

ADVANCING DIVERSITY, EQUITY, AND INCLUSION GOALS:
LEGAL TOOLS IN THE STATE OF MICHIGAN AS A NATIONAL MODEL

HENRY A. BALLOUT, ESQ.¹

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Abstract: This article examines the pivotal role of the legal profession in advancing Diversity, Equity, and Inclusion (DEI) against the backdrop of evolving social dynamics. It delves into the challenges presented by the multitude of DEI committees and initiatives, offering a foundational resource for those seeking to navigate this complex landscape. The article explores innovative applications of existing legal tools and envisions new DEI approaches, emphasizing the need to optimize diversity and equity in both private and public sector employment and advancement. Collaboration, resource sharing, and best practices are recommended to enhance DEI outcomes, with notable examples from Michigan's legal community. In a broader context, the article underscores the profound impact of DEI on justice, fairness, and professionalism, positioning the legal profession as a catalyst for change on a national scale.

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¹ Henry Ballout is a graduate of the University of Michigan-Ann Arbor and Wayne State University Law School. He is currently an Associate Attorney at Garan Lucow Miller, P.C. in Detroit, Michigan. Additionally, he serves as a member of the Diversity and Inclusion Advisory Committee for the State Bar of Michigan.

I. Introduction

In an era marked by evolving social dynamics and a heightened commitment to diversity, equity, and inclusion (DEI), the legal profession stands at a crucial juncture. Judges, lawyers, law students, and other legal professionals play a pivotal role in shaping a legal landscape that prioritizes DEI, professionalism, and the delivery of exceptional legal services.

Currently, numerous committees, commissions, and organizations labor diligently to advance DEI across various sectors and jurisdictions. The abundance of such entities often poses complex coordination challenges, leaving many who are eager to contribute to DEI objectives uncertain about how and where to initiate their involvement. While it remains unfeasible to catalog them all, the primary aim of this article is to offer an essential resource for those eager to comprehend the DEI landscape and to identify opportunities for progress.

This article embarks on a journey to explore innovative applications of existing legal tools and to envision fresh approaches within the domain of DEI initiatives. The aspiration is to illuminate pathways towards optimizing DEI in both private and public sector employment and progression. The only path to achieving this is through collective efforts that enrich our communities and serve as a national model for work environments that are more diverse, equitable, and inclusive, with the legal profession at the forefront of this transformation.

II. Diversity Committees and Commissions Impacting Michigan

Numerous tools have been developed and utilized by associations to optimize DEI in the employment and advancement of individuals in the private and public sectors in Michigan that could serve as a model nationally. This article will briefly examine some of those tools, with a specific focus on the State Bar of Michigan, Federal Bar Association, and American Bar

Association. Additionally, this article will shed light on the newly formed Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary.

In the sections that follow, you will find a concise overview of the goals and existing efforts and initiatives undertaken by these committees and commissions. As you read on, you will find that a complete overhaul is unnecessary— it is evident that our current strategies are yielding positive results. However, to enhance our impact, fostering improved communication between these groups and maintaining a commitment to DEI as profession should be the key focus moving forward. Additionally, this article calls on law firms and workplaces across Michigan and beyond to embrace DEI principles and actively collaborate with DEI organizations to expand their reach and impact.

A. State Bar of Michigan Diversity and Inclusion Advisory Committee

The State Bar of Michigan (SBM) plays a significant role in regulating and overseeing the legal profession in the state. SBM’s mission statement provides:

The State Bar of Michigan is the association of the members of the bar of this state, organized and existing as a public body corporate pursuant to powers of the Supreme Court over the bar of the state. The State Bar of Michigan shall, under these rules, aid in promoting improvements in the administration of justice and advancements in jurisprudence, in improving relations between the legal profession and the public, and in promoting the interests of the legal profession in this state.²

Not surprisingly, SBM has recognized that promoting DEI is necessary in advancing its mission statement. Indeed, Diversity & Inclusion stands as a prominent and essential objective of the State Bar of Michigan, as it is listed as one of the five core values, alongside the following others: (1) justice, (2) service, (3) professionalism, and (4) innovation. SBM describes the Diversity & Inclusion core value in the following way:

The State Bar of Michigan recognizes that as an association we are more effective when we bring different perspectives, experiences, backgrounds, talents and

