistance to those who would undertake such a study. The Task Force is aware that a request to convene a Task Force on Race and Justice has already been made by several local bar associations and supports that request.

CONCLUSION

In an era when social problems are so commonly distinguished by their seeming intractability, it is the Task Force's committed view that solutions to gender bias in Missouri's courts are at hand. As described in detail in the body of the report, leadership and education are the primary components to fulfilling the promise of reform. These, when combined with other specific recommendations, will move Missouri courts closer to their constitutional mandate:

That the courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character, and that right and justice shall be administered without sale, denial or delay.²

²Missouri Constitution of 1945, Art. 1, § 14.

RECOMMENDATIONS
OF THE
MISSOURI TASK FORCE ON GENDER AND JUSTICE

A. DOMESTIC VIOLENCE

1. The Missouri Supreme Court should encourage judges, prosecutors, court personnel, and law enforcement officers to give a higher priority to civil actions and criminal prosecutions involving domestic violence.
2. The Missouri Supreme Court should encourage the Attorney General, The Missouri Bar, and local bar associations to provide more frequent and more effective training on all aspects of domestic violence and its prevention for judges, prosecutors, court personnel, and law enforcement officers. The devotion of additional resources to such training would produce significant improvements.
3. The Missouri Supreme Court should educate judges that the law does not permit the issuance of mutual orders of protection in cases where only one person has requested an order even if there is evidence of mutual abuse.
4. The Missouri Supreme Court should provide mandatory educational programs for judges devoted to problems regarding Adult Abuse Act enforcement and domestic violence prosecution, including the importance of requiring counseling for offenders. The Court also should provide assistance to the courts in making appropriate services available.
5. The Missouri Supreme Court should provide mandatory educational programs for judges regarding criminal sentencing of domestic violence offenders and the range of remedies provided in the Adult Abuse Act.
6. The Missouri Supreme Court should educate judges and court personnel regarding possible misuse of adult abuse proceedings, especially when divorce proceedings are in process. Judges should be made aware of their ability to impose sanctions under Rule 55.03 against attorneys who encourage the filing of groundless petitions for protection orders to gain an advantage in divorce proceedings.
7. The Missouri Supreme Court should initiate studies by each circuit court of physical facilities and practices to determine whether physical changes or changes in court process are needed to assure the safety and dignity of parties involved in domestic violence proceedings.
8. The Missouri Bar should work with the Attorney General, law schools, prosecuting attorneys, and civic organizations to encourage the creation of victim assistance programs that provide indigents access to judicial remedies they are otherwise denied and to develop counseling programs for offenders.

9. The Missouri Bar should provide educational programs on adult abuse for judges, prosecutors, court personnel, and law enforcement officials, emphasizing the role of each of these parties in the elimination of adult abuse.
10. The Missouri Bar should advocate educational programs for prosecuting attorneys devoted to problems of domestic violence prosecution, including consideration of a policy that charges not be dismissed solely because the victim requests that charges be dismissed. Prosecutors also should be encouraged to proceed with as few continuances as possible.
11. The Missouri Bar should promote legislation to address incidents of abusers subject to orders of protection who "stalk" victims of adult abuse.

B. FAMILY LAW

1. The Missouri Supreme Court should promote the creation of a Family Court with jurisdiction over all family law matters, including domestic violence matters.
2. The Missouri Supreme Court should provide mandatory educational programs for judges that focus on the importance of interim awards of attorneys' fees (PDL) to economically dependent spouses during the pendency of litigation and on the importance of sufficient final attorneys' fees awards.
3. The Missouri Supreme Court should provide mandatory educational programs for judges to increase sensitivity to significant family law issues, such as the need for indefinite maintenance for economically dependent spouses who have not been employed in the paid labor market, except where the evidence clearly establishes that the need for maintenance will terminate at an ascertainable time; the legitimacy of a primary caretaker presumption; stereotypes about behavior of men and women as parents, including the tender years presumption; the significance of spousal abuse to child custody and visitation awards; family violence and its effect on children; child development and the psychological impact of dissolution; and substance abuse.
4. The Missouri Supreme Court should encourage the use of mediation in child custody and visitation disputes as provided for in Supreme Court Rule 88, except in cases involving adult or child abuse, and the Court should consider establishing a pilot program in the State as a model for the implementation of Rule 88.
5. The Missouri Bar should work with the Missouri Supreme Court to provide educational programs for judges, attorneys, and court personnel in family law issues, in particular issues concerning the economic consequences of dissolution on spouses who are economically dependent during a long marriage.
6. The Missouri Bar should work with the Missouri Supreme Court to develop mediation training for interested attorneys and judges.
7. The Missouri Bar should seek sources of funding for delivery of legal services to indigent litigants seeking enforcement of family law rights.

8. The Missouri Bar should promote legislation to establish a presumption that, where one parent has served as primary custodian of children during marriage, that parent should receive primary physical custody upon dissolution of the marriage.
9. The Missouri Bar should promote legislation to establish a public policy of this State that parties have equal access to the courts and that PDL awards of counsel fees and costs of experts and investigators should be made in amounts appropriate to the duration and complexity of the case and sufficient to enable both parties to pursue litigation; to establish a standard that PDL maintenance and child support should maintain the status quo of the parties to the extent feasible; to make the homemaker's lifetime reduced earning capacity an express factor to be considered in the award of maintenance; to clarify that limited duration maintenance is permitted only when a known event will change the circumstances of the parties; and to clarify that the standard of living of the parties during the marriage is the standard by which the adequacy of the maintenance award should be judged and, if a reduction in standard of living is required, it should be shared by both parties.

C. CRIMINAL JUSTICE

1. The Missouri Supreme Court should direct the courts and encourage state and local authorities to collect and compile data regarding male and female offenders at all stages throughout the criminal justice system. The Missouri Supreme Court should direct the courts and encourage prosecutors, local authorities, and the Department of Corrections to maintain statistics concerning the handling of sexual assault and rape cases (including charging decisions, prosecution rates, conviction rates, sentencing decisions, and probation and parole decisions) and provide for the annual collection and compilation of the data.
2. The Missouri Supreme Court should undertake with The Missouri Bar and other bar associations a study of arrest, prosecution, sentencing, and incarceration of female and male offenders; a study of the handling of sexual assault and rape cases to monitor whether the cases are being seriously pursued and whether convicted offenders are appropriately punished and treated; and a study to determine whether men and women receive equivalent treatment in jurisdictions that do not have available jail facilities for females.
3. The Missouri Supreme Court should provide educational programs for judges to increase sensitivity to gender bias in the various stages of the criminal process. The Missouri Supreme Court should require mandatory education for judges on the full range of sentencing choices, including alternatives to incarceration and treatment for substance abuse.
4. The Missouri Supreme Court should require mandatory education for judges concerning sexual assault, spousal assault and rape, acquaintance rape, and rape trauma syndrome, and it should encourage similar education for police and prosecutors. The Missouri Supreme Court should provide educational programs for judges regarding gender stereotypes and rape myths that may be employed in the trial of sexual offenses, consent defense, and the Missouri rape shield statute.
5. The Missouri Supreme Court and The Missouri Bar should encourage the Department of Corrections to establish correctional facilities for women in locations close to the counties

with the largest populations of female offenders to enable ongoing contact between female prisoners and their children.

6. The Missouri Supreme Court and The Missouri Bar should encourage the Department of Corrections to institute and fund programs facilitating regular contact between incarcerated parents and their minor children on an equivalent basis to male and female inmates at all state correctional facilities. Local correctional authorities should be encouraged to establish community-based alternative sentencing programs that permit non-violent offenders and their children to have regular contact.
7. The Missouri Supreme Court and The Missouri Bar should encourage the Department of Corrections and local correctional authorities to provide educational, vocational, and rehabilitation programs for gainful employment on an equivalent basis to male and female inmates and should not be based upon stereotypic notions of appropriate "men's work" and "women's work." The Missouri Supreme Court should encourage the Department of Corrections and local correctional authorities to provide physical and medical resources directed to meet the special needs of both male and female inmates.
8. The Missouri Supreme Court should convene a task force to conduct a study of the juvenile justice system in Missouri. The task force should be comprised of experts from the Juvenile Court, Division of Youth Services, Division of Family Services, and other appropriate agencies and organizations to facilitate an informed and critical review of the role of gender and race in the treatment afforded to youth in the juvenile justice system.
9. The Missouri Bar should undertake with other bar associations and the Missouri Supreme Court a more in-depth study of the criminal justice system and the impact on male and female offenders.
10. The Missouri Bar should develop educational programs for judges, prosecuting attorneys, and criminal defense attorneys on specific areas of criminal law, including rape and sexual assault. These programs should include filing standards for sexual assault and rape cases; technical skills for prosecuting such cases against strangers, acquaintances, and intimate partners of the victims; and the use of the rape shield law.
11. The Missouri Bar should encourage legislation to establish specialized prosecution units that permit victims to deal with one trained prosecutor in sexual assault and rape cases. It also should establish a public policy that law enforcement officers and prosecutors pursue sexual offenses committed by a spouse, intimate partner, or acquaintance with the same seriousness given to violent crimes committed by a stranger.
12. The Missouri Bar should encourage the Governor and the Missouri Department of Corrections to conduct a review of sentences of offenders convicted of homicide prior to the adoption of § 563.033 to determine if appropriate consideration was given at trial or in parole proceedings to evidence of battered spouse syndrome as a mitigating factor or defense.

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12. The Missouri Bar should encourage the Governor and the Missouri Department of Corrections to conduct a review of sentences of offenders convicted of homicide prior to the adoption of § 563.033 to determine if appropriate consideration was given at trial or in parole proceedings to evidence of battered spouse syndrome as a mitigating factor or defense.

D. TREATMENT OF JURORS, LITIGANTS, WITNESSES, ATTORNEYS, AND JUDGES IN THE COURTS

1. The Missouri Supreme Court should issue an Administrative Order that gender biased behavior in the court environment by the bench, bar, or court personnel is unprofessional and should be corrected.
2. The Missouri Supreme Court should develop and require regular training for judicial and court personnel on gender bias, sexual harassment, and the importance of gender neutral language. It should also direct circuit clerks and court administrators to provide education on such issues for all court personnel.
3. The Missouri Supreme Court should encourage judges to monitor gender biased behavior in chambers, courtrooms, and administrative areas and to take appropriate steps to correct lawyers, witnesses, litigants, and court personnel who engage in gender biased conduct. The Missouri Supreme Court should amend the Missouri Code of Judicial Conduct to include Canon 3(B) (5) and (6) of the 1990 A.B.A. Model Code of Judicial Conduct:
 - (5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.
 - (6) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, against parties, witnesses, counsel or others. This Section 3B(6) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, or other similar factors, are issues in the proceeding.³
4. The Missouri Supreme Court should amend the Missouri Rules of Professional Conduct to include a Disciplinary Rule similar to the following:

In representing a client, a member of the bar shall refrain from engaging in conduct that exhibits or is intended to appeal to or engender bias or prejudice against a person on account of that person's sex, race, religion, national origin, disability, age, sexual orientation, or socioeconomic status, whether that bias is directed to other counsel, court personnel, witnesses, parties, jurors, judges, judicial officers, or any other participants.

³L. Milrod, *The Development of the A.B.A. Judicial Code 74-75 (1992)*. Race, religion, national origin, disability, sexual orientation, and socioeconomic status are outside the scope of the Task Force's mission, but are included here to reproduce the Judicial Code in its original form.

5. The Missouri Supreme Court should prepare a Courtroom Conduct Handbook for judges, attorneys, and court personnel, similar to that recently adopted by the Florida Supreme Court and Florida Bar.
6. The Missouri Supreme Court should order gender neutral language to be used in all court rules, court publications, forms, manuals, correspondence, jury instructions, etc.; should encourage judges to utilize gender neutral language; and direct circuit clerks and court administrators to assist in these efforts.
7. The Missouri Supreme Court should advise circuit clerks and court administrators of the importance of compliance with RSMo. § 494.415 (1986) regarding jury selection.
8. The Missouri Supreme Court should aid the courts in exploring ways to improve security in the courthouses and encourage judges, circuit clerks, and court administrators to explore ways to improve security in the courthouses.
9. The Missouri Supreme Court should aid the courts in exploring ways to provide on-site child care or subsidized off-site child care for jurors, witnesses, litigants, and court employees. It should also encourage judges, circuit clerks, and court administrators to explore ways to provide such child care.
10. The Missouri Bar should develop and provide educational programs to sensitize attorneys to the issues of gender bias and sexual harassment of attorneys, litigants, witnesses, court personnel, and judges.
11. The Missouri Bar should work with the Missouri Supreme Court to amend the Missouri Rules of Professional Conduct for attorneys to include a Disciplinary Rule prohibiting gender biased conduct in the courtroom.
12. The Missouri Bar should work with the Missouri Supreme Court to develop a courtroom conduct handbook.
13. The Missouri Bar should promote legislation requiring gender neutral language in all Missouri statutes.

E. TREATMENT OF COURT PERSONNEL

1. Identical to Section D., No. 1.
2. The Missouri Supreme Court should direct the State Courts Administrator and all courts to provide gender neutral job descriptions; enforce job requirements without regard to gender; stress gender neutral hiring and promotion; and collect and maintain data regarding applications, hiring, promotion, salary, and terminations with regard to gender.
3. The Missouri Supreme Court should direct the State Courts Administrator and all courts to review salaries of all court employees by gender; rectify any inappropriate salary differentials; and implement a system of regular performance and salary reviews.

4. The Missouri Supreme Court should develop and require training programs for circuit clerks and court personnel on equal employment, sexual harassment, family and medical leave, and other topics that disparately impact upon male and female court employees.
5. The Missouri Supreme Court should develop and provide educational programs for judges, attorneys, and court personnel addressing issues of gender bias and sexual harassment.
6. The Missouri Supreme Court should advise all court employees of the prohibitions against gender bias and sexual harassment set forth in Title VII of the 1964 Civil Rights Act and advise all covered employees of the policies articulated in Missouri Supreme Court Administrative Rule 7 and Missouri Supreme Court Administrative Policy No. C-7. It should also issue a memo to all court employees explaining the rules, defining the different types of sexual harassment, and stating that such behavior is illegal and can lead to termination.
7. The Missouri Supreme Court should encourage all courts with employees not subject to Administrative Rule 7 to adopt standardized fair employment policies and procedures, with particular emphasis on equal employment goals, sexual harassment, family and medical leave, and flexible work schedules. All courts should be required to promulgate written policies that accord with these standards.
8. Identical to Section D., No. 3.
9. Identical to Section D., No. 4.
10. The Missouri Supreme Court should encourage all courts to provide family and medical leave, for both men and women employees, for natural birth and adoption; for the care of a child, spouse, or parent; and for the worker's own serious health conditions in conformance with the new federal Family and Medical Leave Act. The Missouri Supreme Court should review Missouri Supreme Court Administrative Rule 7 regarding maternity leave and Missouri Supreme Court Administrative Policy No. C-7 regarding family leave to ensure conformance with the new Family and Medical Leave Act and advise all covered employees.
11. Identical to Section D., No. 5.
12. Identical to Section D., No. 8.
13. Identical to Section D., No. 9.
14. The Missouri Bar should develop and provide educational programs to sensitize attorneys to the issues of gender bias and sexual harassment of court personnel.
15. Identical to Section D., No. 11.
16. Identical to Section D., No. 12.

F. JUDICIAL SELECTION

1. The Missouri Supreme Court should by rule⁴ provide for the mandatory professional training of Missouri Plan judicial commissioners. The program should be offered annually and should cover such relevant issues as roles, responsibilities, and procedures of the commissioners; interviewing methods; criteria for evaluating candidates; recent developments in other states with similar commissions; gender and racial bias awareness; information on the state of the judiciary; and a discussion on recruiting methods, including recruiting of qualified women and minority candidates.
2. The Missouri Supreme Court should by rule promulgate a detailed procedures manual for use by members of the Missouri Plan judicial commissions similar to The Missouri Bar Special Committee Proposed Manual, which is patterned after the American Judicature Society Handbook for Judicial Nominating Commissions. The manual should articulate written criteria by which to screen all judicial applicants regardless of gender; guidelines for application forms; guidelines for recruiting, interviewing, and evaluating applicants; guidelines for record keeping of applicants by gender and race; rules of communication; and ethical rules.
3. The Missouri Supreme Court should by rule adopt a uniform application form for Missouri Plan judicial applicants requesting information emphasizing judicial qualifications and precluding questions that might reflect gender bias.
4. The Missouri Supreme Court should adopt Canon 2C of the 1990 A.B.A. Model Code of Judicial Conduct for judicial applicants and judges. Canon 2 states: "A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities." Canon 2C states: "A judge shall not hold membership in any organization that practices invidious discrimination on the basis of sex, race, religion or national origin."⁵
5. The Missouri Supreme Court should promulgate rules of ethics for Missouri Plan nominating commissioners requiring that all written communications received by an individual Missouri Plan commissioner regarding an applicant shall be forwarded to the other commissioners; that all oral communications shall be reduced to writing and forwarded to other commissioners; that all such communications shall be deemed confidential and shall not be disclosed to anyone outside the commission; and that commissioners shall not initiate or receive communications directly or indirectly with or from the Governor or representatives of the Governor about candidates prior to the submission of the final three nominees to the Governor. The rules of ethics for Missouri Plan nominating commissioners should further require impartiality, confidentiality, and sensitivity to conflicts of interest, and they should discourage membership by commissioners in clubs or organizations that invidiously discriminate on the basis of gender.

⁴This recommendation and most of the following recommendations can be implemented by changes in Supreme Court Rule 10. See proposed rules in Missouri Bar Special Committee Proposed Manual at 14-27.

⁵Race, religion, and national origin are outside the scope of the Task Force's mission, but are included here to reproduce the Model Code in its original form.

