

SECTION VII

Race, Diversity, and Inclusion in the Legal Profession

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**RACE, DIVERSITY, AND INCLUSION IN THE LEGAL PROFESSION:
WHY IT IS IMPORTANT TO KEEP AN OPEN MIND**

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I. Introduction

Taking effect on January 1, 2021, attorneys licensed in Iowa will be required to take one hour of attorney wellness CLE **or** one hour of diversity and inclusion CLE. Iowa Court Rule 41.3(2).

Rule 42.1(8) defines "Diversity and Inclusion" as follows:

"Diversity and inclusion" means a separate, designated, and dedicated session of instruction regarding the impact of race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation on court system interaction or case or controversy outcome, and professional relationships between attorneys, judges, and clients where race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation is a potential factor.

II. Why Is This Important?

The world (yes, that includes Iowa) is becoming more and more diverse, including those entering our profession. The bar (yes, that includes Iowa Workers' Compensation Lawyers) looks much different than it did 100 years ago, versus 50 years ago, and 25 years ago... and so forth it will continue.

There is a national trend for requiring CLE dedicated to diversity and inclusion. Iowa joins neighboring states of Illinois, Missouri, and Minnesota.

California, Minnesota, and Oregon require a specific diversity and inclusion CLE, which they refer to as “elimination of bias” or “access to justice” programming, while other states allow a choice. The ABA recommends a stand-alone requirement because “it is extremely unlikely that one hundred percent of lawyers will elect to take Diversity and Inclusion Programming if it is not specifically required.” *See* ABA Resolution, Model Rule for Minimum Continuing Legal Education and Accompanying Report (Feb. 2017).

III. Goals

To begin an open and honest conversation with ourselves, our colleagues, and bar about diversity and inclusion.

It is not easy to have introspection, but it’s the only way we can begin a dialogue on the biggest issues affecting our society.

Iowa State Bar Association’s – Young Lawyer Division has additional resources for law firms on how to improve and show commitment to diversity and inclusion. For more information about ISBA’s Diversity, Equity, and Inclusion pledge, visit <https://www.iowabar.org/page/diversitypledge?&hhsearchterms=%22diversity%22>.

IV. Presentation and Discussion

DISCLAIMER!!! This presentation will not be all encompassing. This presentation represents a beginning of how we (Iowa workers’ compensation lawyers) can begin a discourse on issues involving diversity and inclusion.

This presentation will attempt to discuss, hopefully with some group participation, some of the following concepts:

- a. Identity
- b. Intersectionality
- c. Diversity
- d. Equality v. Equity
- e. Essentialism
- f. Erasure
- g. Discrimination / Racism / Bias
 - i. Aversive
 - ii. Color Blindness
 - iii. Implicit / Unconscious
- h. Microaggressions
- i. Privilege
- j. Critical Race Theory
- k. Revisionist History
- l. Assimilation / Passing / Covering
- m. Legal Story Telling / Counter Story Telling
- n. Realism / Idealism

V. Citations, References, and Additional Resources

American Bar Association, Profile of the Legal Profession (2021) available at:
<https://www.americanbar.org/content/dam/aba/administrative/news/2021/0721/polp.pdf>

American Bar Association, National Lawyer Population Survey (2021) available at:
https://www.americanbar.org/content/dam/aba/administrative/market_research/2021-national-lawyer-population-survey.pdf

American Bar Association Resolution, Model Rule for Minimum Continuing Legal Education and Accompanying Report (Feb. 2017) available at:
[2017_hod_midyear_106.pdf](https://www.americanbar.org/content/dam/aba/administrative/education/2017_hod_midyear_106.pdf). (americanbar.org)

American Bar Association, Commission on Women in the Profession, You Can't Change What You Can't See: Interrupting Racial and Gender Bias in the Legal Profession available at: <https://www.americanbar.org/content/dam/aba/administrative/women/you-cant-change-what-you-cant-see-print.pdf>

Blanck, Peter et al., *Diversity and Inclusion in the American Legal Profession: Workplace Accommodations for Lawyers with Disabilities and Lawyers Who Identify as LGBTQ+*, 30 *Journal of Occupational Rehabilitation* 537 (2020)

Delgado, Richard & Jean Stefanie, *INTRODUCTION TO CRITICAL RACE THEORY* (3rd Edition) (2010).

Kimberly, Jade Norwood, *Gender Bias as the Norm in the Legal Profession: It's Still a [White] Man's Game*. 62 *WASH. U. JOURNAL OF LAW & POLICY* 25 (2020)

Laffey, Allison & Allison Ng, *Diversity and Inclusion in the Law: Challenges and Initiatives*, American Bar Association (May 2, 2018) available at:
<https://www.americanbar.org/groups/litigation/committees/jiop/articles/2018/diversity-and-inclusion-in-the-law-challenges-and-initiatives/>

Levinson, Justin & Danielle Young, *Implicit Gender Bias in the Legal Profession: An Empirical Study*, 18 *DUKE J. GEN. L. & POLICY* 1 (2010)

Report on Diversity, National Association for Law Placement (2019) available at:
https://www.nalp.org/uploads/2019_DiversityReport.pdf

Suarez, Maria & Demetria Themistocles, *IILP Review 2019-2020: The State of Diversity and Inclusion in the Legal Profession*, Institute for Inclusion in the Legal Profession available at:
https://theiilp.wildapricot.org/resources/Documents/IILP_2019_FINAL_web.pdf