² Rule 1, Supreme Court Rules Concerning the State Bar of Michigan.

interests to decision-making about how we carry out our mission. In addition to promoting greater diversity in the profession, the State Bar of Michigan embraces a culture within its leadership and governance processes that is open to and respects differing views and perspectives.³

To help it accomplish its goals and carry out its core values, SBM is composed of various Committees & Work Groups adopted by its Board of Commissioners. The State Bar relies on volunteer attorneys to operate its committees. Committee members have the opportunity to help shape the future of the legal profession and provide critically important input on a variety of topics. Appointments to committees are usually made prior to the beginning of each bar year in October. The Diversity & Inclusion Advisory Committee (DIAC) is one such committee solely committed to advancing DEI in the State Bar.

The DIAC of the State Bar of Michigan has identified and developed several valuable tools and strategies to optimize DEI in the employment and advancement of individuals in both private and public sectors. These tools/goals, outlined in the DIAC Strategic Planning Priorities for FY 2023-2024, aim to play a crucial role in fostering a more inclusive and equitable legal community.

A brief general description of each tool and why it is important is noted below:

1. **Mentoring - Continued Face of Justice Development:** The Face of Justice program aims to connect underrepresented law students with legal professionals who can serve as mentors. Continued development and expansion of this program are essential because mentoring is a powerful tool for helping individuals from underrepresented backgrounds navigate the legal profession.
2. **Affinity Bar Connections - Brunch for Bars and Other Affinity Bar Programming:** Building connections between affinity bars and the State Bar of Michigan fosters a sense of community and unity among diverse legal professionals. Collaborative events, such as brunches, help in networking and sharing best practices.
3. **Underrepresented Populations - Immigrant Communities and ESL:** Addressing the needs of immigrant communities and individuals with limited English proficiency is crucial for promoting DEI. Legal services and resources should be accessible to all, regardless of language barriers.

³ State Bar of Michigan 2017 - 2017 Strategic Plan.

4. **Pipeline Resource Development:** Building a diverse pipeline of future legal professionals is fundamental to long-term DEI goals. This includes outreach and support for students at various stages of their education and partnerships with K-12 schools, colleges, and universities to provide resources and support to students interested in pursuing legal careers.
5. **Online or In-Person Trainings and Education for Members:** Providing ongoing DEI training and education for legal professionals ensures that they are equipped to create inclusive environments and address biases. This could include a combination of online and in-person DEI training programs that cover topics such as unconscious bias, cultural competency, and equitable practices.
6. **Underrepresented Populations - Focusing on Socioeconomic Access Issues:** Intersectionality recognizes that individuals may face multiple forms of discrimination or disadvantage. Addressing socioeconomic access issues and promoting access to justice by developing programs and initiatives that specifically target the intersectionality of factors such as race, gender, and socioeconomic status is essential for an inclusive legal system.

In summary, these tools and strategies developed by the DIAC address critical aspects of DEI in the legal profession, encompassing mentoring, affinity bar connections, language access, pipeline development, education, and intersectionality. Importantly, these same tools and strategies can be effectively utilized and adapted in different professional settings. By actively implementing these tools and sharing best practices, the State Bar of Michigan's Diversity & Inclusion Advisory Committee can serve as a national model for promoting diversity, equity, and inclusion in the employment and advancement of individuals in the private and public sectors within the legal community and beyond.

B. Federal Bar Association Diversity and Inclusion Standing Committee and Chapter Committees

The Federal Bar Association (FBA) is another professional association that recognizes diversity as a core value that is fundamental to the justice system. Its mission statement provides:

It is our responsibility and privilege as judges, practitioners, and law students to ensure that our profession actively includes, provides equal opportunity to, and welcomes participation by all individuals, regardless of sex, race, gender, ethnicity, color, national origin, citizenship status, religion, age, sexual orientation, gender

identity and gender expression, disability, military and veteran status, and any other unique attribute.

The FBA further provides that it is committed to fulfilling this responsibility in all aspects of the organization and the greater legal profession. To that end, the FBA created the Diversity and Inclusion Standing Committee (DISC), which is composed of federal judges, practitioners, and law students who are committed to advancing diversity, equity, and inclusion in the FBA and the greater legal community. The Committee is organized into five subcommittees in order to efficiently perform its mission and advance its goals. These subcommittees are focused on the following goals: (1) communications, (2) membership, (3) infrastructure, (4) leadership, and (5) outreach. Members of a Judicial Advisory Panel, a Corporate Advisory Panel, and a federal law clerk working group also provide guidance and support to the Committee. Any judge or attorney can request to join the FBA, and it is free for law students.