6. The Missouri Supreme Court should by rule direct the members of Missouri Plan judicial nominating commissions to conduct group interviews of all judicial applicants.
7. The Missouri Supreme Court should by rule provide a mechanism for publicity of vacancies for Missouri Plan judgeships, interim appointments, and lawyer positions on the nominating commissions. It should also affirmatively promote diversity among applicants.
8. The Missouri Supreme Court should explore with The Missouri Bar, the General Assembly, and the Governor ways to increase diversity in the makeup of the judicial nominating commissions.
9. The Missouri Supreme Court should advocate the use of merit nominating commissions for nominations of interim judges for elective judicial positions.
10. The Missouri Bar should actively promote and encourage gender diversity in the judiciary.
11. The Missouri Bar should offer informational programs on the appointment and elective methods of selecting judges in Missouri and programs on how to deal with these processes.
12. The Missouri Bar should explore ways to improve diversity in attorney elections that would increase the participation of women on Missouri Plan nominating commissions.
13. The Missouri Bar should urge the Governor to increase the gender diversity in the judiciary through interim appointments for elective judgeships and Missouri Plan appointments.
14. The Missouri Bar should urge the Governor to appoint women lay commissioners to Missouri Plan judicial nominating commissions to advance equal opportunity in the nominating process.
15. The Missouri Bar should urge the Governor to utilize nominating commissions for interim appointments for elective judgeship positions.

G. ADDENDUM ON HOW RACE AFFECTS THE ADMINISTRATION OF JUSTICE

1. The Missouri Supreme Court should establish a Task Force on Race and Justice to conduct a study of whether racial bias exists in the administration of justice in Missouri, and, if so, what steps should be taken to remedy it.
2. The Missouri Bar should develop and provide educational programs to sensitize attorneys, judges, and court personnel to the issues of racial bias in the courts.

Submitted by
THE MISSOURI TASK FORCE ON GENDER AND JUSTICE
to the Executive Council of the Missouri Judicial Conference
March 1993

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Association of Women Lawyers of Greater Kansas City

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Wallace, Leslie

From: Wallace, Leslie
Sent: Wednesday, August 02, 2006 1:47 PM
To: 'copeland@ctfpc.com'
Subject: Mound City Bar - Bar Association Committee

President Copeland,

My name is Leslie P. Wallace and we met at the July 26th meeting of the Mound City Bar Association (MCBA) and exchanged business cards. As further introduction, I graduated from SLU Law, and am currently an associate at Husch & Eppenberger, LLC in its St. Louis office. I previously clerked for the late Honorable Judge Lawrence Crahan of the Missouri Court of Appeals. I am also very active in the local community, legally related and otherwise.

I am writing for several reasons. First, thank you so much for attending the meeting. It was very encouraging to see members, prominent members, of other organizations at the meeting. Second, as you may have heard President Meanes mention, I am the current Chairperson of the Bar Association Committee. In this capacity, I have been charged with the duties of evaluating the diversity efforts and minority participation in our various legal associations, including The Missouri Bar. My committee consists of myself, and 4 other MCBA members belonging to area law firms. Our committee has delegated the task of conducting research within the various associations to determine what, if any, diversity initiatives exist. My specific charge is The Missouri Bar. (This is the point in which I am smiling (though you cannot see it) at having met you.)

I recently corresponded with Ms. Sara Rittman concerning information that had come to my attention regarding the Gender and Justice Committee. I have attached that letter for your review. At this point, I am writing primarily to begin what I hope will be a fruitful working relationship. Our committee will be submitting a survey to our executive board and general body at the end of September, after which will be submitted to the president's, and diversity committee contacts, of our local legal associations. To that end, you should receive official correspondence from me by the end of September.

As a start, however, I am interested in knowing if The Missouri Bar has a specific diversity committee, and who the contact persons for that committee(s) is.

Thank you in advance for your cooperation, and I truly look forward to working with you.

Respectfully,

Leslie Wallace



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October 2, 2006

Douglas A. Copeland
The Missouri Bar, President
231 Bemiston Ave., Suite 1220
Clayton, MO 63105-1914

Re: *Bar Association Commission Diversity Survey*

Dear President Copeland,

The Bar Association Commission of the Mound City Bar Association (MCBA) is attempting to assess the current diversity initiatives and programs, as well as minority participation in The Missouri Bar. In the past few weeks, either you or a representative from your association has been contacted about your association's willingness to participate in a survey concerning these matters. The MCBA Bar Association Commission seeks to measure progress, identify areas that need attention, and strengthen the bond between the MCBA and The Missouri Bar in achieving greater diversity of the legal profession in the St. Louis area.

We want to assure you that the motives and goals of the MCBA and this committee are genuinely intended to create improved mechanisms for increasing diversity. We are strongly committed and eager to further facilitate and build upon the long-standing connection and network between the MCBA and The Missouri Bar to further diversify our esteemed profession. To that end, we greatly appreciate you completing the enclosed questionnaire on behalf of your association. Your candid and thoughtful responses will assist us in our assessment of the current state of these matters from the perspective of other bar associations in the area.

Please return the enclosed questionnaire to us by **October 6th, 2006**. A self-addressed, stamped envelope is included for your convenience. Thanks again for your help.

If you have any questions please contact Leslie Wallace at 314-480-1805.

Respectfully,

Bar Association Commission
Leslie P. Wallace, Esq. (Chair)
Susie McFarland
Michael P. Gunn
Frank J. Smith, Jr.
Donald Calloway

cc Pamela J. Meanes, President

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Parliamentarian

Celestine Dotson
Historian

Hon. Marvin O. Teer
Immediate Past
President

Leslie P. Wallace
Direct Dial: (314) 480-1805
Facsimile: (314) 480-1505
Email: leslie.wallace@husch.com

October 2, 2006

Lynn Ricci, President
Women Lawyers Association
1200 South Big Bend Blvd.
St. Louis, MO 63117

Re: *Bar Association Commission Diversity Survey*

Dear Ms. Ricci,


The Bar Association Commission of the Mound City Bar Association (MCBA) is attempting to assess the current diversity initiatives and programs, as well as minority participation in The Women Lawyers Association. In the past few weeks, either you or a representative from your association has been contacted about your association's willingness to participate in a survey concerning these matters. The MCBA Bar Association Commission seeks to measure progress, identify areas that need attention, and strengthen the bond between the MCBA and The Women Lawyers Association in achieving greater diversity of the legal profession in the St. Louis area.

We want to assure you that the motives and goals of the MCBA and this committee are genuinely intended to create improved mechanisms for increasing diversity. We are strongly committed and eager to further facilitate and build upon the long-standing connection and network between the MCBA and The Women Lawyers Association to further diversify our esteemed profession. To that end, we greatly appreciate you completing the enclosed questionnaire on behalf of your association. Your candid and thoughtful responses will assist us in our assessment of the current state of these matters from the perspective of other bar associations in the area.

Please return the enclosed questionnaire to us by **October 6th, 2006**. A self-addressed, stamped envelope is included for your convenience. Thanks again for your help.

If you have any questions please contact Michael Gunn at (314) 965-1200 or Donald Calloway at (314) 552-6452.

Respectfully,


Bar Association Commission
Leslie P. Wallace, Esq. (Chair)
Susie McFarland
Michael P. Gunn
Frank J. Smith, Jr.
Donald Calloway

cc Pamela J. Meanes, President

www.moundcitybar.com



Mound City Bar Association

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Tel: (314) 552.6349

E-mail: pmeanes@thompsoncoburn.com

Pamela J. Meanes
President

Rufus J. Tate, Jr.
President-Elect

Annette Slack
Vice-President

Paul A. Randolph
Treasurer

Carla Allen
Corresponding
Secretary

Kemba Logan
Recording Secretary

Joan K. Miller
Member-At-Large

Rolanda Johnson
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Robert Kenney
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Email: leslie.wallace@husch.com

October 2, 2006

Sara Rittman
The Missouri Bar, Legal Ethics Counsel
217 E McCarty
Jefferson City, MO 65101-3112

Re: *Bar Association Commission Diversity Survey*

Dear Ms. Rittman,


The Bar Association Commission of the Mound City Bar Association (MCBA) is attempting to assess the current diversity initiatives and programs, as well as minority participation in The Missouri Bar. In the past few weeks, either you or a representative from your association has been contacted about your association's willingness to participate in a survey concerning these matters. The MCBA Bar Association Commission seeks to measure progress, identify areas that need attention, and strengthen the bond between the MCBA and The Missouri Bar in achieving greater diversity of the legal profession in the St. Louis area.

We want to assure you that the motives and goals of the MCBA and this committee are genuinely intended to create improved mechanisms for increasing diversity. We are strongly committed and eager to further facilitate and build upon the long-standing connection and network between the MCBA and The Missouri Bar to further diversify our esteemed profession. To that end, we greatly appreciate you completing the enclosed questionnaire on behalf of your association. Your candid and thoughtful responses will assist us in our assessment of the current state of these matters from the perspective of other bar associations in the area.

Please return the enclosed questionnaire to us by **October 6th, 2006**. A self-addressed, stamped envelope is included for your convenience. Thanks again for your help.

If you have any questions please contact Leslie Wallace at 314-480-1805.

Respectfully,


Bar Association Commission
Leslie P. Wallace, Esq. (Chair)
Susie McFarland
Michael P. Gunn
Frank J. Smith, Jr.
Donald Calloway

cc Pamela J. Meanes, President

www.moundcitybar.com



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Email: leslie.wallace@husch.com

October 2, 2006

James A. Susman, Executive Director
Lawyers Association of St. Louis
P.O. Box 411122
St. Louis, MO 63141

Re: *Bar Association Commission Diversity Survey*

Dear Mr. Susman,

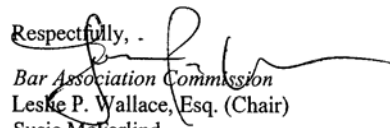
The Bar Association Commission of the Mound City Bar Association (MCBA) is attempting to assess the current diversity initiatives and programs, as well as minority participation in The Lawyers Association of St. Louis. In the past few weeks, either you or a representative from your association has been contacted about your association's willingness to participate in a survey concerning these matters. The MCBA Bar Association Commission seeks to measure progress, identify areas that need attention, and strengthen the bond between the MCBA and The Lawyers Association in achieving greater diversity of the legal profession in the St. Louis area.

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Please return the enclosed questionnaire to us by **October 6th, 2006**. A self-addressed, stamped envelope is included for your convenience. Thanks again for your help.

If you have any questions please contact Frank Smith at 314-552-6476.

Respectfully,


Bar Association Commission
Leslie P. Wallace, Esq. (Chair)
Susie McFarland
Michael P. Gunn
Frank J. Smith, Jr.
Donald Calloway

cc Pamela J. Meanes, President

www.moundcitybar.com



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October 2, 2006

Robert E. Tucker, President
Lawyers Association of St. Louis
P.O. Box 411122
St. Louis, MO 63141

Re: *Bar Association Commission Diversity Survey*

Dear Mr. Tucker,

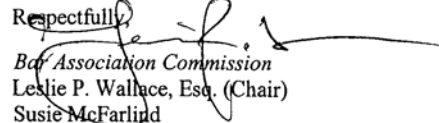
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Please return the enclosed questionnaire to us by **October 6th, 2006**. A self-addressed, stamped envelope is included for your convenience. Thanks again for your help.

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Respectfully,


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Leslie P. Wallace, Esq. (Chair)
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cc Pamela J. Meanes, President

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Email: leslie.wallace@husch.com

October 2, 2006

Lynn A. Vogel, President
The Bar Association of Metropolitan St. Louis
720 Olive, Suite 2900
St. Louis, MO 63101

Re: *Bar Association Commission Diversity Survey*

Dear Ms. Vogel,


The Bar Association Commission of the Mound City Bar Association (MCBA) is attempting to assess the current diversity initiatives and programs, as well as minority participation in BAMSL. In the past few weeks, either you or a representative from your association has been contacted about your association's willingness to participate in a survey concerning these matters. The MCBA Bar Association Commission seeks to measure progress, identify areas that need attention, and strengthen the bond between the MCBA and BAMSL in achieving greater diversity of the legal profession in the St. Louis area.

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Please return the enclosed questionnaire to us by **October 6th, 2006**. A self-addressed, stamped envelope is included for your convenience. Thanks again for your help.

If you have any questions please contact Susie McFarland at 314-621-7676.

Respectfully,


Bar Association Commission
Leslie P. Wallace, Esq. (Chair)

Susie McFarland
Michael P. Gunn
Frank J. Smith, Jr.
Donald Calloway

cc Pamela J. Meanes, President

www.moundcitybar.com



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Email: leslie.wallace@husch.com

October 2, 2006

Keith Birkes
The Bar Association of Metropolitan St. Louis
720 Olive, Suite 2900
St. Louis, MO 63101

Re: *Bar Association Commission Diversity Survey*

Dear Mr. Birkes,


The Bar Association Commission of the Mound City Bar Association (MCBA) is attempting to assess the current diversity initiatives and programs, as well as minority participation in BAMSL. In the past few weeks, either you or a representative from your association has been contacted about your association's willingness to participate in a survey concerning these matters. The MCBA Bar Association Commission seeks to measure progress, identify areas that need attention, and strengthen the bond between the MCBA and BAMSL in achieving greater diversity of the legal profession in the St. Louis area.

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Respectfully,


Bar Association Commission
Leslie P. Wallace, Esq. (Chair)
Susie McFarland
Michael P. Gunn
Frank J. Smith, Jr.
Donald Calloway

cc Pamela J. Meanes, President

www.moundcitybar.com



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Immediate Past
President

Leslie P. Wallace
Direct Dial: (314) 480-1805
Facsimile: (314) 480-1505
Email: leslie.wallace@husch.com

October 2, 2006

Nicole J. Colbert
Attorney General's Office
720 Olive Street, Ste. 2150
St. Louis, MO 63101

Re: *Bar Association Commission Diversity Survey*


Dear Ms. Colbert,

The Bar Association Commission of the Mound City Bar Association (MCBA) is attempting to assess the current diversity initiatives and programs, as well as minority participation in The Women Lawyers Association. In the past few weeks, either you or a representative from your association has been contacted about your association's willingness to participate in a survey concerning these matters. The MCBA Bar Association Commission seeks to measure progress, identify areas that need attention, and strengthen the bond between the MCBA and The Women Lawyers Association in achieving greater diversity of the legal profession in the St. Louis area.

We want to assure you that the motives and goals of the MCBA and this committee are genuinely intended to create improved mechanisms for increasing diversity. We are strongly committed and eager to further facilitate and build upon the long-standing connection and network between the MCBA and The Women Lawyers Association to further diversify our esteemed profession. To that end, we greatly appreciate you completing the enclosed questionnaire on behalf of your association. Your candid and thoughtful responses will assist us in our assessment of the current state of these matters from the perspective of other bar associations in the area.

Please return the enclosed questionnaire to us by **October 6th, 2006**. A self-addressed, stamped envelope is included for your convenience. Thanks again for your help.

If you have any questions please contact Michael Gunn at (314) 965-1200 or Donald Calloway at (314) 552-6452.

Respectfully,

Bar Association Commission
Leslie P. Wallace, Esq. (Chair)
Susie McFarland
Michael P. Gunn
Frank J. Smith, Jr.
Donald Calloway

cc Pamela J. Meanes, President

www.moundcitybar.com

Wallace, Leslie

From: Wallace, Leslie
Sent: Monday, October 02, 2006 11:58 AM
To: 'copeland@ctfpc.com'; 'mobar@mobar.org'
Subject: Mound City Bar Association - Diversity Survey

Importance: High

Mr. Copeland,

As previously discussed, attached please find the Mound City Bar Association - Bar Association Commission's Survey regarding diversity initiatives in our local bar associations. A hard copy have been previously sent out.

If you have any questions, please do not hesitate to contact me. Thank you in advance for your time.

Leslie



ST_LOUIS-2471111ST_LOUIS-2437846
-v1-MCBA - Ltr... -v1-MCBA - Sur...

Leslie P. Wallace

(formerly Leslie P. Butler)

Husch & Eppenberger, LLC

190 Carondelet Plaza, Suite 600

Saint Louis, MO 63105

(314) 480-1805 (direct)

(314) 480-1505 (fax)

Leslie.Wallace@husch.com

Legal Secretary: Sherri Cook

314-480-1500, ext. 2055

sherri.cook@husch.com

Wallace, Leslie

From: Wallace, Leslie
Sent: Monday, October 02, 2006 11:59 AM
To: 'sara.rittman@mo-legal-ethics.org'
Cc: 'copeland@ctfpc.com'; 'mobar@mobar.org'
Subject: Mound City Bar Association - Diversity Survey

Importance: High

Ms. Rittman,

As previously discussed, attached please find the Mound City Bar Association - Bar Association Commission's Survey regarding diversity initiatives in our local bar associations. A hard copy have been previously sent out.

If you have any questions, please do not hesitate to contact me. Thank you in advance for your time.

Leslie



ST_LOUIS-2471123ST_LOUIS-2437846
-v1-MCBA - Ltr... -v1-MCBA - Sur...

Leslie P. Wallace
(formerly Leslie P. Butler)
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
Saint Louis, MO 63105
(314) 480-1805 (direct)
(314) 480-1505 (fax)
Leslie.Wallace@husch.com

Legal Secretary: Sherri Cook
314-480-1500, ext. 2055
sherri.cook@husch.com

Wallace, Leslie

From: Wallace, Leslie
Sent: Monday, October 02, 2006 12:01 PM
To: 'Iricci@mindspring.com'
Cc: 'mgunn@thegunnlawfirm.com'; 'Calloway Jr., Donald'
Subject: Mound City Bar Association - Diversity Survey

Importance: High

Ms. Ricci,

As previously discussed, attached please find the Mound City Bar Association - Bar Association Commission's Survey regarding diversity initiatives in our local bar associations. A hard copy have been previously sent out.

If you have any questions, please do not hesitate to contact Michael Gunn or Donald Calloway (copied on this email). Thank you in advance for your time.

Leslie Wallace
Bar Association Commission, Chair



ST_LOUIS-2471217ST_LOUIS-2437846
-v1-MCBA - Ltr... -v1-MCBA - Sur...

Leslie P. Wallace

(formerly Leslie P. Butler)
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
Saint Louis, MO 63105
(314) 480-1805 (direct)
(314) 480-1505 (fax)
Leslie.Wallace@husch.com

Legal Secretary: Sherri Cook
314-480-1500, ext. 2055
sherri.cook@husch.com

Wallace, Leslie

From: Wallace, Leslie
Sent: Monday, October 02, 2006 12:05 PM
To: 'jsusman@lawyersassociationofstlouis.org'
Cc: 'Smith, Frank J. Jr.'
Subject: Mound City Bar Association - Diversity Survey

Importance: High

Mr. Susman,

Attached please find the Mound City Bar Association - Bar Association Commission's Survey regarding diversity initiatives in our local bar associations. A hard copy have been previously sent out.

