

2009 Annual Report

Division/Section/Committee Title: Committee on Diversity in the Legal Profession

Date: January 4, 2010

Chair/Co-chairs: Arturo L. Jaramillo and Mary T. Torres

Activities Undertaken Since Last Report:

The State Bar of New Mexico Committee on Diversity in the Legal Professional commissioned Research & Polling, Inc., to conduct a survey of active State Bar members on the diversity of the legal profession. The third decennial report entitled "Status of Minority Attorneys in New Mexico—An Update—1999-2009" covers the following topics and addresses a variety of subjects ranging from narrowing disparities in bar examination passage rates to the impact of the judicial selection process on the diversity of our courts.

- Demographic Data on Minority Attorneys in NM
- Perspectives of NM Attorneys on Racial and Ethnic Fairness in the Legal System
- Focus Group Research, which was not previously included in the two previous reports
- UNM School of Law Demographics and Statistics
- The NM Bar Examination – History, Progress and an Update on New Initiatives
- Career Preferences and Employment Opportunities of Minority Attorneys
- Disciplinary Sanctions and Minority Attorneys Demographics and Statistics
- Mentorship/Participation by Minorities in Leadership Roles and the State Bar of New Mexico
- Minorities in the Judiciary
- Recommendations of the Committee on Diversity in the Legal Profession

Ongoing Activities/Issues Requiring Board of Bar Commissioner Action: (Provide supplemental materials when applicable.)

The report and recommendations of the committee were presented to and accepted by the Board of Bar Commissioners at its December 9, 2009 meeting. See the recommendations attached. For the full report and executive summary, visit the State Bar's Web site at www.nmbar.org.

XI. Recommendations of the Committee on Diversity in the Legal Profession

The Committee on Diversity in the Legal Profession recommends that the following recommendations be considered by the Board of Bar Commissioners of the State Bar of New Mexico in addressing the issues described in this report:

1. To better understand the demographics of minorities in the legal profession and increase awareness by the legal profession of the issues and challenges faced by traditional and non-traditional minority groups, the State Bar, utilizing the annual dues form, should request and maintain statistical demographic information on practice type, length of practice, ethnic/racial identity, sexual orientation/gender identity, disability and enrolled tribal membership. The State Bar should also recommend that the Board of Bar Examiners, the Disciplinary Board, MCLE and CLE, Inc., collect and maintain comprehensive statistical demographic information on applicants seeking admission to the State Bar, lawyers who are subject to disciplinary actions or who are sanctioned for failure to meet MCLE requirements, and lawyers who participate as instructors and presenters in CLE programs.
2. The State Bar should reach out to and collaborate with the state's minority bar associations to promote increased and equitable minority participation and leadership in State Bar sections, committees, divisions, the Board of Bar Commissioners, and its public service projects and programs, including but not limited to those introducing the legal profession to high school students. The State Bar should also take appropriate steps to increase and ensure that lawyers serving as presenters, instructors and moderators for its CLE programs reflect the diversity within and desired by our State Bar.
3. The State Bar should confer and collaborate with the UNM School of Law to understand why minority law graduates are leaving the state to practice law in order for the State Bar and law school to cooperate in developing approaches to encourage minority law graduates to practice law in New Mexico and to encourage continuation of the law school's excellent history of appointing minority faculty.
4. The State Bar should request the support of the New Mexico Supreme Court for developing and institutionalizing a mentor program for new or recent admittees to the State Bar and collaborate with the UNM School of Law to establish a mentor program as an adjunct to its curriculum.
5. The State Bar should encourage law firms throughout New Mexico to increase the diversity of their employment applicant pools and enhance career advancement opportunities for minorities and women.
6. The survey results indicate that only 18% of LGBT members believe the State Bar is doing a good or excellent job in addressing issues that relate to them while 24% rate the State Bar as fair and 31% give a poor or very poor rating. The State Bar should reach out to LGBT lawyers and offer workshops and focus groups to determine how the State Bar can better serve the interests of LGBT members.
7. Since there is the Indian Law Section, Navajo Bar Association and the New Mexico Indian Bar Association in the state, the State Bar should reach out to these groups and offer workshops and focus groups to determine how the State Bar can better serve the

interests of Native American attorneys who practice law, including but not limited to Indian law, and to learn about the differences and similarities of the section and associations.

8. The survey results suggest there is a high incidence of female attorneys experiencing demeaning comments or actions and the work of female attorneys being judged differently than the work of male peers. All of the focus groups revealed the female quandary—whether they were being demeaned or receiving unprofessional behavior because of their minority status or for being female. The State Bar’s Committee on Women in the Legal Profession and the New Mexico Women’s Bar Association should be invited to collaborate with the State Bar in addressing these issues and possibly cosponsoring professionalism programs to increase gender bias awareness and reduce discriminatory words or actions in the practice of our profession.
9. The survey results indicate there is a significant perception among minority lawyers that ethnic/racial minority clients receive less favorable treatment in the judicial system compared to non-minority clients. The State Bar should encourage the New Mexico Supreme Court and the Administrative Office of the Courts to collect information on litigant gender, race and ethnicity and case outcome (guilt/innocence, probation/incarceration, and length of sentence in criminal cases, and at a minimum when a judgment is entered on the merits in a general civil case whether it is rendered by a judge or a jury and which party prevailed) so that the courts, the bar, and the public can know whether minority group members receive equal justice from the courts.
10. The State Bar should support the Board of Bar Examiner’s recommendations outlined in the bar exam section of the report and specifically, continue to collaborate with the BBE, along with the minority bar associations and other interested entities, through periodic joint forums, surveys, and other meetings on finding additional effective ways to improve bar exam passage among minorities and repeat takers of the exam, and to encourage minority bar associations and other interested entities to increase affordable and equitable access to bar exam preparation and mentoring programs.
11. As part of the State Bar’s history project and to promote awareness of diversity efforts over the past half-century, the State Bar should encourage the minority bar associations to develop a history of their respective organizations, which would be incorporated into the State Bar history, and enlist the assistance of the Senior Lawyers Division, which is developing the oral history project, to assist the minority bar associations.
12. The State Bar should promote awareness of diversity issues by hosting forums or workshops to educate bar members on diversity and sensitivity issues, address topics of interest to various minority bar associations, and explore ways to increase awareness of and participation in mentoring opportunities.
13. In the next State Bar Compensation Survey, questions on practice type, career preferences and satisfaction and employment opportunities of minorities should be included.
14. The Board of Bar Commissioners should be provided with a periodic report of the diversity of sections, committees and divisions, and the participation of minorities,

women and LGBT lawyers serving as presenters, instructors and moderators for CLE programs sponsored by the various sections, committees and divisions.

15. The State Bar should put together programs to encourage interest in the judiciary and how to successfully apply for appointment or run for election to the Bench.
16. The State Bar should collaborate with and encourage the Disciplinary Board to collect and maintain data on the practice area of attorneys when they receive a disciplinary action and obtain data from the State Bar on firm size, so that the data can be applied to disciplinary statistics.
17. The State Bar should encourage and recruit minority participation on the Committee on Diversity. Additionally, the State Bar should task the Committee on Diversity with monitoring the implementation of these recommendations, including but not limited to producing an annual report to the Board of Bar Commissioners, minority bar associations and the State Bar membership on the status of such implementation, and to assist the committee in producing further periodic updates on the status of minorities in the profession.