In addition to the FBA Standing Committee, regional chapters are also encouraged to maintain their own diversity committees. For instance, the United States District Court for the Eastern District of Michigan Chapter created a diversity committee to serve individuals specifically in that geographic region. The Eastern District of Michigan Chapter's Diversity Committee provides that the "Entire chapter strives to take diversity matters into account, especially in planning our chapter's programming by partnering with diversity-focused organizations, including various law-student associations, the Diversity & Inclusion Committee of the Federal Court, and other diversity committees of the state and county bar associations."

Much like the State Bar of Michigan Diversity and Inclusion Advisory Committee, the Diversity Committee for the Federal Bar Association—Eastern District of Michigan Chapter has identified and developed a range of valuable tools and strategies aimed at creating a more inclusive, equitable, diverse, and professional legal community in Michigan. These tools/goals will

undoubtedly help with the employment and advancement of individuals in both private and public sectors. Let's explore each tool in more detail:

1. **Classroom to Courtroom (CTC) Event for Law Students and Judges:** This event is designed to bridge the gap between law students and the judiciary. It provides a platform for students to interact with judges, gain insights into the legal profession, and build connections. By fostering these relationships, it encourages a more diverse pool of future legal professionals.
2. **Just the Beginnings Foundation (JTB):** JTB serves a similar purpose to the CTC event, but with a broader scope. It aims to inspire young individuals from underprivileged backgrounds to pursue careers in the legal field. While CTC is focused on law students and litigation, JTB primarily targets high schoolers and motivates them to consider careers in the broader legal profession and academia.
3. **New Lawyers Event:** This event is designed to support and engage new lawyers within the Federal Bar Association. By facilitating networking and mentorship opportunities, it helps young lawyers from diverse backgrounds navigate the legal profession, fostering their growth and development.
4. **Diversity Bar Mixers:** These mixers serve as informal gatherings where legal professionals from diverse backgrounds can come together, network, and exchange experiences. These events encourage a sense of community and mutual support, creating a more inclusive legal environment.
5. **Microaggression Trainings:** Microaggressions can perpetuate biases and hinder DEI efforts. These trainings provide education and awareness about microaggressions, helping legal professionals recognize and address them. By fostering a culture of respect and understanding, these trainings contribute to a more inclusive workplace.

In essence, each of these tools and strategies contributes significantly to advancing diversity, equity, and inclusion within the legal profession. The Federal Bar Association, particularly within the Eastern District of Michigan, emerges as a beacon of resources and support for legal professionals who actively champion diversity at the federal court level. Its resolute dedication to comprehensive and targeted DEI initiatives serves as an inspiring model for similar committees and organizations, both within the federal and state court systems, to adopt comparable approaches.

C. American Bar Association Diversity and Inclusion Center and Related Entities

The American Bar Association (ABA) plays a pivotal role in the national regulation and oversight of the legal profession. To fulfill its mission, the ABA pursues four central goals. Notably, one of these goals centers on "Eliminating Bias and Enhancing Diversity," which involves two key objectives: (1) promoting the full and equal participation of all individuals in the association, legal profession, and the justice system, and (2) eradicating bias within the legal profession and the justice system. To effectively pursue this goal, the ABA established the Diversity, Equity, and Inclusion Center.

The Diversity, Equity, and Inclusion Center serves as a hub dedicated to providing guidance, leading projects, and fostering collaboration and communication to advance ABA Goal III—eliminating bias and enhancing diversity in the association, legal profession, and justice system. Goal III comprises various entities within the Center, each focused on different yet interconnected facets of diversity, equity, and inclusion.