If you have any questions, please do not hesitate to contact Frank Smith (copied on this email). Thank you in advance for your time.

Leslie Wallace
Bar Association Commission, Chair



ST_LOUIS-2471163ST_LOUIS-2437846
-v1-MCBA - Ltr... -v1-MCBA - Sur...

Leslie P. Wallace
(formerly *Leslie P. Butler*)
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
Saint Louis, MO 63105
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(314) 480-1505 (fax)
Leslie.Wallace@husch.com

Legal Secretary: Sherri Cook
314-480-1500, ext. 2055
sherri.cook@husch.com

Wallace, Leslie

From: Wallace, Leslie
Sent: Monday, October 02, 2006 12:06 PM
To: 'Rtucker@grlawstl.com'
Cc: 'Smith, Frank J. Jr.'
Subject: Mound City Bar Association - Diversity Survey

Importance: High

Mr. Tucker,

Attached please find the Mound City Bar Association - Bar Association Commission's Survey regarding diversity initiatives in our local bar associations. A hard copy have been previously sent out.

If you have any questions, please do not hesitate to contact Frank Smith (copied on this email). Thank you in advance for your time.

Leslie Wallace
Bar Association Commission, Chair



ST_LOUIS-2471174ST_LOUIS-2437846
-v1-MCBA - Ltr... -v1-MCBA - Sur...

Leslie P. Wallace
(formerly Leslie P. Butler)
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
Saint Louis, MO 63105
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(314) 480-1505 (fax)
Leslie.Wallace@husch.com

Legal Secretary: Sherri Cook
314-480-1500, ext. 2055
sherri.cook@husch.com

Wallace, Leslie

From: Wallace, Leslie
Sent: Monday, October 02, 2006 12:14 PM
To: 'lawvogel@earthlink.net'
Cc: 'smcfarland@whitecoleman.net'
Subject: Mound City Bar Association - Diversity Survey

Importance: High

Ms. Vogel,

Attached please find the Mound City Bar Association - Bar Association Commission's Survey regarding diversity initiatives in our local bar associations. A hard copy have been previously sent out.

If you have any questions, please do not hesitate to contact Susie McFarland (copied on this email). Thank you in advance for your time.

Leslie Wallace
Bar Association Commission, Chair



ST_LOUIS-2471195ST_LOUIS-2437846
-v1-MCBA - Ltr... -v1-MCBA - Sur...

Leslie P. Wallace
(formerly Leslie P. Butler)
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
Saint Louis, MO 63105
(314) 480-1805 (direct)
(314) 480-1505 (fax)
Leslie.Wallace@husch.com

Legal Secretary: Sherri Cook
314-480-1500, ext. 2055
sherri.cook@husch.com

Wallace, Leslie

From: Wallace, Leslie
Sent: Monday, October 02, 2006 12:15 PM
To: 'ExecDir_1@mobar.org'
Cc: 'smcfarind@whitecoleman.net'
Subject: Mound City Bar Association - Diversity Survey

Importance: High

Mr. Birkes,

Attached please find the Mound City Bar Association - Bar Association Commission's Survey regarding diversity initiatives in our local bar associations. A hard copy have been previously sent out.

If you have any questions, please do not hesitate to contact Susie McFarlind (copied on this email). Thank you in advance for your time.

Leslie Wallace
Bar Association Commission, Chair



ST_LOUIS-2471190ST_LOUIS-2437846
-v1-MCBA - Ltr... -v1-MCBA - Sur...

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Leslie.Wallace@husch.com

Legal Secretary: Sherri Cook
314-480-1500, ext. 2055
sherri.cook@husch.com

Wallace, Leslie

From: Wallace, Leslie
Sent: Tuesday, October 03, 2006 1:35 PM
To: 'rbaird@blmhpc.com'; 'sara.rittman@mo-legal-ethics.org'; 'Iricci@mindspring.com'; 'jsusman@lawyersassociationofstlouis.org'; 'Rtucker@grlawstl.com'; 'lawvogel@earthlink.net'; 'ExecDir_1@mobar.org'
Cc: 'fsmith@thompsoncoburn.com'; 'mgunn@thegunnlawfirm.com'; 'smcfarind@whitecoleman.net'; 'Calloway Jr., Donald'; 'Meanes, Pam'
Subject: MCBA - Bar Association Survey
Importance: High

Distinguished Members of Local Missouri Bar Associations:

By now each of you should have received (via email and snail mail) the diversity Survey from the Mound City Bar Association - Bar Association Commission. You have also most likely noticed the quick turn-around time (October 6, 2006). I wanted to write and let you know the reason behind the quick turn-around, and let you know that there is a future opportunity to substantively discuss the contents of the Survey.

First, the quick turn-around time is due to the MCBA having a current platform which includes several commission agendas each to be completed within a short time frame, in order to allow each commission to present research findings and results to the general body in a timely fashion. This particular Commission had a pre-set presentation date to the Executive Board, General Body and thereafter Distribution date. The turn-a-round time between our distribution and presentation to the Executive Board is 9 days. We must present our research and findings on October 10, 2006. Our President is very clear and stern on the timelines, in order for each commission to function smoothly, so we hope that all involved are able to work with us in the time allotted.

However, we appreciate the nature of the request that is being asked of each organization, and stand by our sincerity to bring about changes in the local bar associations. To that end, there will be plenty of opportunities for the local bar associations to have input in this initiative beyond the survey. Forthcoming, you will be receiving a letter/invitation to join the MCBA at its November meeting (November 29, 2006) to further discuss the substantive nature of this survey in a relaxed and informal atmosphere. This survey is just the starting point for the Commission to learn what is currently being done, and to evaluate how the MCBA and local bar associations can continue to grow to bring about positive and affective change.

Please feel free to address any concerns or comments you may have. In the interest of time, you may send your survey back via the enclosed SASE, or fax directly to Leslie P. Wallace at 314-480-1505 and I will distribute it to the appropriate member of this Commission. Thank you in advance for your timely response and cooperation.

Respectfully,

Leslie Wallace

Leslie P. Wallace
(formerly Leslie P. Butler)
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
Saint Louis, MO 63105
(314) 480-1805 (direct)
(314) 480-1505 (fax)
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Legal Secretary: Sherri Cook
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Mound City Bar Association

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St. Louis, MO 63188
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Immediate Past
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Facsimile: (314) 480-1505
Email: leslie.wallace@husch.com

October 26, 2006

Ron Baird
The Missouri Bar, President
326 Monroe St.
Jefferson City, MO 65102

Re: *Bar Association Commission Diversity Survey Discussion - 11/29/06*

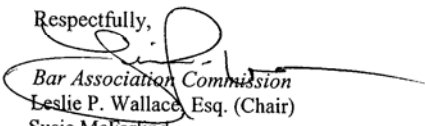
Dear President Baird,

The Bar Association Commission of the Mound City Bar Association (MCBA) appreciates The Missouri Bar's response to the diversity survey. It is our sincere hope that this survey serves as a stepping stone in further diversifying the legal profession in the St. Louis area. To that end our Commission cordially invites you to attend the MCBA's November general meeting wherein the results of this survey will be discussed, followed by a substantive and open dialogue between the MCBA general body and the presidents of The Missouri Bar, WLA, Lawyer's Association and BAMSL to collectively identify those areas that need attention, and propose suggestions to foster effective mechanisms for increasing diversity.

This meeting will be held on **November 29, 2006 @ 6:00pm, at Harris Stowe State University**, following the general meeting of the MCBA. The address is 3026 Laclede Ave, St. Louis, Missouri 63103, and the meeting will be held in the Library which is in a new and separate building situated between the recreation center and the campus classrooms. Directions are attached.

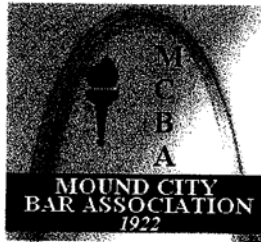
We are strongly committed and eager to build upon the long-standing connection and network between the MCBA and The Missouri Bar to further diversify our esteemed profession. To that end, we encourage you to come to the meeting with questions and suggestions that will promote our combined goal to increase diversity.

Please **RSVP to Leslie Wallace by November 8, 2006**. We look forward to working with you.

Respectfully,

Bar Association Commission
Leslie P. Wallace, Esq. (Chair)
Susie McFarland
Michael P. Gunn
Frank J. Smith, Jr.
Donald Calloway

cc Pamela J. Meanes, MCBA President
cc Sara Rittman, Keith Birkes

www.moundcitybar.com



Mound City Bar Association

P.O. Box 1543
St. Louis, MO 63188
Tel: (314) 552.6349
E-mail: pmeanes@thompsoncoburn.com

Pamela J. Meanes
President

Rufus J. Tate, Jr.
President-Elect

Annette Slack
Vice-President

Paul A. Randolph
Treasurer

Carla Allen
Corresponding
Secretary

Kemba Logan
Recording Secretary

Joan K. Miller
Member-At-Large

Rolanda Johnson
Member-At-Large

Robert Kenney
Parliamentarian

Celestine Dotson
Historian

Hon. Marvin O. Teer
Immediate Past
President

Leslie P. Wallace
Direct Dial: (314) 480-1805
Facsimile: (314) 480-1505
Email: leslie.wallace@husch.com

October 26, 2006

Lynn Ricci
Women Lawyers Association, President
1200 South Big Bend Blvd
St. Louis, MO 63117

Re: *Bar Association Commission Diversity Survey Discussion - 11/29/06*

Dear President Ricci,

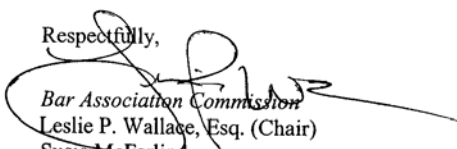
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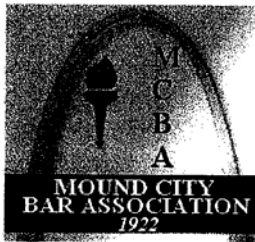
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Susie McFarland
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Frank J. Smith, Jr.
Donald Calloway

cc Pamela J. Meanes, President

www.moundcitybar.com



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Direct Dial: (314) 480-1805
Facsimile: (314) 480-1505
Email: leslie.wallace@husch.com

October 26, 2006

Robert E. Tucker
Lawyers Association, President
P.O. Box 411122
St. Louis, MO 63141

Re: *Bar Association Commission Diversity Survey Discussion - 11/29/06*

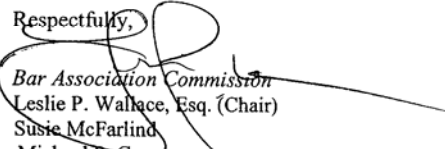
Dear Mr. Tucker,

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Susie McFarland
Michael P. Gunn
Frank J. Smith, Jr.
Donald Calloway

cc Pamela J. Meanes, MCBA President
cc James A. Susman

www.moundcitybar.com



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President

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Email: leslie.wallace@husch.com

October 27, 2006

Lynn Ann Vogel, President
BAMSL, President
720 Olive, Suite 2900
St. Louis, MO 63101

Re: *Bar Association Commission Diversity Survey Discussion – 11/29/06*

Dear President Vogel,

The Bar Association Commission of the Mound City Bar Association (MCBA) appreciates BAMSL's participation in the diversity survey. It is our sincere hope that this survey serves as a stepping stone in further diversifying the legal profession in the St. Louis area. To that end our Commission cordially invites you to attend the MCBA's November general meeting wherein the results of this survey will be discussed, followed by a substantive and open dialogue between the MCBA general body and the presidents of The Missouri Bar, WLA, Lawyer's Association and BAMSL to collectively identify those areas that need attention, and propose suggestions to foster effective mechanisms for increasing diversity.

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Respectfully,

Bar Association Commission
Leslie P. Wallace, Esq. (Chair)

Susie McFarland
Michael P. Gunn
Frank J. Smith, Jr.
Donald Calloway

cc Pamela J. Meanes, MCBA President

www.moundcitybar.com

Wallace, Leslie

From: Wallace, Leslie
Sent: Tuesday, November 07, 2006 2:55 PM
To: 'rbaird@blmhpc.com'; 'sara.rittman@mo-legal-ethics.org'; 'ExecDir_1@mobar.org'
Subject: MCBA - Bar Association Commission November Meeting

This letter was previously sent, but I wanted to follow up via email. Thank you!

Leslie



ST_LOUIS-2493935
-v1-MCBA - Ltr...

Leslie P. Wallace, Esq.
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
Saint Louis, MO 63105
(314) 480-1805 (direct)
(314) 480-1505 (fax)
Leslie.Wallace@husch.com

Legal Secretary: Sherri Cook
314-480-1500, ext. 2055
sherri.cook@husch.com

"If you run with wolves, you will learn how to howl.
But if you associate with eagles, you will learn how to soar to great heights."

Wallace, Leslie

From: Wallace, Leslie
Sent: Tuesday, November 07, 2006 2:56 PM
To: 'Iricci@mindspring.com'
Subject: MCBA - Bar Association Commission November meeting

This was previously sent, but I wanted to follow up. Thank you.



ST_LOUIS-2495530
-v1-MCBA - Ltr...

Leslie

Leslie P. Wallace, Esq.
Husch & Eppenberger, LLC
190 Carondelet Plaza, Suite 600
Saint Louis, MO 63105
(314) 480-1805 (direct)
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sherri.cook@husch.com

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Wallace, Leslie

From: Wallace, Leslie
Sent: Tuesday, November 07, 2006 3:06 PM
To: 'jsusman@lawyersassociationofstlouis.org'; 'Rtucker@grlawstl.com'
Subject: MCBA - Bar Association Commission November Meeting

This was previously sent, but I wanted to follow up. Thank you.



ST_LOUIS-2495542
-v1-MCBA - Ltr...

Leslie

Leslie P. Wallace, Esq.
Husch & Eppenberger, LLC
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Saint Louis, MO 63105
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Wallace, Leslie

From: Wallace, Leslie
Sent: Wednesday, November 15, 2006 3:06 PM
To: 'rbaird@blmhpc.com'; 'sara.rittman@mo-legal-ethics.org'; 'lricci@mindspring.com'; 'jsusman@lawyersassociationofstlouis.org'; 'Rtucker@grlawstl.com'; 'lawvogel@earthlink.net'; 'ExecDir_1@mobar.org'; 'Genevieve Nichols'
Cc: 'fsmith@thompsoncoburn.com'; 'mgunn@thegunnlawfirm.com'; 'smcfarland@whitecoleman.net'; 'Calloway Jr., Donald'; 'Meanes, Pam'
Subject: MCBA November 29th Meeting
Importance: High

Distinguished Members of Local Bar Associations:

I wanted to take a moment and thank you for the survey responses received thus far.

In preparation for the MCBA November 29th meeting, I wanted to provide you with the layout for this meeting. The general MCBA meeting will begin at 6:00pm. You are invited to the general meeting, but **the Panel discussion will take place at 7:00pm**. The underlying purpose of the Panel is to address the MCBA general body, however, **no questions will be taken from the floor**. Rather, the facilitator and Panelists will engage in constructive dialogue about issues uncovered by the survey, research and questions submitted by the Commission and general body. After the meeting, the Panelists and audience are free to exchange ideas and information learned through the meeting.

The above structure is the same for all of the MCBA Commissions. The purpose is to ensure that everyone can discuss in an atmosphere that is anticipated and open. Please know that this meeting is intended as a genuine effort to freely exchange ideas and information.

If you have not yet RSVP'd, please do so. In addition, please indicate the name and title of the representative each organization will send. Only Panelist will be permitted to speak in the discussion on behalf of the respective organization.

Thank you in advance for your participation and open mind as we tackle these tough issues.

Light refreshments will be served.

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Survey and Responses

**MOUND CITY BAR ASSOCIATION
BAR ASSOCIATION COMMITTEE
2006-2007 SURVEY**

Responses are kindly requested on or before **October 6th, 2006** to:

**Leslie P. Wallace, Chair
Bar Association Committee
Mound City Bar Association
P.O. Box 1543
St. Louis, MO 63188**

Please feel free to attach any additional sheets necessary for your responses.

GENERAL

1. Length of time in existence

2. Current number of members (minority and non-minority)

3. Do you, or have you ever, kept any information about the race of your members?

If yes, please provide information about the present number of non-white members you have, including the breakdown as to race.

GOVERNANCE

4. Has your association ever had an African-American as part of its governance (i.e. committee chair or co-chair; executive board) and, if so, please identify and state their name, date(s) of service and their position(s) within the association.

5. Does your association have a charter or by-laws which address race or diversity in any manner?

If yes, please provide a copy of such information.

DIVERSITY INITIATIVES

6. Please state whether the bar association has a formal and identifiable diversity committee.

If yes, then please state:

a. the official name of this committee

p

b. the contact person(s) for this committee

c. when this committee was formed

d. the mission statement/goal of this committee

e. the current ethnic composition of this committee

f. whether the committee has conducted any survey or reports (and please attach said items)

g. whether the committee has undertaken any program(s) towards performing its mission

If yes, when the program took place (duration);

What were the target groups?

If no, then please state if establishing a diversity committee would serve a valuable purpose for your association. (Please explain why or why not.)

7. What initiatives, if any, has your association taken with regard to soliciting the inclusion of non-white members, generally, and when were these initiatives taken?

8. What initiatives, if any, has your association taken with regard to inclusion of non-white members in governance of the association, and when were these initiatives taken?

9. Has your association ever participated in any program, either on its own or by networking with any other association, organization or entity, to address any racial issues or diversity issues generally?

If yes, please state when and provide a detailed description of such program or programs and their results.

10. Has your association ever participated in any activity, program or initiative, either on its own or by networking with any other association, organization or entity, to address the promotion of diversity in your association and/or the legal profession in Missouri?

If yes, please state when and provide a detailed description of such program or programs and their results.

11. For each activity listed in Numbers 9 and 10, please state whether your association maintains statistics concerning success rate of said programs?

If yes, please attach said results.