The Center consists of ten ABA entities with distinct roles in advancing diversity, equity, and inclusion:

1. **Diversity, Equity, and Inclusion Center:** The core entity responsible for overseeing and coordinating DEI efforts within the ABA.
2. **Diversity, Equity, and Inclusion Advisory Council:** Provides guidance and recommendations on DEI initiatives.
3. **Coalition on Racial and Ethnic Justice:** Focuses on addressing issues related to racial and ethnic justice.
4. **Commission on Disability Rights:** Advocates for the rights of individuals with disabilities within the legal profession.
5. **Commission on Hispanic Legal Rights and Responsibilities:** Concentrates on issues pertaining to Hispanic legal professionals' rights and responsibilities.

6. **Commission on Racial and Ethnic Diversity in the Profession:** Works to enhance diversity among legal professionals.
7. **Commission on Sexual Orientation and Gender Identity:** Addresses issues affecting LGBTQ+ individuals in the legal field.
8. **Council for Diversity in the Educational Pipeline:** Focuses on improving diversity in the educational journey toward legal careers.
9. **Legal Opportunity Scholarship Fund Selection Committee:** Oversees scholarship opportunities to promote diversity within the legal profession.
10. **Commission on Women in the Profession:** Advocates for the rights and advancement of women in the legal field.

In addition to the ten subsidiary entities, it is worth noting the ABA's annual report, which monitors the association's progress in promoting full and equal participation through demographic profiling, serves as a valuable model that other DEI committees and organizations can draw inspiration from and incorporate into their own practices. Such a report promotes accountability and transparency by providing a clear account of an organization's DEI efforts. This allows stakeholders, including members, employees, and the public, to assess progress and hold the organization accountable for meeting its diversity and inclusion goals. Further, collecting and analyzing demographic data can help DEI committees and organizations identify areas of improvement. This data-driven approach enables them to tailor their strategies, allocate resources effectively, and implement targeted initiatives to address disparities and underrepresented groups.

In conclusion, the ABA takes a dedicated stance in eliminating bias and promoting diversity within the legal profession and justice system. The ABA's Diversity, Equity, and Inclusion Center, along with its ten subsidiary entities, actively address various facets of diversity and inclusion. Furthermore, the ABA's transparent and accountable approach, exemplified by its annual report, serves as a valuable model for other diversity and inclusion committees and organizations. The ABA, through its comprehensive efforts, provides a robust framework for

advancing diversity and inclusion within the legal profession, setting a noteworthy example for similar entities in the State of Michigan and in workplaces across the nation.

D. Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary

In February 2022, the Michigan Supreme Court (MSC) issued an order creating the Commission on Diversity, Equity and Inclusion in the Michigan Judiciary (DEI Commission).⁴ In June 2022, MSC issued an order appointing 24 members to the new DEI Commission. Commission members represent an interdisciplinary, wide range of stakeholders—courts, professional associations, advocacy groups, law schools, affinity and/or special purpose bar associations, and community members who have had contact with the justice system.⁵

The Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary plays a crucial role in advancing DEI within the judicial system. Each of its goals serves as a critical step toward optimizing DEI in both the public and private sectors and can indeed serve as a model for other judicial commissions and organizations nationwide:

1. **Develop Policies and Standards to Promote DEI:** This goal involves the creation of policies and standards that actively promote DEI within the judicial system. It can be achieved by implementing inclusive hiring practices, addressing bias, and fostering an environment that supports diversity.
2. **Assist the Judicial Branch with Elimination of Disparities Within the Justice System:** The commission aims to identify and address disparities within the justice system. Initiatives might include reviewing sentencing guidelines, addressing racial profiling, and ensuring equitable access to justice for marginalized communities.
3. **Increase Participation of Members from Under-Represented Communities in Judicial Branch Leadership:** Promoting diverse leadership within the judicial branch is vital for achieving DEI. The commission can implement mentorship programs, leadership development initiatives, and outreach efforts to encourage individuals from underrepresented communities to pursue judicial careers.

⁴ Administrative Order No. 2022-1.

⁵ <https://www.courts.michigan.gov/administration/special-initiatives/diversity,-equity,-and-inclusion/>. Supreme Court Justice Elizabeth M. Welch and Michigan Court of Appeals Judge Cynthia Stephens (ret.) serve as co-chairs.

4. **Assist Local Courts with Implementation of DEI Plans and Processes:** Local courts often require guidance and resources to implement DEI initiatives effectively. The commission can provide support in the form of toolkits, training programs, and best practice sharing.
5. **Collaborate with Other Judicial Branch Commissions, Governmental Entities, and Private Partners:** Collaboration is key to achieving DEI goals. The commission can work with other entities to share knowledge, pool resources, and develop joint initiatives aimed at enhancing diversity, equity, and inclusion within the judicial system.