If no, please state why such statistics are not maintained.

12. In what areas do you think your association has been effective in implementing its diversity programs or initiatives?

13. Is your association willing to develop, implement and support a formal statement of diversity principles and formal programs to carry out those principles within the next year?

14. Is your association also willing to network with other associations, organizations or entities to address issues of race or diversity with regard to bar membership and governance, the practice of law or administration of justice?

If yes, does your organization have any ideas as to what and how such issues could be so addressed?

15. Please feel free to provide any additional comments in the space below.

Thank you for your honest and candid responses.

Respectfully,

The Bar Association Committee
Mound City Bar Association
2006-2007



THE MISSOURI BAR

THE MISSOURI BAR CENTER
326 MONROE ST.
POST OFFICE BOX 119
JEFFERSON CITY, MISSOURI 65102
573/635-4128
FAX: 573/635-2811
E-MAIL: MOBAR@MOBAR.ORG
WEB SITE: [HTTP://WWW.MOBAR.ORG](http://www.mobar.org)

October 5, 2006

Leslie P. Wallace, Chair
Bar Association Committee
Mound City Bar Association
P.O. Box 1543
St. Louis, MO 63188

RE: The Mound City Bar Association 2006-2007 Survey

Dear Leslie:

I am responding on behalf of The Missouri Bar to the Mound City Bar Association diversity survey. Because of the very limited amount of time to prepare this response, please feel free to contact me if there is additional information or explanations that would be helpful. I'll answer your questions in the same order posed in your survey document:

1. The Missouri Bar Unified has been in existence since 1944.
2. The current membership of The Missouri Bar is approximately 29,000.
3. The Missouri Bar does not keep any racial information about our members.
4. The Missouri Bar has had significant African-American participation and I will list those who have served on the Board of Governors of The Missouri Bar as best my knowledge permits. I can provide specific dates at a later time, if you would like. African-American members of the Board of Governors have been as follows: Angela Bennett, Anne-Marie Clarke, Dana Tippin Cutler, Charlie J. Harris, Jr. (currently serving as President-Elect of The Missouri Bar), Sylvester James, Jr., and Hope Whitehead.

The Missouri Bar also appoints delegates to the House of Delegates of the American Bar Association and African American delegates have included the following: Angela Bennett, Dorothy White-Coleman, Rueben Shelton and James Tippin.

5. The Missouri Bar's Bylaws do not address race or diversity, however, our Board policy regarding the appointment of ABA delegates requires that one of those delegates be a minority member.

6. The Missouri Bar currently has a Minority Issues Committee and a Leadership Academy, which both deal with diversity issues. Preceding the Minority Issues Committee was our Women and Minorities Committee. Our current Gender and Justice Committee also touches on some matters related to race. The current chairs of those Committees are as follows:

Kemba N. Logan, Chair Minority Issues Committee The Law Offices of Shari M. Brunton 1010 Market Suite 1510 St. Louis, MO 63101	Sara G. Rittman, Co-Chair Gender and Justice Committee 217 E. McCarty Jefferson City, MO 65101-3112
C. Michelle Coleman, Coordinator Leadership Academy Truman State Office Bldg., Room 670 P.O. Box 475, 301 W. High Street Jefferson City, MO 65102	Frank E. Wallemann, Co-Chair Gender and Justice Committee 4627 Shepherd Hills Rd., # 410 Jefferson City, MO 65101

The above referenced committees have been in existence for approximately five to seven years, with predecessor groups having been initiated approximately ten years before the current committees. The goals of all of these committees have been to increase diversity, both from a gender and racial perspective, in all aspects of the work of The Missouri Bar.

Over the last 20 years, there have been a variety of programs and panel discussions on the topic of diversity. There have been two job fairs aimed at increasing diversity in the workplace. The Leadership Academy annually selects 10-12 participants with a diverse gender, racial and geographic background, and they are provided with substantial training and involvement in all aspects of the operation of The Missouri Bar. (See attached articles.)

7. All lawyers eligible to practice law in Missouri must belong to The Missouri Bar.
8. Members of the Board of Governors of The Missouri Bar are elected by local lawyers in 13 districts throughout the state. Reflected in my answer to question #4 is a listing of those African-American lawyers elected to serve on the Board of Governors. I do know that there have been private initiatives and encouragement of African-American lawyers to run for election to the Board of Governors.
9. Please refer to my response to question #6.
10. The Missouri Bar actively cooperates with minority bar associations and women bar associations in soliciting candidates for our Leadership Academy each year.
11. Specific statistics are not maintained, however, a survey is being prepared to send to

Page 3
October 5, 2006

all graduates of our Leadership Academy to inquire about their ongoing involvement in the organized bar. Many of the graduates of the Leadership Academy have gone on to serve in leadership positions on Missouri Bar committees and the Young Lawyers Section Council of The Missouri Bar.

12. I think the job fairs and diversity panel discussions have been helpful and of value, however, I believe The Missouri Bar's Leadership Academy is particularly effective in enhancing the diversity of those involved in the leadership of The Missouri Bar. The Academy offers extensive training and experience for those willing to assume a leadership role in the organized bar.
13. The Missouri Bar is always willing, through its officers and Board of Governors, to discuss and consider opportunities to diversify and enhance the legal profession in Missouri.
14. The Missouri Bar is willing to network and otherwise cooperate with other groups to address issues of race and diversity as they relate to the justice system.

Again, please let me know if I can provide additional information on any of the topics addressed in your questionnaire or otherwise assist as we all look for ways to enhance diversity within the legal profession. I have also attached a copy of this survey completed by Sara Rittman, co-chair of our Gender and Justice Committee.

Sincerely,



Keith A. Birkes
Executive Director

KAB:dg

Meeting Highlights

as it "rocks around St. Louis" on September 21.

An open air, double decker bus will pick up interested parties from the Adam's Mark Hotel for a late afternoon, personalized tour around some of St. Louis' most historic sites. The bus will then head for the Chase Park Plaza Hotel, offering front door service to that evening's "Best of Missouri" Reception.

After the reception, the bus will escort registrants to St. Louis' own Hard Rock Café, located inside historic Union Station, where music, fun, food and libations will help them rock the night away!

A late night ride back to the Adam's Mark Hotel will conclude the evening.

This event is complimentary for all registrants, or by purchase of a \$30.00 ticket.

DEBATES

The Missouri Bar has a long tradition of serving as a forum for debates among candidates for the state's top elective offices. Indeed, debates among the candidates for these offices have become a fixture on the Annual Meeting schedule during election years.

The Missouri Bar has issued debate invitations to all of the major candidates for U.S. Senator, Governor and Attorney General. A debate among candidates for Missouri Attorney General has already been confirmed. Should additional debates become reality, they will be added to the Annual Meeting schedule.

DIVERSITY, THE COURTS AND THE BAR

One of the most critically important programs ever developed by The Missouri Bar will take place from 9:00 a.m. to 11:30 a.m. on Thursday, September 21 at the historic Old Courthouse. You won't want to miss this program on "Diversity, the Courts and the Bar." An exceptional group of panelists is being assembled to provide lawyers with an opportunity to explore this vital issue affecting the legal profession and society as a whole. Among those who have already agreed to take part in this program are: Morris Dees, co-founder of the Southern Poverty Law

Center; Detroit Mayor Dennis Archer, a former president of the Michigan State Bar and former justice of the Michigan Supreme Court; and William G. Paul, immediate past president of the American Bar Association. Other prominent lawyers and judges from Missouri will join these nationally known panelists.

Because of the significance of the topic, this program is being provided at no cost to Missouri Bar members. No pre-registration for the diversity program is required, but lawyers who sign in when they arrive at the program will receive MCLE ethics credit for attending.

BOARD OF GOVERNORS BREAKFAST

Friday, September 22

This event, for years held on Friday evening during the Annual Meeting, is being moved to a breakfast format so as



Briscoe

to allow registrants to enjoy their law school alumni luncheons, then return home to enjoy

the entirety of their well-deserved weekend. The time frame may have changed, but the importance of this event – which marks the official transition from one bar year to the next – remains.

The high point of the luncheon will be the transfer of power from President Michael P. Gunn of St. Louis to President-Elect John W. Briscoe of New London.

In addition, the breakfast will feature the presentation of the W. Oliver Rasch Award, the Purcell Professionalism Award, the David J. Dixon Appellate Advocacy Awards, the Lon O. Hocker Trial Lawyer Awards and the Spurgeon Smithson Awards.

Tickets for the Board of Governors Breakfast are complimentary with registration. Additional tickets for non-registrants may be purchased at a cost of \$35.00 per person.



Gunn



Thursday, September 21

"Small Law Firm Tune-Up: How to Self-Audit Your Practice to Make It Run Smoother" – Promenade B Ballroom

Speakers: **James Wirken**, The Wirken Law Group, P.C., Kansas City; **James D. Boggs**, Kansas City; **Nimrod L. Chapel**, Humphrey, Farrington, McClain, Independence

Most small firm lawyers haven't thought of or can't afford to have an efficiency expert review their practice, but most could greatly benefit from such an exercise. However, this can easily be done by small firm lawyers themselves through an honest and total examination of the health and vitality of their law firm, including but beyond firm finances. Hear from some of the most popular speakers from the Solo and Small Firm Conference, who will guide lawyers through conducting an overall checkup of their firm, including client relations, staff management, marketing, confidentiality and more. Attendees will also learn about recognizing danger signals about risky habits and behavior that can harm a firm and its reputation. This program, part of the Solo and Small Firm Symposium, is being presented by the Solo and Small Firm Committee.

9:00 – 10:00 a.m.

"Qui Tam Actions Under the Federal False Claims Act" – St. Louis B Ballroom

Moderator: **Brian Hajcek**, Tofle & Oxenhandler, P.C., Columbia

Presenter: **Anthony DeWitt**, Bartimus, Frickleton, Robertson & Obetz, Jefferson City

This program is being presented by the Young Lawyers' Section.

9:00 – 10:30 a.m.

"How Your Firm Can Benefit From a Partnership with MOLAP: A Program for Managing Partners" – Director's Row 29

Presenter: **James Howard**, Director, Missouri Lawyers Assistance Program, Jefferson City

This program is for law firm managing partners and others interested in maintaining/improving a firm's performance and image.

9:00 – 11:00 a.m.

"The Missouri Bar Unified: Many Voices, One Calling – Does Race Affect the Legal Profession and the Administration of Justice?" – Old Courthouse

Moderator: **Burnele Powell**, Dean, University of Missouri-Kansas City School of Law

Panelists: **Morris Dees**, Southern Poverty Law Center; **Mel Carnahan**, Governor, State of Missouri; **Dennis Archer**, Mayor, City of Detroit, MI; **William G. Paul**, Immediate Past President, American Bar Association; **Oliver Mitchell**, Assistant General Counsel, Ford Motor Company, Dearborn, MI; **Hon. Ronnie White**, Judge, Supreme Court of Missouri; **Michael P. Gunn**, President of The Missouri Bar, Ballwin; **Eric Banks**, Thompson Coburn, L.L.P., St. Louis; **Marie Kenyon**, St. Louis

Join this outstanding roster of national and state luminaries for an in-depth discussion of the role of race within the legal profession and society as a whole. This program is accredited for two hours of MCLE credit for those in attendance.

9:00 a.m. – 3:30 p.m.

OCDC Discussion Booth – Outside Promenade B Ballroom

Take advantage of this opportunity to informally discuss ethical questions or concerns with the staff from the Office of Chief Disciplinary Counsel.

Solo and Small Firm Booth – Outside Promenade B Ballroom

See video clips from the 2000 Solo and Small Firm Conference, sign up to join the Solo and Small Firm Committee or other related committees, and learn about the SFIG (Small Firm Internet Group) electronic discussion group.

Interactive Computing Area: Silicon Beach II – Outside Promenade B Ballroom

The "Silicon Beach" continues to be one of the most popular areas at the annual Solo and Small Firm Conference. This year a smaller version of the "Beach" is being brought to the Annual Meeting for the first time. This is a hands-on, one-on-one opportunity to learn more about using computers in the small law office, particularly using the Internet in the practice of law.

9:30 – 10:30 a.m.

Spouses' Cooking Demonstration – Director's Row 28

10:00 – 10:50 a.m.

"Use of Lawyers by Sports/Entertainment Personnel" – Promenade A Ballroom

Presenters: **Steve Gladstone**, Nashville, TN; **Mike Bush**, KSDK-TV, St. Louis; **Bob Wallace**, St. Louis Rams; **Jim Turner**, Sports Agent, Turner Gary Sports, Inc., St. Louis; **Jim Steiner**, Sports Agent, SFX Sports Group, St. Louis; **Steve Schankman**, SFX Contemporary, St. Louis

The Sports & Entertainment Law Committee will host this panel discussion featuring well-known sports and entertainment personalities discussing how they use lawyers.

"Para-Lawyer 101: How to Maximize the Use of Paralegals in Your Small Practice Without Stepping Over the Ethical Line" – Promenade B Ballroom

Moderator: **Melody Schroer**, St. Louis

Speakers: **Sara Rittman**, Office of the Chief Disciplinary Counsel, Jefferson City; **Fredrich J. Cruse**, Hannibal; **Lisa Dixon**, Paralegal, Armstrong Teasdale, St. Louis; **Sharon Chiles**, Paralegal, Law Offices of David N. Damick, St. Louis.

At this session, you'll learn more about how a small firm lawyer can save countless hours and serve clients more efficiently and effectively by using the services of a qualified paralegal working under a lawyer's direction. You'll hear from a small firm lawyer who effectively uses the services of a paralegal in a bankruptcy practice and from paralegals who work primarily in the areas of estate administration and litigation. Finally, you'll hear what the Office of Chief Disciplinary Counsel has to say about being careful that paralegals do not cross over the line to actually begin practicing law. This program, presented by the Solo and Small Firm Committee, is part of the Solo and Small Firm Symposium.

*The Missouri Bar
Annual Report*



Your Key to Success

2002-2003



All new law school graduates automatically become members of the Young Lawyers' Section upon their enrollment in The Missouri Bar.

was one of the highlights of Law Week activities. Students from across the state wrote essays regarding the concept of equality under the law in a diverse society. Winners in each of three age categories received plaques and savings bonds. The awards were presented at the Spring Committee Meetings luncheon in Jefferson City in May.

In January, young lawyers served as judges for the "We the People" state finals in conjunction with The Missouri Bar's Law-Related Education Department. The YLS contributed funds to help send the winning team to the national finals in Washington, D.C., where they received second place honors.

The YLS reprinted and distributed several of its popular publications, including a Spanish version of its domestic violence brochure, which has been very well-received. The YLS also continued its commitment to quality continuing legal education programs with seminars during the Annual Meeting and YLS regional meetings. YLS regional meetings promote a better understanding of Section activities and provide an opportunity for young lawyers to become better acquainted.

Another highlight of the year was the kickoff of "First Vote," a project implemented in conjunction with the Close Up Foundation. Young lawyers in the St. Louis area went into local high schools with presentations about the importance of citizen participation. After the presentation, students who are eligible (by age) are given the opportunity to register to vote. The YLS plans to expand this project statewide during the next year.

Other plans for the new year include: implementation

of "Crossing the Line," a program designed to educate middle school and high school students about their rights and responsibilities with respect to crimes and socially unacceptable behaviors; "Junior Judges," a program geared toward encouraging fourth and fifth graders to judge for themselves what is the right thing to do in difficult situations; and continuation of existing YLS projects and publications.

LEADERSHIP ACADEMY

The Missouri Bar Leadership Academy, a program sponsored by the Committee on Minority Issues and designed to promote diversity in the leadership of The Missouri Bar, saw many short-term goals and the beginnings of its long-term goals accomplished in 2002.

The class of 2001-02, after receiving leadership training and extensive orientation to The Missouri Bar over the course of last fall, completed a service project that recognizes the great need for public attention to the importance of jury service and meets the challenge of increasing awareness and understanding among high school students.

The members of the class of 2002-03 were selected in July and, like their predecessors, have spent the fall in leadership training and in becoming familiar with The Missouri Bar through attendance at an orientation, the Annual Meeting, and the Fall Committee Meetings. The 10-member group – lawyers from all parts of the state, from diverse ethnic backgrounds, and from a wide range of practice areas – will draw on their experience as well as their own leadership backgrounds to implement their own service project in the spring.

The Leadership Academy began in 2000, and alumni of the program commit to two years of continued service to The Missouri Bar. Past members are currently serving in many different capacities, including as members of the Young Lawyers' Section Council, the Legal Education Committee and several substantive law committees, and also as volunteers for MoBarCLE programs and publications. It is the hope of the Committee on Minority Issues that the continued participation of these attorneys will broaden and, more importantly, strengthen The Missouri Bar through diversity in leadership.

The Missouri Bar Annual Report 2003-2004



for each committee has greatly facilitated committee work and improved communication among lawyers across the state. Using this resource, members can exchange information, offer assistance to one another, provide moral support, and refer cases outside their geographic area. One of the most popular listservs is the SFIG (Small Firm Internet Group) of the Solo and Small Firms Committee. Nearly 400 solo and small firm lawyers regularly participate in discussions on this listserv.

Leadership Academy

The Leadership Academy began in 2000 as a program of the Committee on Minority Issues to promote diversity among the leadership of The Missouri Bar.

The third year of the Academy was a success on all levels, with the 2002-03 class bringing together 10 attorneys from varying ethnic, geographic, and practice backgrounds to focus on leadership, Missouri Bar involvement, and public service.

These 10 attorneys collaborated to design the legal track for Missouri Girls State, and in June presented the week-long curriculum to more than 175 high school girls. Their work was a substantial step toward getting the Girls State program accredited, so that the girls who attend can obtain college credit. More importantly, 175 talented

high school students from all over Missouri were exposed not only to substantive law principles but also to the possibilities that careers in the law can offer. The students had a chance to meet successful attorneys from a variety of career paths, including the judiciary, private practice, corporate practice, legal aid and legal education, along with the Leadership Academy members themselves.

The 2003-04 Leadership Academy class includes attorneys from the corporate and government sectors as well as private practice. These nine rising leaders have already accomplished much in their local bars and communities, and will offer diverse and innovative perspectives to the work of The Missouri Bar. After orientation to the state bar and leadership training, this class will design and execute a public service project of its own. In July, each member will commit to at least two years

of future service with the bar in some capacity. Former Leadership Academy participants are currently serving The Missouri Bar as committee vice-chairs, members of the Young Lawyers' Section Council and CLE volunteers, among other active roles.

Academy participants are nominated by their local bars, law firms, colleagues, judges, and other Missouri Bar members. Eligible candidates have been in practice 10 years or less and have proven leadership skills in their own communities.

Young Lawyers Section

The Young Lawyers Section (YLS) of The Missouri Bar was created in 1967 to stimulate the interests of young and recently-admitted lawyers in the objectives of The Missouri Bar, and to encourage participation in the substantive and procedural committees of The Missouri Bar.

All members of The Missouri Bar who are 36 years old or younger, or who have been admitted to The Missouri Bar for less than three years, are members of the YLS. Section members elect representatives from 14 geographic districts to form the YLS Council. The YLS Council, with help from section members, carries out public service projects and educational activities throughout the state.

Through these projects and activities, the YLS builds strong



During a Leadership Academy retreat, discussion of proposed service project ideas included input from members (left to right) Joe Hensley, Kim Franks and Tracy Powell.



“ . . . to strive at all times to uphold the honor and maintain the dignity of the profession and to improve not only the law but the administration of justice.”

2004-2005 Annual Report

YLS Council members to participate in one pro bono case during the next year. Also, the YLS will unveil "Crossing The Line: Your Rights and Responsibilities," a curriculum for junior high and high school teachers to teach children the line between behavior that is permissible and behavior that is against the law, as well as the consequences for violating the law.

Leadership Academy

The Leadership Academy began its fifth year with a record number of nominees, which proved a real challenge for the selection committee. In the end, 11 applicants were chosen to continue the Academy's mission of recruiting, training, and retaining a diverse group of attorneys with proven leadership potential for continued involvement in The Missouri Bar. The 2004-05 class combines a variety of practice backgrounds, including a number of solo practitioners and the program's first legal services attorney.

The 2003-04 class broke records in its own right by taking on two service projects. Members partnered with middle schools in their local communities to encourage participation in Project Citizen, a program of the The Missouri Bar's law-related education department that encourages civic involvement on the local level. As part of this program, students develop proposals to improve their communities and a plan to implement them through civic involvement, which often includes working with local

governmental entities. While at the schools, class members surveyed students to find out about their interest in various legal issues. Based on the results they collected, the class developed a web site, "Show-Me Law For Kids," designed for grades 6-9, to provide students with information on issues such as driving, curfew, employment, school offenses, and family law, as well as the court system, the branches of government, and civil rights.

The Leadership Academy began in 2000 as a program of the Committee on Minority Issues to promote diversity of ethnicity, gender, geography, and practice area in the leadership of The Missouri Bar. After orientation to the state bar and leadership training, each class designs and execute a public service project of its own choosing. At the conclusion of the year, each member will commit to at least two years of future service with The Missouri Bar in some capacity. Former Leadership Academy participants are currently serving The Missouri Bar as committee chairs and vice-chairs, members of the Young Lawyers' Section Council, and CLE volunteers, among other active roles.

Academy participants are nominated by their local bars, law firms, colleagues, judges, and other Missouri Bar members. Eligible candidates have been in practice 10 years or less and have proven leadership skills in their own communities.

The 2004-2005 Missouri Bar Leadership Academy Class poses for a group photo with former Missouri Bar President Michael Gunn (far right).



THE MISSOURI BAR

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by the Center for Civic Education and funded by the U.S. Department of Education by act of Congress. It is the most extensive program in the country on the U. S. Constitution and the Bill of Rights for upper elementary, middle, and high school students. The YLS Council and individual members of the YLS participate by volunteering to judge a simulated congressional hearing in which students demonstrate their knowledge while asserting positions on relevant historical and contemporary issues. The Missouri state finals are held in Jefferson City each January. The winning school represents Missouri in the national finals held in Washington, D.C. The YLS Council donates \$10,000 annually to help send the winning team to Washington, D.C. for the national finals.

The Missouri Bar YLS also participates in **Read Across America Day**, which is a celebration of Dr. Seuss' birthday. Young lawyers throughout the state go to classrooms and read Dr. Seuss books to students in an effort to stress the importance of reading and promote the fact that reading is fun.

Public Information/Publications

The YLS provides authorship and financial support to a number of public service publications. Literally thousands of these publications are printed and disseminated throughout Missouri every year. The YLS is currently working to make these publications available in Spanish. Publications include:

- *Domestic Violence and the Law (also in Spanish)*
- *You Can Stop Child Abuse: Legal Remedies Under Missouri Law*
- *The Missouri Bar Coloring Book*
- *Stepping Out*
- *Adoption Guide*

- *New Lawyer Survival Guide*
- *Missouri Small Claims Court Handbook*
- *Senior Citizens Handbook* (the YLS and The Missouri Bar Foundation both provide funding for the printing of the handbook).

YLS Awards

The YLS also sponsors two awards at the Annual Meeting of The Missouri Bar. **The Tom Cochran Community Service Award** is presented to a member of The Missouri Bar whose community service and professionalism have significantly enhanced his or her community. The second YLS award is the **Liberty Bell Award**. It is presented to a non-lawyer or non-legal organization engaged in public service activities that enhance the legal community or dedicated to the advancement of justice.

Finally, the YLS provides member services, including CLE programs in conjunction with the Annual Meeting, a quarterly newsletter sent to all young lawyers, a reception for new lawyers at the swearing-in ceremony in Jefferson City, social events at regional and annual meetings, and other social activities designed to increase interaction between young lawyers, and between young lawyers and members of the judiciary.

LEADERSHIP ACADEMY

The Leadership Academy began in 2000 as a program of the Committee on Minority Issues to promote diversity of ethnicity, gender, geography, and practice area in the leadership of The Missouri Bar. Now, as the Leadership Academy nears the middle of its sixth year, a look at the bar service of the program's graduates reveals the success of the program and a promise of continued and expanded

success in future years. Former Leadership Academy participants are currently serving The Missouri Bar as committee chairs and vice-chairs, members of the Young Lawyers' Section Council, and CLE volunteers, among other active roles.

Academy participants are nominated by their local bars, law firms, colleagues, judges, and other Missouri Bar members. Eligible candidates have been in practice 10 years or less and have proven leadership skills in their own communities. After orientation to the state bar and leadership training, each class designs and executes a public service project of its own choosing. At the conclusion of the year, each member commits to at least two years of future service with The Missouri Bar in some capacity.

The class of 2004–05 joined then-Missouri Bar President Joe Whisler in his vision for widespread use of the state bar's Durable Power of Attorney for Health Care. The Leadership

Academy translated the document into a bilingual version that will allow Spanish-speaking Missourians to record their healthcare directives. This version is available on the bar's web site and will be mailed directly to many agencies, hospitals, churches, and other entities throughout the state to help publicize its availability and importance. The class also updated the bar's domestic violence brochure and its Spanish translation. These resources will also be available on the web and mailed directly to agencies that can help get them into the hands of those who need them.

The Class of 2005–06 is, like the classes before it, a group of talented, motivated, and thoughtful attorneys who are drawing on their diverse backgrounds and leadership experiences to develop their own service project and identify possibilities for future service to The Missouri Bar.



Members of the 2005 Missouri Bar Leadership Academy pose for a group photo during the 2005 Missouri Bar Annual Meeting. Front row, left to right: Scott Hamblin, Jamica Dowell, Jane Drummond, Kemba Logan and Lynn Judkins (advising co-chair). Back row, left to right: Michael Hackworth, Jeff Davis, Julia Kitsmiller, Debra Neal (network trainer), Niki Sublett, Jennifer Thompson, Gretchen Yancey Rogers, and Teresa Laidlacker (advising co-chair).

**THESE RESPONSES RELATE ONLY TO THE GENDER AND JUSTICE
COMMITTEE OF THE MISSOURI BAR**

**MOUND CITY BAR ASSOCIATION
BAR ASSOCIATION COMMITTEE
2006-2007 SURVEY**

This response for the Joint Missouri Bar and Missouri Supreme Court Committee on Gender and Justice prepared by Sara Rittman, Co-Chair

GENERAL

1. Length of time in existence

Approximately ten years.

2. Current number of members (minority and non-minority)

93

3. Do you, or have you ever, kept any information about the race of your members?

We have not kept this information.

If yes, please provide information about the present number of non-white members you have, including the breakdown as to race.

GOVERNANCE

4. Has your association ever had an African-American as part of its governance (i.e. committee chair or co-chair; executive board) and, if so, please identify and state their name, date(s) of service and their position(s) within the association.

There have been one or more African-American members of the Council. I am not certain about co-chair or vice chair positions.

5. Does your association have a charter or by-laws which address race or diversity in any manner?

If yes, please provide a copy of such information.

**JOINT MISSOURI BAR AND MISSOURI SUPREME COURT
COMMITTEE ON GENDER AND JUSTICE**

SCOPE:

**THESE RESPONSES RELATE ONLY TO THE GENDER AND JUSTICE
COMMITTEE OF THE MISSOURI BAR**

.....

The committee shall advise the Supreme Court of Missouri and the Board of Governors regarding the implementation of the findings and recommendations in the Gender and Justice Task Force Report previously received by the Court and the Bar.

DIVERSITY INITIATIVES

6. Please state whether the bar association has a formal and identifiable diversity committee.

If yes, then please state:

a. the official name of this committee

**JOINT MISSOURI BAR AND MISSOURI SUPREME COURT
COMMITTEE ON GENDER AND JUSTICE**

b. the contact person(s) for this committee

Sara Rittman and Frank Wallemann, Co-Chairs

c. when this committee was formed

Approximately November 1996

d. the mission statement/goal of this committee

The committee shall advise the Supreme Court of Missouri and the Board of Governors regarding the implementation of the findings and recommendations in the Gender and Justice Task Force Report previously received by the Court and the Bar.

e. the current ethnic composition of this committee

Unknown

f. whether the committee has conducted any survey or reports (and please attach said items)

I have previously provided a copy of the Report.

g. whether the committee has undertaken any program(s) towards performing its mission

A variety of changes have occurred directly and indirectly as a result of the previous survey. The adoption of Rule 4-8.4(g) is a prime example.

**THESE RESPONSES RELATE ONLY TO THE GENDER AND JUSTICE
COMMITTEE OF THE MISSOURI BAR**

Also, the committee has developed a Courtroom Conduct Handbook for Gender-Neutral Courtroom Procedures. This handbook has been distributed to judges and court personnel.

If yes, when the program took place (duration);

What were the target groups?

If no, then please state if establishing a diversity committee would serve a valuable purpose for your association. (Please explain why or why not.)

7. What initiatives, if any, has your association taken with regard to soliciting the inclusion of non-white members, generally, and when were these initiatives taken?

This committee is an open committee of The Missouri Bar and welcomes all Missouri Bar members.

8. What initiatives, if any, has your association taken with regard to inclusion of non-white members in governance of the association, and when were these initiatives taken?

The membership of the council has included one or more African-Americans. I do not have a comprehensive list.

9. Has your association ever participated in any program, either on its own or by networking with any other association, organization or entity, to address any racial issues or diversity issues generally?

If yes, please state when and provide a detailed description of such program or programs and their results.

Diversity issues are an integral part of all activities of this committee.

10. Has your association ever participated in any activity, program or initiative, either on its own or by networking with any other association, organization or entity, to address the promotion of diversity in your association and/or the legal profession in Missouri?

If yes, please state when and provide a detailed description of such program or programs and their results.

Diversity issues are an integral part of all activities of this committee.

**THESE RESPONSES RELATE ONLY TO THE GENDER AND JUSTICE
COMMITTEE OF THE MISSOURI BAR**

11. For each activity listed in Numbers 9 and 10, please state whether your association maintains statistics concerning success rate of said programs?

If yes, please attach said results.

If no, please state why such statistics are not maintained.

12. In what areas do you think your association has been effective in implementing its diversity programs or initiatives?

13. Is your association willing to develop, implement and support a formal statement of diversity principles and formal programs to carry out those principles within the next year?

This is something that would be done at The Missouri Bar level rather than at a committee level.

14. Is your association also willing to network with other associations, organizations or entities to address issues of race or diversity with regard to bar membership and governance, the practice of law or administration of justice?

Yes.

If yes, does your organization have any ideas as to what and how such issues could be so addressed?

15. Please feel free to provide any additional comments in the space below.

**MOUND CITY BAR ASSOCIATION
BAR ASSOCIATION COMMITTEE
2006-2007 SURVEY**

**SUBMITTED BY: Bar Association of Metropolitan St. Louis
Lynn Ann Vogel, President**

GENERAL

1. Length of time in existence --- 1984
2. Current number of members (minority and non-minority) ---6,000
3. Do you, or have you ever, kept any information about the race of your members? In the last two or three years BAMSL has added optional questions on its membership application for asking for gender and race demographics. Providing this information is strictly voluntary and the prevailing opinion based on comments from members who could be considered minorities in gender or race appears to be they prefer to be recognized only as an individual licensed to practice law.

GOVERNANCE

4. Has your association every had an African-American as part of its governance (i.e. committee chair or co-chair; executive board) and, if so, please identify and state their name, date(s) of service and their position(s) within the association. *See attached list #1*
Please note this list does not include other committee, section, or project involvement.
5. Does your association have a charter or by-laws which address race or diversity in any manner? *No*

DIVERSITY INITIATIVES

6. Please state whether the bar association has a formal or identifiable diversity committee.
If yes, then please state:
 - a. The official name of this committee – *Minorities in the Legal Profession*
 - b. The contact person(s) for this committee – *at the beginning of this bar year, President Lynn Ann Vogel requested volunteers from both MCBA and MABA to co-chair this committee to ensure co-sponsored programming and communication, but has not received names from either organization to date.*
 - c. When was this committee formed --- *1989*
 - d. The mission statement/goal of this committee --- *To increase the role, participation, and advance the interests of minorities in the legal profession.*
 - e. The current ethnic composition of this committee --- *No members this year. See "b" above.*

- f. Whether the committee has undertaken any survey or reports (and please attach said items) --- *The latest report, entitled "A Look Beyond the Numbers" was published in April, 2002. Copy is attached (It is time for this to be updated.)* #2
- g. Whether the committee has undertaken any program(s) towards performing its mission --- *the committee members were involved in the Conference on Minorities in the Legal Profession co-sponsored by BAMSL and MCBA*
If yes, when the program took place --- *April 23-24, 1999*
What were the target groups? --- *Minority lawyers, bar leadership, managing partners*
7. What initiatives, if any, has your association taken with regard to soliciting the inclusion of non-white members, generally, and when were these initiatives taken? *All newly admitted members of the Bar are solicited for membership (free the first year) and participation in the Young Lawyers Division. There is not a separate solicitation for minority new attorneys.*
8. What initiatives, if any, has your association taken with regard to inclusion of non-white members in governance of the association, and when were these initiatives taken? *Positions on BAMSL Board of Governors, officer and section chair positions are all determined through self-nomination and open election. There currently is a Task Force on Board Elections studying whether to make changes in this format. Recommendations are still likely up to two months off.*
9. Has your association ever participated in any program, either on its own or by networking with any other association, organization or entity, to address any racial issues or diversity issues generally? *From the 1960s and 70s when BAMSL, through its Foundation, was one of the leaders in public education about civil rights issues to 1992 when it started the SLIP program to provide new opportunities for inner city youth, to BAMSL's current Mock Trial and Teen Speak Out programs, to involvement in Truancy Court and Matthew Dickey After School Program, BAMSL has had a long history of such activities on its own as well as in collaboration with other entities.*
10. Has your association ever participated in any activity, program or initiative, either on its own or by networking with any other association, organization or entity, to address the promotion of diversity in your association and/or the legal profession in Missouri?

If yes, please state when and provide a detailed description of such program or programs and their results. *The most major recent program is that referred to in 6(g) above. The Conference on Minorities in the Legal Profession was held in April, 1999, designed as an opportunity for intensive dialogue about what the organized bar can do to advance minorities in the legal profession. It featured national speakers Jose Gaitan, then chair of the ABA Commission for minorities in the Legal Profession and former president of the National Hispanic Bar Association, Beverly McQueary Smith then president of the National Bar Association, Robert Grey, then chair of the ABA house of Delegates, and William G. Paul, then president-elect of the ABA. They were all marvelous speakers who*

inspired the participants to tackle the issues at hand. Following similar conferences for solo and small firm practitioners, women in the legal profession, and government and public service lawyers, the conference chair and his/her committee prepared a report and recommendations to be presented to the Board of Governors for adoption and implementation (in part or in its entirety). Unfortunately, even after numerous requests, the chair of this conference chose not to submit a report or specific recommendations for adoption. The draft report is attached.

3

11. For each activity listed in Numbers 9 and 10, please state whether your association maintain statistics concerning success rates of said programs.
If yes, please attach said results. BAMSL regularly seeks evaluation of all programs primarily through surveying participants and conducting post-event oral evaluation by committee members and staff.
12. In what areas do you this your association has been effective in implementing its diversity programs or initiatives? *The law-related education and community outreach areas such as Mock Trial, Truancy Court, Angel Tree, Teen Speak Out, etc.*
13. Is your association willing to develop, implement and support a formal statement of diversity principles and formal programs to carry our those principles within the next year? *President-elect Genevieve Frank has identified co-chairs for a Diversity Task Force for the 2007-08 bar year because BAMSL has had difficulty finding leadership for the Minority in the Legal Profession Committee.*
14. Is your association also willing to network with other associations, organizations or entities to address issues of race or diversity with regard to bar membership and governance, the practice of law or administration of justice? *BAMSL has always encouraged collaborative efforts among itself and the various specialty bars as well as other relevant organizations and it looks forward to continuing to do the same.*
15. Please feel free to provide any additional comments in the space below.

Perhaps BAMSL's Task Force on Diversity can consider producing another symposium in conjunction with MCBA, MABA and any other appropriate special interest bars. The key to success will a commitment from the participants to the implement recommendations and findings from such a conference.

#1

I went back as far as 1980 for BOG, Executive Committee, Foundation Board and YLD Executive Committee.