In summary, the goals of the Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary appear to be strategically designed to address the deficiencies and blind spots within the judicial system and advance DEI. By developing policies, eliminating disparities, promoting diverse leadership, assisting local courts, and collaborating with stakeholders, the commission can serve as a model for other judicial commissions and organizations nationally. Its proactive approach to recognizing and rectifying systemic issues and its commitment to inclusivity can inspire similar efforts in other states and jurisdictions, ultimately leading to a more diverse, equitable, and inclusive justice system nationwide.

While this commission is relatively new, and it is unclear the specific direction it will take, the mere fact that it has been established is undoubtedly a step in the right direction. The creation of the commission underscores the seriousness with which the state and lawmakers approach the issue of diversity and inclusion. This significance extends beyond bar associations and underrepresented individuals in the legal profession; it encompasses the broader demographic diversity of the state's population. Judges and their court staff, who engage with a wide spectrum of individuals, must possess a heightened awareness of diversity and inclusion. The commission, in this context, represents a critical stride toward ensuring that courts are adequately educated and equipped in these crucial matters.

III. Conclusion

In conclusion, as we navigate the current landscape of diversity, equity, and inclusion committees, commissions, and initiatives that impact the State of Michigan and beyond, we are presented with a dynamic and evolving terrain that holds immense potential for transformation. The legal profession, with its far-reaching influence on the justice system, is at a pivotal crossroads where it must prioritize equitable access to justice and inclusivity.

Our exploration of these entities and their efforts has shed light on the innovative applications of existing legal tools and envisioned approaches in the realm of DEI committees and commissions. These organizations represent the collective commitment to fostering a legal community that not only values diversity, equity, and inclusion—but also exceptional professionalism and high-quality legal services.

As DEI committees continue to multiply, it is imperative that they collaborate, share resources, and adopt best practices. The synergy created through such cooperation can lead to enhanced DEI outcomes across all sectors and jurisdictions. Effective strategies include establishing clear communication channels, initiating collaborative projects, sharing resources, forming specialized working groups, scheduling regular check-ins, developing joint training programs, cross-promoting events, sharing anonymized data, organizing networking opportunities, and aligning on common DEI goals. Through these methods, DEI committees can work collectively to reshape the legal profession into a more inclusive and equitable domain, creating a broader impact across sectors and jurisdictions.

Moreover, it is crucial to extend the call to law firms and workplaces across Michigan and beyond. These entities, while distinct from the formal DEI committees and commissions, play a pivotal role in fostering equitable environments within the legal profession. It is imperative that

they not only embrace these principles but actively collaborate with DEI organizations to expand their reach and impact. By working in tandem with DEI committees, law firms and workplaces can benefit from the wealth of knowledge and resources that these organizations offer, ensuring their efforts are well-informed and effective. This collaboration can also create a ripple effect, enabling the principles of diversity, equity, and inclusion to permeate the entire legal ecosystem, from large law firms to solo practitioners. It's not just a responsibility; it's an opportunity to effect change and make the legal profession and justice system more inclusive, accessible, and just for everyone.

The State Bar of Michigan, Federal Bar Association, and American Bar Association, alongside Michigan's newly formed Commission on Diversity, Equity, and Inclusion in the Judiciary, have shown us the way forward. They have developed tools, strategies, and goals that serve as critical steps toward optimizing DEI, from mentoring programs to microaggression training, and from inclusive policies to the promotion of diverse leadership and reporting.

In Michigan and across the nation, these initiatives illuminate the path to a more diverse, equitable, and inclusive legal profession and justice system. While challenges may persist, the commitment to change is evident. The establishment of the Commission on Diversity, Equity, and Inclusion in the Michigan Judiciary, for example, signifies the recognition that diversity and inclusion are not mere buzzwords but fundamental principles that must be embraced.

In the end, our collective journey toward DEI is not just about the legal profession—it's about justice and fairness for all individuals, regardless of their backgrounds, identities, or circumstances. By working together, sharing insights, and continuously striving for improvement, we can forge a brighter and more equitable future for not only the legal profession, but for all professions and the justice system as a whole.