Nannette A. Baker

Member-at-Large, BAMSL YLD Executive Committee, 1996-97
Presidential Liaison, BAMSL Board of Governors, 2003-04

Willie J. Epps, Jr.

Missouri Bar Liaison, BAMSL YLD Executive Committee, 2002-03

Kimberly A. H. Franks

Board Member, St. Louis Bar Foundation, 2002-03
Board Member, St. Louis Bar Foundation, 2003-04
Board Member, St. Louis Bar Foundation, 2004-05

Randy E. Hayman

Special Projects Liaison, BAMSL YLD Executive Committee, 1998-99
PR Liaison, BAMSL YLD Executive Committee, 1999-2000
PR Liaison, BAMSL YLD Executive Committee, 2000-01

Jerry M. Hunter

Labor Law Section Chair, BAMSL Executive Committee, 1988-89

Michael T. Jamison

Board Member, St. Louis Bar Foundation, 1996-97
Board Member, St. Louis Bar Foundation, 1997-98
Board Member, St. Louis Bar Foundation, 1998-99

Kemba N. Logan

Mound City Bar Liaison, BAMSL YLD Executive Committee, 2005-06
Continuing Legal Education and Mound City Bar Liaison, BAMSL YLD Executive Committee,
2006-07
Workers' Compensation Chair, BAMSL Board of Governors, 2005-06
Workers' Compensation Chair, BAMSL Board of Governors, 2006-07

Donald L. McCullin

Board Member, St. Louis Bar Foundation, 1992-93
Board Member, St. Louis Bar Foundation, 1993-94
Board Member, St. Louis Bar Foundation, 1994-95
Board Member, St. Louis Bar Foundation, 1995-96
Presidential Liaison, BAMSL Board of Governors, 2004-05

Susie M. McFarland

Presidential Liaison, Board of Governors, 1995-96
Board Member, St. Louis Bar Foundation, 1996-97
Board Member, St. Louis Bar Foundation, 1997-98
Board Member, St. Louis Bar Foundation, 1998-99
Board Member, St. Louis Bar Foundation, 1999-2000
Board Member, St. Louis Bar Foundation, 2000-01
Board Member, St. Louis Bar Foundation, 2001-02
Board Member, St. Louis Bar Foundation, 2002-03
Board Member, St. Louis Bar Foundation, 2003-04
Board Member, St. Louis Bar Foundation, 2004-05
Secretary, St. Louis Bar Foundation, 2005-06
Secretary, St. Louis Bar Foundation, 2006-07

Pamela J. Meanes
 Parliamentarian, BAMSL YLD Executive Committee, 2000-01
 Secretary, BAMSL YLD Executive Committee, 2001-02

Mary Nelson
 Board Member, St. Louis Bar Foundation, 1992-93
 Board Member, St. Louis Bar Foundation, 1993-94
 Board Member, St. Louis Bar Foundation, 1994-95
 Board Member, St. Louis Bar Foundation, 1995-96

Ronald A. Norwood
 Presidential Liaison, BAMSL Board of Governors, 2004-05

Shirley Padmore
 Special Projects Liaison, BAMSL YLD Executive Committee, 2001-02

Veo Peoples, Jr.
 Patent, Trademark & Copyright Chair, BAMSL Executive Committee, 1987-88

Countess W. Price
 Presidential Liaison, BAMSL Board of Governors, 2001-02

Phyleccia B. Reed
 Mound City Bar Liaison, BAMSL YLD Executive Committee, 2000-01
 Member-at-Large, BAMSL YLD Executive Committee, 2001-02
 Member-at-Large, BAMSL YLD Executive Committee, 2002-03
 Treasurer, BAMSL YLD Executive Committee, 2003-04
 Mound City Bar Liaison, BAMSL YLD Executive Committee, 2004-05

Reuben A. Shelton
 Member-at-Large, BAMSL Executive Committee, 1992-93
 Member-at-Large, BAMSL Executive Committee, 1993-94
 Treasurer, BAMSL Board of Governors, 1994-95
 Secretary, BAMSL Board of Governors, 1995-96
 Vice President, BAMSL Board of Governors, 1996-97
 President-Elect, BAMSL Board of Governors, 1997-98
 President, BAMSL Board of Governors, 1998-99
 Immediate Past President, BAMSL Board of Governors, 1999-2000
 Secretary, St. Louis Bar Foundation, 1995-96
 Board Member, St. Louis Bar Foundation, 1997-98
 Vice-President, St. Louis Bar Foundation, 1998-99
 President, St. Louis Bar Foundation, 1999-2000

Elaine H. Spearman
 Board Member, St. Louis Bar Foundation, 1992-93
 Board Member, St. Louis Bar Foundation, 1993-94

Lisa D. Thompson
 Member-at-Large, BAMSL YLD Executive Committee, 2001-02
 Member-at-Large and Mound City Bar Liaison, BAMSL YLD Executive Committee, 2002-03
 ABA Delegate I, BAMSL YLD Executive Committee, 2003-04

Angela D. Turner
 Member-at-Large, BAMSL YLD Executive Committee, 1993-94
 Presidential Liaison, BAMSL Board of Governors, 1996-97

Robert E. Wallace
Member, BAMSL YLD Executive Committee, 1983-84
Chair, Media Division, BAMSL YLD Executive Committee, 1985-86

Dorothy L. White-Coleman
Presidential Liaison, BAMSL Board of Governors, 1997-98
Presidential Liaison, BAMSL Board of Governors, 1998-99
Presidential Liaison, BAMSL Board of Governors, 1999-2000
Presidential Liaison, BAMSL Board of Governors, 2000-01

From: King, Sherry
Sent: Monday, October 09, 2006 12:44 PM
To: Willis, Delores
Subject: MCBA

Delores,
Please provide the following for a MCBA survey:

Has your association ever had an African-American as part of its governance (i.e. committee chair or co-chair; executive board) and, if so, please identify and state their name, date(s) of service and their position(s) within the association. *[this should include all BAMSL and YLD]*.

Thanks
Sherry

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April, 2002

#2

"A Look Beyond The Numbers" by Minorities in the Legal Profession Committee of BAMSL

The Minorities in the Legal Profession Committee of BAMSL has focused on the issues facing minority lawyers in our legal community. One area of focus has been the recruitment and retention of minority lawyers by St. Louis's larger employers. In 1999, this Committee held a forum where attorneys in a variety of practices, and partners in several St. Louis law firms discussed this and many other similar issues in depth. A variety of recommendations were made and have been implemented by BAMSL. This year, the Committee has decided to refocus on several issues which are highlighted in a number of articles in this issue. These include a speech given by Congressman William Clay at the Black History celebration sponsored by the Lawyers Association of St. Louis and the Mound City Bar Association, a reprint from the American Lawyer "Losing the Race" by Alan Jenkins and "Understanding Tolerating and Incorporating Differences to Change our World" by Maylin Wong Mahoney. For background and as a starting point for discussion the Committee has examined data on the number of lawyers of color working at eight area law firms from 1999 to 2001. This includes the number of partners, attorneys of counsel, senior attorneys/associates and staff attorneys. These eight were chosen as a starting point because they are St. Louis firms that report their own data to the National Directory of Legal Employers. That group compiles the numbers for all firms nationwide. The eight are Armstrong Teasdale, Blackwell Sanders Peper Martin, Bryan Cave, Husch & Eppenberger, Sonnenschien, Nath & Rosenthal, Stinson, Mag & Fizzell and Thompson Coburn. The Committee also asked Lewis Rice & Fingersh, Lashly & Baer and Greensfelder, Hemker & Gale to provide information regarding the number of lawyers of color at their firms from 1999 until 2001. Lewis Rice provided information.

The Committee also gave the firms an opportunity to provide statements setting forth their efforts to recruit and retain minority lawyers. It is evident from the numbers and the statements that the firms have achieved some success in efforts to recruit minority attorneys. From 1999 to 2001, the total number of lawyers of color employed at these firms increased from 41 to 52. However, the firms provided little information regarding their attempts to retain and promote minority lawyers to partnership positions. In fact, from 1999 until 2001, the number of minority partners in these firms has gone from ten to nine.

BREAKDOWN OF FIRM'S MINORITY NUMBERS

>>CHART <<

Statements From the law firms

Our Committee solicited statements from 10 law firms and received responses from 7 of the 10. We asked each firm to examine its historical success and/or failure with recruiting and retaining people of color. Here is what they had to say.

Armstrong Teasdale

Armstrong Teasdale consistently has demonstrated an abiding commitment to diversity, further evidenced by the fact that the Executive Director of the Firm is Hispanic and that a member of the Firm's Executive Committee and a Department Chair is African-American. Over the years, our Firm has successfully recruited many African-American lawyers, a practice to which we are dedicated each year.

Armstrong Teasdale is a founder and an active participant in the St. Louis Minority Clerkship Program. In addition, we are one of a very few Missouri law firms actively participating in a program sponsored by the ABA Committee on Opportunities for Minorities in the Profession to promote opportunities and legal employment for minorities in major law firms. The Firm also supports the

University of Missouri-Columbia School of Law Chapter of the Black Law Students Association and was a Platinum Sponsor for the Sixteenth Annual Lloyd L. Gaines Scholarship Banquet.

Blackwell Sanders Peper Martin

Although Blackwell Sanders Peper Martin takes diligent measures to recruit people of color at all levels of employment, we are especially proud of our innovative efforts in recruiting minority attorneys. Through the years, we have participated in various programs aimed at improving minority recruiting. For instance, our firm has participated in the St. Louis Minority Clerkship Program since its inception. One of the five new associates who will join our office in the fall was hired through the Minority Clerkship Program after spending two summers with us during law school.

In early 2000, Blackwell Sanders decided to take an additional step to increase its recruitment of people of color. We became the first - and only - law firm to partner with INROADS, Inc., a national organization which recruits and places outstanding minority students in internships with prestigious corporations and organizations across the country. Prior to Blackwell Sanders' involvement with INROADS, talented minority college students who planned to attend law school did not have the opportunity to couple their career aspirations with an internship designed to lead to an attorney position. After interning with us for two summers, our first INROADS intern will join our summer associate program this year. We recently hired another college-level intern to follow the same career path. Both Blackwell Sanders and INROADS, Inc. are very enthusiastic about the success of our ongoing partnership.

Bryan Cave

At Bryan Cave, we have long recognized that diversity is essential to our success now and in the future. We have a Core Values Statement which has the following to say about diversity:

We promote diversity in all dimensions, and differences at all levels.

We find variety in people energizing, even exciting.

Our differences bring richness to our professional experiences and enable us to better serve our clients.

We want to be a firm of diverse individuals where everyone reaches his or her full potential.

The only sameness we require is that our colleagues share the Bryan Cave core values.

This understanding and commitment guides our diversity initiative as well as our ongoing efforts to recruit and retain the best and brightest from law schools in the United States and worldwide.

Bryan Cave's diversity efforts move along a number of different paths and involve partners, counsel and associates from throughout the firm in initiatives focusing on lawyers of color, women lawyers, gay and lesbian lawyers, mentoring, communication and achieving professional/personal balance.

Crucial to our diversity initiatives is our deep commitment to and involvement in a wide range of events to increase the representation of minority lawyers in the firm. These events have included the Southwest Minority Job Fair, Southeast Minority Job Fair and the National NBLSA Job Fair. We have hosted diversity receptions and panel discussions at several universities, including Howard, Georgetown, USC and UCLA. In the St. Louis area, we participate in the St. Louis Minority Clerkship Program, and we have hosted a networking reception for lawyers and law students of color from the metro area.

At Bryan Cave, we believe that promoting diversity is essential to serving our clients and to our success and diversity makes Bryan Cave a better place to practice law.

Husch & Eppenberger, LLC

Husch & Eppenberger, LLC's commitment to minority recruitment and retention is a priority to our law firm. We strive to be progressive and entrepreneurial, and these attributes are reflected in our efforts to achieve an ethnically diverse workforce. We have been successful in recruiting top-flight minorities, but more importantly, we have been successful in retaining our minority attorneys. Our success, in part, is twofold. First, we are dedicated to training and mentoring our associates and have implemented a formal mentoring program whereby Members and Associates are paired together to provide Associates in technical training and to offer guidance in balancing personal and professional issues. Second, our Hiring Committee is a large part of our success in minority recruitment and retention. In our St. Louis office, for example, one quarter of the attorneys on our Hiring Committee are minorities. Our Hiring Committee is in charge of interviewing and making hiring decisions for our law firm; therefore, minority attorneys not only have a voice at Husch, they are making critical decisions on how the firm operates. Although we have not achieved all of our goals with respect to minority recruitment and retention, we foresee continued growth in the number of minority attorneys at Husch through our continued efforts in minority recruiting, including participation in the St. Louis Minority Clerkship Program.

Lewis, Rice & Fingersh

At Lewis, Rice & Fingersh, we are committed to increasing diversity among our lawyers. Although to date it has been a slow process, we believe that through participation in the Minority Clerkship Program for summer associates and through more traditional hiring practices, we will eventually achieve our goals.

Stinson, Mag & Fizzell, P.C.

Stinson, Mag & Fizzell has offices in Kansas City and St. Louis, Missouri, and in Omaha, Nebraska and Leawood, Kansas. Stinson, Mag's attorneys come from diverse backgrounds, representing approximately 30 different law schools and 60 different undergraduate institutions. Currently, we have two African-American attorneys, including one located in St. Louis and two Asian and Pacific Islander attorneys.

Stinson, Mag makes every effort to attract and retain qualified minority candidates because we believe this diversity fosters a more creative, stimulating and enjoyable work environment that attracts some of the finest legal practitioners in the country. As part of our recruiting efforts, we participate in minority job fairs, minority summer internship programs, and other such programs. We interview each year at the Cook County Minority Job Fair in Chicago. In addition, in 2001, we interviewed at Howard University's Law School, which is one of the country's few law schools with a predominantly minority student body. We also maintain close relationships with law school placement officials who can assist us in seeking out additional qualified minority candidates. Stinson, Mag & Fizzell is committed to continuing this effort and diversifying our firm.

Sonnenschein Nath & Rosenthal

Sonnenschein Nath & Rosenthal is committed to the hiring and advancement of minority and women lawyers. Over the past five years, women have comprised approximately half of all summer associates hired in the St. Louis office. At the same time, the St. Louis office has actively recruited minority candidates, and we continue to recruit without regard to race, national origin, gender, sexual orientation, disabilities, or any other limiting or categorizing factors other than law school attendance and interest in the practice of law. Despite our small summer associate class sizes of between two and four, minorities have been represented in our summer classes for three of the last five years, and we have made an offer to a minority law student again for our 2002 program.

As all St. Louis firms recognize, retention of all lawyers, including minorities, continues to be a struggle. With just over 10 years presence in the St. Louis market, Sonnenschein's progress is too preliminary to report. We blame no individuals or elements of society for this circumstance and accept our responsibility to obtain a high quality and diverse pool of lawyers to best represent the needs of our clients. Diversity and the retention of minority lawyers will remain an area of focus and attention.

Thompson Coburn LLP

Thompson Coburn LLP is proud of its proactive dedication to the recruiting and retention of qualified people of color.

The Firm has conducted a ten year study of associate trends, which addressed, among other things, recruiting and retention as it relates to minority candidates. Based on the results of this study, the Firm began to focus on other characteristics in its candidates outside of the traditional grading systems. Some examples of these characteristics are a candidate's personality and demonstrated leadership ability.

The Firm has historically taken a leadership role in the development and refinement of the St. Louis Minority Clerkship Program. Students are hired through the Program with the full expectation that those who clerk at Thompson Coburn LLP will be considered for employment as associates following graduation. The firm has also actively participated in the Cook County Minority Job Fair, the Hispanic National Bar Association Job Fair, and the Tulane Diversity Clerkship Program.

In an attempt to broaden our recruiting of minority students, we are focusing on law schools with traditionally higher numbers of minority students. The Firm's commitment to on-campus interviewing at law schools such as Howard University and The University of Texas are examples of our efforts in this respect. We also correspond regularly with BALSAs chapters at other schools.

In the future, the Firm will continue to act proactively by hiring as many qualified minorities as possible, increasing the number of targeted law schools with traditionally higher numbers of minority students, continue its efforts to effectively mentor minority attorneys with an eye towards improving retention and promotion.

CONCLUDING WORDS FROM THE COMMITTEE

The world is ever changing, and if a law firm wants to remain successful and competitive, it will have to discover ways to increase the number of minority attorneys and ensure their retention. In reviewing the numbers and the statements provided by each of the above law firms, the question that looms at the moment is what are the factors that have led to the current, low number of minority associates and partners in these predominantly white firms. Majority lawyers in firms have suggested it is a lack of qualified applicants, inability to attract minority candidates to St. Louis or academic standards. Minority lawyers have suggested it is the result of neglect, an overemphasis on class standing or in some cases outright racism. Some of the results from our 1999 Conference revealed that among the obstacles lawyers identify for these minuscule numbers are: 1) associates' difficulties in establishing relationships within the firm; 2) decision to leave for better opportunities or a more comfortable culture; and 3) the lack of challenging work assignments. The bottom line is there are widely divergent views on both the current situation, the reasons and the future. This is the beginning of an effort to provide objective data, study facts and identify solutions for the identified problems.

To remain competitive, a law firm must look beyond merely increasing its numbers and begin to focus on how to retain people of color. It means very little for a law firm to maintain and/or increase its number of minority associates by merely replacing incoming associates with outgoing associates. More important, it means very little if a law firm consistently increases its number of minority

associates, but never increases its number of minority equity partners. The proof is in retention and promotion not merely the numbers.

So how does a law firm prevent the revolving door syndrome. Listed below are some tips which our Committee hopes every law firm will find helpful:

- 1) Pay attention to the type of cases you give minority associates;
- 2) Give them real responsibility on cases; instead, of piece meal projects;
- 3) Establish effective mentorship programs which will assist minority associates in building healthy relationships;
- 4) Monitor their progression in skill level; and
- 5) Partner with specialty bar organizations, such as Mound City Bar Association or Missouri Asian American Bar Association, to identify qualified applicants and crucial issues facing minority attorneys.

Over the next months, the Committee intends to lead a study of the issues of recruitment and retention of minority lawyers in our legal community. This will include an exploration of the reasons for lack of progress and a focus on positive, practical and successful approaches to recruitment and retention of minority lawyers. The Committee wishes to thank the participating firms who provided information. We intend to devote one issue of the St. Louis Lawyer each year to a review of the progress in these areas.

Minorities in the Legal Profession Committee of BAMSL,
Judge Nannette Baker, Co-Chairperson
Pamela Meanes, Co-Chairperson

BREAKDOWN OF FIRM'S MINORITY NUMBERS

	<u>1999</u>					<u>2000</u>					<u>2001</u>					
	Partners	Of Counsel	Sr. Attys./ Assoc.	Staff Attys	Part	Of Counsel	Sr. Attys./ Assoc.	Staff Attys	Part	Of Counsel	Sr. Attys./ Assoc.	Staff Attys	Part	Of Counsel	Sr. Attys./ Assoc.	Staff Attys
ARMSTRONG TEASDALE																
African American	1	1	5		1	1	4		1	1	3		1	1	3	
Hispanic		1				2	1			2	2			2	2	
Am. Indian/Alaska															1	
Asian/Pacific Island			2	1			3	1			3				3	
Total		In 1999 11 out of 143 Attys.				In 2000 13 of 155 Attys.				In 2001 13 of 163 Attys.						
BLACKWELL SANDERS																
African American			2				2				1				1	
Hispanic																
Am. Indian/Alaska																
Asian/Pacific Island															1	
Total		In 1999 2 out of 81 Attys.				In 2000 2 of 90 Attys.				In 2001 2 of 79 Attys.						
BRYAN CAVE																
African American	1		2		1				1		5		1			
Hispanic	1				1				1		1		1		1	
Am. Indian/Alaska																
Asian/Pacific Island	1		3		1		4		1		3		1		3	
Total		In 1999 8 out of 223 Attys.				In 2000 7 of 226 Attys.				In 2001 12 of 239 Attys.						
HUSCH & EPPENBERGER																
African American			1				3				3				3	
Hispanic	1				1		1		1		1		1		1	

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<u>1999</u>				<u>2000</u>				<u>2001</u>			
Partners	Of Counsel	Sr. Attys/ Assoc.	Staff Attys	Part	Of Counsel	Sr. Attys/ Assoc.	Staff Attys	Part	Of Counsel	Sr. Attys/ Assoc.	Staff Attys
Am. Indian/Alaska											
Asian/Pacific Island		1								1	
Total		In 1999 3 out of 94 Attys.				In 2000 5 of 93 Attys.				In 2001 6 of 86 Attys.	
LEWIS RICE											
African American	2	1		2		2		2		2	
Hispanic											
Am. Indian/Alaska											
Asian/Pacific Island											
Total		In 1999 3 out of 130 Attys.				In 2000 4 of 134 Attys.				In 2001 4 of 130 Attys.	
SONNENSCHNEIN											
NATH											
African American		1									
Hispanic											
Am. Indian/Alaska											
Asian/Pacific Island		1				2				1	
Total		In 1999 2 out of 42 Attys.				In 2000 2 of 34 Attys.				In 2001 1 of 35 Attys.	
STINSON, MAG & FIZZELL											
African American	1	2									
Hispanic											
Am. Indian/Alaska											
Asian/Pacific Island											
Total		In 1999 3 out of 25 Attys.				In 2000 0 of 26 Attys.				In 2001 0 of 29 Attys.	
THOMPSON											
COBURN											
African American	2	7		2		7		1		8	
Hispanic		2				1				1	
Am. Indian/Alaska											1
Asian/Pacific Island		1				1		1		1	

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<u>1999</u>					<u>2000</u>					<u>2001</u>					
Partners	Of Counsel	Sr. Attys./ Assoc.	Staff Attys	Part	Of Counsel	Sr. Attys./ Assoc.	Staff Attys	Part	Of Counsel	Sr. Attys./ Assoc.	Staff Attys	Part	Of Counsel	Sr. Attys./ Assoc.	Staff Attys
In 1999 12 out of 232 Attys.					In 2000 11 of 236 Attys.					In 2001 14 of 247 Attys.					
Total															

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Bar Association of Metropolitan St. Louis

**CONFERENCE ON
MINORITIES IN THE
LEGAL PROFESSION**

Draft Report

**Issues, Discussions,
Recommendations &
Conclusion**

July 23, 1999
Don McCullin, Chair

016/024

11/22/2006 WED 18:17 FAX 314 421 0013 BARSLS

TOPIC A - TRADITIONAL V. NON-TRADITIONAL ISSUES - BARRIERS TO EQUALITY IN THE LEGAL PROFESSION

ISSUE: RECOGNIZING AND OVERCOMING BARRIERS IN THE LEGAL PROFESSION

DISCUSSION: The original Topic A issue was Traditional v. Non-Traditional issues. Due to the broadness of the topic, the original issue was redefined to Recognizing and Overcoming Barriers in the Legal Profession. The general group discussions concentrated on access to jobs, retention, and partnership. Large law firms and corporations were the major focus.

ISSUE: ACCESS

DISCUSSION: The consensus among the groups was minority lawyers and law students from the outset do not have an "equal playing field" regarding access to jobs. Firms and corporations contend they are looking for "qualified" candidates, but seldom define "qualified." The groups agreed general standards should exist. However, since the firms and corporations themselves cannot define qualified, their standards should not be so stringent that they immediately disqualify a candidate that may not be as strong in some areas as in others. Firms and corporations should consider the overall picture when selecting attorneys.

ISSUE: RETENTION

DISCUSSION: Once minority attorneys obtain positions in large law firms and corporations, retention presents a second hurdle. The groups agreed a priority for new attorneys should be to make themselves available and develop relationships with people in key positions. Senior attorneys in positions of authority should also make themselves available to new attorneys and make a serious commitment toward their success.

ISSUE: PARTNERSHIP

DISCUSSION: After an attorney has obtained and remained in a position for a period of time, partnership becomes an issue. Group discussions focused on the need for law firms to rise above the misconception minority lawyers do not or cannot bring clients to the firm. Minority attorneys are encouraged to use the National Bar Association and other legal and nonlegal organizations to establish relationships and foster potential client bases.

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TOPIC B PRACTICE ISSUES

ISSUE: HOW ARE MINORITIES HIRED, SALARIES AND PARTNERSHIP TRACK DETERMINED, AND HOW WELL DO MINORITIES FARE IN LARGE LAW FIRMS?

DISCUSSION: Hiring practices in one law firm suggests it is not just rank and GPA in law school that determine whether a particular associate is hired. It's a combination of several factors:

- leadership skills both in undergraduate school and in life
- well rounded characteristics
- ability to attract business
- ability to inspire confidence in others

Salaries. One law firm indicated salaries are determined by year of graduation and years in service with the firm. There is a low, midpoint, and top range measured by years of service. Bonuses are based on performance through oral and written recommendations from various committees within the firm. One firm reviews salaries twice a year.

Partner track. Partner tracks differ with different firms. The general range is from five to eight years

Minority turnover. There is no tracking system in place on how minority associates are doing in the larger law firms. The numbers of associates in large firms remain relatively low. Many leave because of a variety of reasons, most of which are the same as nonminority associates, i.e., wanting a different life experience, moving out of state, getting married, etc.

ISSUE: HOW CAN BAMSL EFFECT CHANGE IN ATTITUDES AND NEGATIVE PERCEPTIONS TOWARD MINORITY LAWYERS AND HELP THEM SURVIVE IN LARGE FIRMS?

DISCUSSION:

- Survey minority lawyers who leave large law firms to ascertain reasons
- Analyze results of surveys
- Surveys should result in the creation of a model for law firms to follow regarding strategies to retain and facilitate the success of minority lawyers in the firms
- Make the large employers accountable for the success of diversity in the profession.

- Bar associations have a duty to preserve the legal heritage of the profession, to educate, facilitate, be a catalyst, and develop diversity training within the ranks in order to be a model for the city and country.

ISSUE: WHY ARE THERE NO LARGE BLACK LAW FIRMS WITH THE ABILITY TO ATTRACT LARGE CLIENTS LIKE LARGE WHITE FIRMS?

DISCUSSION: Some say there are financial obstacles, e.g., school debt, family obligations and job security that inhibit black lawyers from giving up their current jobs and going out and forming partnerships with other minority lawyers or starting their own practice. Mentoring from older lawyers to younger lawyers is very important. It is very important to develop relationships within the profession and the businesses you want to attract. The dues that minority members pay to bar associations should be spent on making a tangible difference in how we practice law and become successful financially.

ISSUE: WHAT ARE THE OBLIGATIONS OF MINORITY LAWYERS TO GIVE BACK TO THE COMMUNITY?

DISCUSSION: Both black and white attorneys feel attorneys as a profession have a responsibility to give back to the community. Lawyers are viewed as public servants. There should be no generalizations and stereotypes. It depends on how any individual attorney feels about giving back to the community. It is not dependent on race. It's a personal choice.

TOPIC C - CLIENT RELATIONSHIPS AND PUBLIC PERCEPTIONS

ISSUE: NETWORKING AND BUSINESS DEVELOPMENT

DISCUSSION:

A. Join professional Associations

1. BAMSLS
2. MCBA
3. Directories (local and national)
4. Alumni

B. Social Activities

1. sports
2. Parties
3. Dinners
4. Concerts
5. Other professional organizations
6. Golfing w/colleagues
7. spouses events
8. Happy hours
9. Firm function
10. Approach someone standing alone

C. Charitable Organizations

1. Boards
2. Committees
3. Churches
4. Pro bono work
5. Volunteer w/organization
6. volunteer to host "street law" days at churches and schools

- D. Civic Groups - be on speaker's bureau
1. Chamber of Commerce 2. Toastmaster's 3. Politics

ISSUE: HOW CAN AFRICAN-AMERICAN ATTORNEYS GET BUSINESS?

DISCUSSION

- A. Referrals through alumni associations
- B. Update clients on published articles of interest
- C. Make Informal Contacts "Oh, are you a lawyer?"
- D. Business cards should be handed out at all functions
- E. Every attorney should have their own attorney
- F. Geographical area networking
- G. Prior firms and firms of counsel
- H. Perception minority business getting all of the minority business (this is a myth)
- I. Attorney profiles in black publications
- J. Roster of participants, area of expertise and e-mail address
- K. BAMSL client referral line always busy
- L. make sure MCBA lawyers are on referral list

ISSUE: CREDIBILITY IN THE PUBLIC EYE

DISCUSSION

- 1. Credibility in the public eye is low for the profession
- 2. It's low because it's perceived African-Americans are in the firm because of affirmative action rather than merit.
- 3. Perception in St. Louis fairly high in some areas

What should we do?

- 1. Educate others: we took same classes and passed the bar.
- 2. Need a facilitator at firm to open discussion of the issues (use a minority for that purpose)
- 3. Act professionally
- 4. Be prepared
- 5. Get involved with MOBAR and governing Board

ISSUE: IMPORTANCE OF DIVERSITY WHEN MAKING PRESENTATIONS TO CLIENTS.

DISCUSSION

- 1. Identify companies that indicate they want diversity in law firms
- 2. Government is looking for diversity in large companies and firms

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3. Corporations and firms should develop a matrix to be used to measure progress in achieving diversity
4. Establish guidelines for using minorities for presentations (i.e. if minority is not going to work on project, do not use him/her for face time)
5. Use diversity as a strength and ask for diversity in our relationship with hotels/conventions and other legal matters.

ISSUE: MINORITY ATTORNEYS AND THE PUBLIC PERCEPTION
(STEREOTYPING)

DISCUSSION:

1. Fired by client because of lack of communication
2. Perception we do not have time for clients
3. We do not know enough, not sophisticated enough, or have no power
4. Anglo firms know judges (part of old boys network)
5. Fear that an African-American attorney will not maintain confidence
6. Will not represent clients interest well
7. Ethical concerns (all lawyers)
8. Too young, too old, too black
9. Never on time
10. Should take a lower fee or no fee
11. Should do pro bono work
12. Minorities don't look like attorneys. (look like secretary, defendant or court reporter)
13. Assume all African-American attorneys do criminal work
14. Too flamboyant/arrogant
15. Too aggressive (vs. assertive)
16. Fees too high
17. If you are good, you're the exception
18. Everyone wants Johnnie Cochran

What can lawyers do?

1. Communicate with clients
2. Be on time
3. Don't criticize other lawyers
4. Be a mentor (and have more than one mentor, both inside and outside the firm)
5. Educate others
6. Be visible
7. Keep media informed – be more proactive (MOBAR media caravan)
8. Do pro bono work
9. Be honest, be prepared, do your job well
10. volunteer
11. market the skills you have and value your own work

12. Yes...but (are you the waiter? Yes, but.. then educate them)

TOPIC D: COURT SYSTEMS AND PROFESSIONAL RELATIONSHIPS

ISSUE: INCREASING THE LEVEL OF COMFORT BETWEEN MINORITY LAWYERS AND JUDGES

DISCUSSION: The general consensus of the group participants was getting to know judges on an informal basis will increase the level of comfort of minority lawyers in the courtroom and with members of the bench. The focus of the group discussions centered on ways to facilitate interaction between members of the bench and minority lawyers. Minority lawyers are encouraged to attend bench and bar functions and committee meetings. Attending the Annual Bench and Bar Conference at Lake of the Ozarks offers minority lawyers an excellent opportunity to interact with judges. BAMSL should, however, encourage judges to stay at the Conference after the Saturday morning CLE session. It was also suggested that BAMSL consider holding a local bench and bar conference to accommodate those attorneys who are unable to attend the weekend conference due to family or law practice commitments.

Other suggestions to facilitate informal interaction between minority lawyers and members of the bench include holding brown bag rap sessions for minority lawyers and judges and encouraging judges to join the MCBA. There are several judges that have an open door policy. Minority lawyers are encouraged to take advantage of this policy and speak with judges on an informal basis.

The key to survival in the courtroom is to have the judge's respect. While you should always be courteous and polite, be careful not to patronize judges. Do not misstate the law or facts. In addition, always be respectful and courteous to judges, clerks and court reporters. They can be an attorney's lifesaver.

ISSUE: PROBLEMS ENCOUNTERED IN THE COURTROOM AND WITH JUDGES.

DISCUSSION: The consensus was minority lawyers experience more problems in the courtroom than their non-minority counterparts. Minority lawyers have encountered problems ranging from ex-parte communications, to cases being dismissed, to having defective motions rewritten for opposing counsel by the bench. Lawyers should never criticize one judge to another. If you have a problem with a judge, seek out another member of the bench with whom you feel comfortable discussing the issue or bring the matter to the attention of one of the bar associations.

ISSUE: THE NEED FOR A MORE DIVERSE BENCH

DISCUSSION: The level of comfort for minority lawyers tends to increase before a minority judge. In the 22nd Circuit, there are eight (8) black judges and in the 21st Circuit, there are five (5). While this is better than a few years ago, it should be improved.
end.

TOPIC E -- BAR ASSOCIATIONS & US

ISSUE: WHY AREN'T MINORITIES ACTIVE IN THE MAJORITY BAR ASSOCIATIONS?

DISCUSSION:

- Economic/financial reasons. Most firms/companies we are employed by won't pay for any or all of membership/activities so we have to be selective.
- Time restrictions, lifestyle choices. You can't do it all and Bar Association activities aren't a priority because there aren't compelling issues that aren't already being adequately addressed.

People choose to be involved in events based on social or professional desires and many of the majority bar associations don't have events/activities that are attractive or make us feel included. Some stated they didn't feel welcome and perhaps the majority bar could make more of an effort to include cultural activities/events that appeal to minorities. A suggestion was to welcome prospective members, and to send an invitation with an application. Also, the Bar must make minorities feel their participation is valued, and not just their dues.

Individuals want to be affiliated with an organization that will lead to business/economic benefits and networking opportunities. Many stated they rarely or never get referrals from their majority colleagues. Referrals are usually made to other majority lawyers. Some stated they didn't see the benefit of being a member. Also, some majority bar leaders don't believe this is a real problem and can't imagine such "hidden racism" exists. These leaders and members need to be more realistic and at least recognize and admit there is a problem before it can be addressed.

ISSUE: INCREASING MINORITY PARTICIPATION IN MAJORITY BARS

DISCUSSION

1. Duplicate ABA scholarship program.

2. Have programs of interest and value to minorities.
3. Increase the potential for business and social contacts. The majority bar associations could include cultural events of interest and programs to foster inclusion as opposed to a requirement to assimilate with the majority.
4. Have a mentor program, contact recruiters at firms/companies to target audience, do better marketing.
5. Encourage government and small firm employers to pay for some/all bar memberships.
6. Have more programs like this (the conference).
7. Have more joint programs/functions between the majority and minority bar associations and more interaction between the leaders of the respective bars. Members of the bar associations could share their talents in leadership and organization.
8. Tie-in BAMSL dues to MCBA and other minority bar associations.
9. Make prospective members feel membership is an equity investment in the future. Have programs that help develop an expertise, create networking opportunities, and create opportunities to give back to the community. Make the programs relevant to minorities.
10. Make prospective members feel membership can help long term career goals, and make members more valuable to an employer through bar contacts.

RECOMMENDATIONS:

1. BAMSL can implement a monitoring system similar to one used in San Francisco.
2. Survey minority lawyers who leave large law firms to ascertain reasons and analyze results.
3. From surveys, create a model for law firms to follow regarding strategies to retain and facilitate the success of minority lawyers in large firms
4. Recruit African-Americans to join BAMSL

8

024/024

11/22/2006 WED 18:18 FAX 314 421 0013 BAMSL

MOUND CITY BAR ASSOCIATION
BAR ASSOCIATION COMMITTEE
2006-2007 SURVEY

Responses of the Lawyers Association of St. Louis

Responses are kindly requested on or before **October 6th, 2006** to:

Leslie P. Wallace, Chair
Bar Association Committee
Mound City Bar Association
P.O. Box 1543
St. Louis, MO 63188

Please feel free to attach any additional sheets necessary for your responses.

GENERAL

1. Length of time in existence:

The Lawyers Association of St. Louis was formed in November, 1934.

2. Current number of members (minority and non-minority)

Approximately 1000 current and former members are on the mailing list of the Association.

3. Do you, or have you ever, kept any information about the race of your members?

No.

If yes, please provide information about the present number of non-white members you have, including the breakdown as to race.

GOVERNANCE

4. Has your association ever had an African-American as part of its governance (i.e. committee chair or co-chair; executive board) and, if so, please identify and state their name, date(s) of service and their position(s) within the association.

The Lawyers Association keeps records of its past Presidents, but not of all of its past Executive Committee members. Currently, Ms. Kemba Logan serves on the Executive Committee, and her term will not expire until 2008.

5. Does your association have a charter or by-laws which address race or diversity in any manner?

If yes, please provide a copy of such information.

At the time of the founding of the Lawyers Association of St. Louis, in November 1934, it was the only organization in the area to offer membership to all lawyers in good standing, without discrimination as to race, color, or specialty of legal practice. Other local bar associations had allowed selective membership to lawyers approved by its membership committee, and founding member of the Lawyer's Association, including Mr. Hyman Stein, had argued to allow membership to all.

In part frustrated with the policy of other local bars, Mr. Stein, former judges Hon. Conway Elder and Hon. Berryman Henwood, formed the Lawyers Association, so that all lawyers might be able to be members and participate in the association with other lawyers in an organized bar. It was a huge success, and in less than one year, had membership of over 1000, and was the largest and most active bar association in the State of Missouri.

DIVERSITY INITIATIVES

6. Please state whether the bar association has a formal and identifiable diversity committee.

If yes, then please state:

- a. the official name of this committee

- b. the contact person(s) for this committee

- c. when this committee was formed

- d. the mission statement/goal of this committee

- e. the current ethnic composition of this committee

- f. whether the committee has conducted any survey or reports (and please attach said items)

g. whether the committee has undertaken any program(s) towards performing its mission

If yes, when the program took place (duration);

What were the target groups?

If no, then please state if establishing a diversity committee would serve a valuable purpose for your association. (Please explain why or why not.)

The Association was founded on principles of diversity and inclusion and still stands for those principles today.

7. What initiatives, if any, has your association taken with regard to soliciting the inclusion of non-white members, generally, and when were these initiatives taken?

Probably the most significant service rendered by any bar association in the State of Missouri was provided by the Lawyers Association with regard to the issue of a fully integrated bar. From time to time, the Missouri Bar Association would propose legislation before the state General Assembly to try and integrate the bar. However, because of resistance from lawyer legislators in rural areas, the bill would never pass.

The Lawyers Association conducted extensive research and concluded that a bill was not necessary, and determined that the Missouri Supreme Court was vested with the authority to integrate the bar with the passage of a Rule of Court. In 1943, the Lawyers Association filed a petition in the Supreme Court of Missouri praying that the Supreme Court appoint a committee and report on the advisability and desirability of the promulgation of a Rule for the integration of the Missouri Bar.

In due time, the petition was called for hearing, and support was also given by other local bar associations. Following the hearing the Supreme Court took the petition under advisement, and subsequently appointed the requested committee on integration of the bar.

8. What initiatives, if any, has your association taken with regard to inclusion of non-white members in governance of the association, and when were these initiatives taken?

While no formal "initiatives," as such, have been taken, the Associations' membership is always welcomed and invited to participate in the completely voluntary membership and service on the Executive Committee.

9. Has your association ever participated in any program, either on its own or by networking with any other association, organization or entity, to address any racial issues or diversity issues generally?

If yes, please state when and provide a detailed description of such program or programs and their results.

Yes. For at least the last 15 years, in conjunction with the Mound City Bar Association, the Lawyers Association has celebrated Black History Month with a special, formal dinner, in place of its February Meeting. Now named in honor of Hon. Theodore McMillian (deceased), one of the Association's greatest members and supporters, the dinner is a celebration of achievement and recognition of the efforts of African-Americans in the law in St. Louis and the state generally.

10. Has your association ever participated in any activity, program or initiative, either on its own or by networking with any other association, organization or entity, to address the promotion of diversity in your association and/or the legal profession in Missouri?

If yes, please state when and provide a detailed description of such program or programs and their results.

Yes, see above.

11. For each activity listed in Numbers 9 and 10, please state whether your association maintains statistics concerning success rate of said programs?

If yes, please attach said results.

If no, please state why such statistics are not maintained.

"Statistics" are not kept of the dinner programs, other than possibly the number of attendees.

12. In what areas do you think your association has been effective in implementing its diversity programs or initiatives?

The Lawyers Association has long been an association founded and perpetuated on inclusion and diversity of its members. Through its meetings, dinners, Award of Honor, Gridiron Show, Picnic, Memorial Service, Black History Month Dinner, and other events,

has continually promoted discussion, dialogue and inclusion amongst its many diverse members.

13. Is your association willing to develop, implement and support a formal statement of diversity principles and formal programs to carry out those principles within the next year?

Such a formal "statement" is in essence the founding principles of the Lawyers Association.

14. Is your association also willing to network with other associations, organizations or entities to address issues of race or diversity with regard to bar membership and governance, the practice of law or administration of justice?

If yes, does your organization have any ideas as to what and how such issues could be so addressed?

Yes, we currently engage in such activity, and are willing to continue.

15. Please feel free to provide any additional comments in the space below.

Just last year, the Lawyers Association presented its prestigious Award of Honor to two fantastic lawyers, legal minds and trail-blazers, Frankie Freeman and Margaret Bush Wilson. Judge Clyde Cahill received the Award of Honor in 1993. Judge McMillian received the Award in 1970.

On behalf of the Lawyers Association of St. Louis:

Respectfully,

William S. Thomas
First Vice President

**MOUND CITY BAR ASSOCIATION
BAR ASSOCIATION COMMITTEE
2006-2007 SURVEY**

Responses are kindly requested on or before October 6th, 2006 to:

Leslie P. Wallace, Chair
Bar Association Committee
Mound City Bar Association
P.O. Box 1543
St. Louis, MO 63188

Please feel free to attach any additional sheets necessary for your responses.

WOMEN LAWYERS' ASSOCIATION OF GREATER ST. LOUIS (WLA)

GENERAL

1. Length of time in existence:
31 years.
2. Current number of members (minority and non minority):
Around 300 total; minority membership unknown.
3. Do you, or have you ever, kept any information about the race of your members?
No.

If yes, please provide information about the present number of non-white members you have, including the breakdown as to race.

GOVERNANCE

4. Has your association ever had an African-American as part of its governance (i.e, committee chair or co-chair; executive board) and, if so, please identify and state their name, date(s) of service and their position(s) within the association.

WLA Board (12 members)

06 / 07 2 members are African-American (one is Treasurer); executive director is African-American
05 / 06 2 members were African-American; co-executive directors were African-American
04 / 05 1 member was African-American; co-executive directors were African-American
03 / 04 1 member was African-American
02 / 03 2 members were African-American

5. Does your association have a charter or by-laws which address race or diversity in any manner?

As a women's bar association, our mission is, in part, to promote gender diversity within the legal profession. Charter and By-laws promote diversity but do not include any statements or requirements about racial diversity.

If yes, please provide a copy of such information.

DIVERSITY INITIATIVES

6. Please state whether the bar association has a formal and identifiable diversity committee.

Not for racial diversity.

If yes, then please state:

- a. the official name of this committee
- b. the contact person(s) for this committee
- c. when this committee was formed
- d. the mission statement/goal of this committee
- e. the current ethnic composition of this committee
- f. whether the committee has conducted any survey or reports (and please attach said items)
- g. whether the committee has undertaken any program(s) towards performing its mission

If yes, when the program took place (duration);

What were the target groups?

If no, then please state if establishing a diversity committee would serve a valuable purpose for your association. (Please explain why or why not).

WLA is always interested in increasing its non-white membership. Whether a diversity committee is the best way to accomplish this goal would need to be explored by the executive board. WLA is more than willing to work with MCBA and receive MCBA input about the best way(s) to accomplish our mutual goals.

7. What initiatives, if any, has your association taken with regard to soliciting the inclusion of non-white members, generally, and when were these initiatives taken?

WLA has taken no formal initiatives, although such was included in programming at our recent Midwest Conference on Women in the Law held in June, 2006. "Diversity Multiplied" was presented by Paulette Brown, Co-chair, Women of Color Initiative of ABA Commission on Women in Profession. Ms. Brown is African-American

8. What initiatives, if any, has your association taken with regard to inclusion of non-white members in governance of the association, and when were these initiatives taken?

WLA has taken no formal initiatives.

9. Has your association ever participated in any program, either on its own or by networking with any other association, organization or entity, to address any racial issues or diversity issues generally?

Yes. See answer to # 7 above. Additionally the conference included the following programming: Global Perspective - Women's Legal Rights presented by Hauwa Ibrahim, Nigerian int'l. women's rights lawyer (African); Best Practices for Law Firms & Women Lawyer presented by Diane Yu, Gen. Counsel at NYU (Asian American); Future for Women in Law presented by Hon. Vanessa Ruiz, Assoc. Judge of DC Ct. of App. (Hispanic American). Finally, over the years WLA has presented its own programming and has partnered with MCBA and other bar associations to promote diversity issues through a number of programs and partnerships. The exact dates, descriptions and results are unknown.

If yes, please state when and provide a detailed description of such program or programs and their results.

10. Has your association ever participated in any activity, program or initiative, either on its own or by networking with any other association, organization or entity, to address the promotion of diversity in your association and/or the legal profession in Missouri?

See answer to No. 9.

If yes, please state when and provide a detailed description of such program or programs and their results.

11. For each activity listed in Numbers 9 and 10, please state whether your association maintains statistics concerning success rate of said programs?

No.

If yes, please attach said results.

If no, please state why such statistics are not maintained.

WLA is a relatively small organization where keeping such statistics may not be practical. However, WLA would welcome MCBA support and input as to how to best keep the statistics and how this may help increase the diversity of our membership.

12. In what areas do you think your association has been effective in implementing its diversity programs or initiatives?

WLA is focused on gender diversity but certainly would like to increase minority membership and minority involvement in governance.

13. Is your association willing to develop, implement and support a formal statement of diversity principles and formal programs to carry out those principles within the next year?

Yes. And in like turn, we would like to see MCBA include gender diversity in its mission.

14. Is your association also willing to network with other associations, organizations or entities to address issues of race or diversity with regard to bar membership and governance, the practice of law or, administration of justice?

Yes, very much so.

If yes, does your organization have any ideas as to what and how such issues could be so addressed?

WLA's current president, Lynn Ricci, believes addressing the issues of gender and racial diversity and in achieving diversity goals rests in large part upon mentoring, education, and networking. To that end, we desire more contact with MCBA and other minority and specialty bars and organizations. WLA hopes its recent appointment of a liaison to MCBA will increase membership and Board awareness and involvement in both of our organizations. We have also discussed the possibility of a "package membership" whereby individuals could pay one membership fee (some multiple of our individual bar fees) and become members of multiple associations. This would increase membership for all of us and combine efforts to reach out to new members.

15. Please feel free to provide any additional comments in the space below.

For more information please contact:

Lynn Ricci
WLA President
1200 S. Big Bend Blvd.
St. Louis, MO 63117
Phone: 314-647-1200
Fax: 314-647-8816
lvnn@garnholzricci.com

Genevieve Nichols
WLA President-Elect
And MCBA Liaison
6202 Columbia Ave.
St. Louis, MO 63139
Phone: 314-647-0033
Fax: 314-647-8231
nichols@coffey-law.com

WLA webpage: www.wlastl.org

WLA

Wallace, Leslie

From: Mike Gunn [mgunn@thegunnlawfirm.com]
Sent: Tuesday, October 10, 2006 4:55 PM
To: Wallace, Leslie
Subject: FW: Prior WLA Response

Below are the responses I got from the WLA initially. Compare these to my requests and you may have something to tell the executive committee. Good luck.

Michael P. Gunn
The Gunn Law Firm, P.C.
1714 Deer Tracks Trail, Suite 240
St. Louis, MO 63131
(314) 965-1200
Fax (314) 965-1054

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-----Original Message-----

From: Lynn Ricci [mailto:LRicci@MindSpring.com]
Sent: Wednesday, August 30, 2006 3:59 PM
To: mike gunn
Cc: Lynn Ricci
Subject: Your email

Mike,

To get the dialogue started, I reviewed some WLA history and over the past 5 years of 12 board members:

06/07 2 members are black; executive director is black
05/06 2 members were black; co-executive directors were black
04/05 1 member was black; co-executive directors were black
03/04 1 member was black
02/03 2 members were black

We concluded our Midwest Conference on Women in Law in June, 2006. Of 12 keynote speakers, 3 were non-white (asian, hispanic, black) and programming included:

"Diversity Multiplied"
presented by Paulette Brown, Co-chair, Women of Color Initiative of ABA

-
Commission on Women in
Profession

Global Perspective - women's legal rights
presented by Hauwa Ibrahim, Nigerian int'l. women's rights lawyer

Best Practices for Law Firms & Women Lawyer
presented by Diane Yu, Gen. Counsel at NYU

Future for Women in Law
presented by Hon. Vanessa Ruiz, Assoc. Judge of DC Ct. of App.

Call when you have a chance to discuss. Best, Lynn

Panel Discussion

Panel Discussion

On November 29, 2006, the Commission conducted a panel discussion, comprised of the Bar Association leaders, to discuss the survey responses and questions that arose from the survey.

All questions were presented to the Panelist from the facilitator and Commission Chair, Leslie P. Wallace. The questions were compiled from the survey as well as from the MCBA General Body. No questions were taken from the floor. Some of the questions posed were directed toward specific associations, while others were open for any panel member to answer.

In attendance were the distinguished members from the following organizations:

The Missouri Bar:	Keith Birkes, Executive Director
BAMSL:	Gen Frank, President-elect, and David Crawford, Vice-President
Lawyers Association:	Bill Thomas, First Vice President
WLA:	Genevieve Nichols, President-elect

The following questions were asked:

1. Diversity programs targeting legal profession

Does your organization perceive, as part of its mission, to participate in programs which assist the legal community as a whole through inclusion and equality.

What steps, if any, has your organization taken to implement diversity leadership and outreach programs for minority students interested in a legal profession, including minority law students, and minority students within high school and colleges.

Has your organization educated its own leadership and staff on the benefits and core values of diversity in the legal profession?

2. Partnership between Bar Associations and MCBA

How do you foresee your respective organization working with MCBA to ensure that diversity is high among your organization's priorities?

3. Diversity in the Bar Associations

Based on your survey response, it appears that there is not a lot of minority participation on the leadership level. Why do you think there is a lack of participation from African-American attorneys and other attorneys of color?

What benefit does any attorney derive from being a member of one or more of the bar associations?

4. *Specific Bar Association Questions*

Missouri Bar

The St. Louis region of the Missouri bar, as compared to Kansas City, seems unable to elect a person of color to the Board. It is the opinion of many, that issues that face minorities in Kansas City are different than those issues that face minorities in St. Louis. To what extent is the Bar willing to create a diversity seat, with a vote, on the Board?

With respect to the Gender and Justice Task Force, can you identify specific recommendations of the report with regard to these issues and how, if at all, has the Missouri Bar addressed them.

BAMSL

Was BAMSL the originator of the Minority Clerkship Program? Who is currently running this program? Is the success rate of this program measured, and if so how and by whom?

When Rueben Shelton was president, he held a weekend conference on diversity, as referred to in the BAMSL survey response. Does the association still have the results of that conference? Did any specific recommendations result from that report? Is there any interest in the present and future leaders of BAMSL in conducting a similar event or following up on those findings?

Lawyers Association of St. Louis

Is the Black History Month Dinner well attended by minority attorneys? If not, how could the MCBA , or other associations, further assist in its success?

WLA

Given that black women attorneys are prejudiced in our community, would WLA networking with MCBA (and others) move toward helping with that issue? If so, how?

Membership Survey and Responses

Please be kind enough to answer the following questions and return the survey immediately:

1. Which of the following associations are you a member of:

Bar Association of Metropolitan St. Louis	76%
Women Lawyers Association of St. Louis	18%
The Lawyers Association of St. Louis	0
St. Louis County Bar Association	0
Missouri Asian American Bar Association	0
Other – Please List:	
ABA	41%
NBA	18%
ATLA	1
St. Claire County	1
Illinois Bar	1
Ill. Trial Lawyer’s Assoc.	1
ACLU	1
American Health Lawyers Assn	1

2. Of the associations of which you are a member, including The Missouri Bar, are you a member of any of their committees or sections and, if so, please list the committees of which you are a member and the extent of your activity with each committee. [e.g.

this could run from “I’m the Chair of the Committee” to “I get and throw away all of their announcements.”]

ANSWER:

NBA:

Young lawyers division board member

ABA:

Litigation section

Young Lawyers – Minorities in law

BAMSL:

Women in legal profession

Nominating selection committee

YLD – Executive Committee

MCBA liaison

Project Angel Tree Committee

John C. Shepherd Professionalism Award Committee

ATLA:

Nursing Home Litigation

Women’s Committee

Civil Litigation

Minority Issues Committee

MO Bar:

Minority Issues Committee

Health Care Committee

Other:

None

Throw away and delete emails

3. Are there bar programs which you think these associations should be doing but aren’t? If so, please give us your suggestions.

Free CLE

Not sure if being done, but community outreach into predominantly African-American high schools, and to local colleges

4. Would you be willing to interact in networking programs with other associations on behalf of the Mound City Bar?

ANSWER: Yes 88% No 0

5. Of the associations of which you are a member, how often do you attend the associations regular meetings?

**ANSWER: monthly 12%
 every other month 1
 not regularly 53%**

If you don't regularly attend meetings, what is the reason?:

ANSWER:

**No regular meetings 18%
Lack of time 12%
Don't even know where they are 12%
Don't know when they are 12%
Too many competing obligations
No functioning relationship with other members
Too many meeting held during lunch hour.
Don't know what they do**

6. Of the associations of which you are a member, please state the when you last participated in a program or activity:

ANSWER:

Within the last month 29%

Within the last 3 months	1
Within the last 6 months	18%
Within the last year	12%
None	12%

7. Of the associations of which you are a member, by what medium are you informed of the associations activities or programs?

ANSWER:

Regular mail	82%
Email	76%
Phone	0
Not informed	0
Fax	1

Other:

Not member because don't know what they do or what they stand for

Approached by one group and not others



Mound City Bar Association
P.O. Box 1543
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Tel: (314) 552-6349