

Women & Minorities in the Law: Working towards Diversity in the Tort & Insurance Practice Section

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The American legal system has been marked by racial injustice and gender bias, beginning with our nation's very foundation as a government. Because of these very genuine inequities, the law becomes a paradigm of exclusion rather than empowerment for many practitioners.

From James Madison's milestone debate in 1787 at the Constitutional Convention to landmark United States Supreme Court decisions such as *Brown v. Board of Education*, it must not be overlooked that the legal profession is a vital player in shaping our national history. Indeed, the law itself writes the script for the ongoing American drama. Attorneys and jurists serve as the seminal connection between society and the law. This means that the legal community possesses the power—and the responsibility to cautiously exercise that power—to humanize or dehumanize our legal system. We can be either the providers or precluders of equal access to justice for minorities and women, both in the practice of law and to the society the law serves.

America is growing into the 21st century; however, the profession is in danger of losing touch with reality because it simply fails to bear any resemblance to the national population. This dichotomy is predicated by our foregoing failure to eliminate gender and racial inequality based on bias and stereotyping. Put into current perspective, the U.S. Census reports that America is a racially diverse nation made up currently by 30% people of color, and approximately 51% female. Projections are that as a nation, minorities will comprise 50% of the population by the year 2050, and in fact, in California, that percentage is predicted to be met before the end of the current decade. Yet the law lingers like a fossilized dinosaur, as a profession controlled by a largely white male force of attorneys and jurists. Statistics show that 90% of the legal community is white, and of that, more than 70% are white men. This obviously is a perverse reflection of what America is and will become in the next fifty years.

As the American Bar Association's Council on Racial and Ethnic Justice urges, it is time to be a catalyst for eliminating racial and ethnic bias in the legal profession and in the justice system with a focus on systematic change. Similarly, the ABA's Commission on Women in the Profession states, there still is a vigorous need to **secure the full and equal participation of women in the ABA, the legal profession, and the justice system.**

The function of the Women and Minority Involvement Committee (WAMI) of the ABA's Tort & Insurance Practice Section is to realize greater participation of women and minority attorneys within the Section, to be a more accurate reflection of the makeup of American citizens. WAMI seeks to facilitate this goal by assisting General Committees in recruiting and involving women and minority members, and promoting greater awareness and appreciation of the need to accomplish greater diversity. WAMI monitors and enhances the progress of the General Committees in following and promoting these goals and strategic plans for increasing diversity through its members who serve as Committee

liaisons.

WAMI is itself a resource to the Section for achieving greater women and minority members. In addition to working as a conduit with women and minority bar associations on a nationwide basis, WAMI offers a speakers list, suggestions, a new brochure with specific ideas and plans to meet diversity goals and co-sponsors continuing legal education programs involving racial minorities and women. WAMI shall, when requested by the Tort and Insurance Practice Section's Council, identify the General Committees it has carefully evaluated as deserving of recognition at the ABA's Annual Meeting.

Recognizing that disparate treatment between the races and the sexes exists is the fundamental beginning toward ending the problem, but it is only the first step. Progress is slow: The Commission on Racial & Ethnic Diversity in the Profession was created in 1986 —formerly the Commission on Opportunities for Minorities in the Profession— to achieve a multi-ethnic, multicultural profession conscious and appreciative of difference and blind to prejudices. Yet the numbers for minorities in the profession still demonstrate a chasm which demands correction. As noted above in the opposite, the total minority representation in the legal profession is 10 percent, a figure obviously disproportionate to the general population, and one which is significantly lower than other professions. While the proportion of law students of color have doubled since 1986, over the past six years, minority law school enrollment has increased only 0.4 percent, the smallest five-year increase in 20 years. (*Bar None, Lawyers for One America*, 2000). Less than 3 percent of all partners in law firms are racial minorities on a national basis.

In a similar vein, the ABA's Commission on Women in the Profession, comprised of twelve members appointed by the ABA President, was created in 1987 to assess the status of women in the legal profession and to identify barriers to advancement. Today, the Commission emphasizes that although there is some progress concerning employment diversity, equally-qualified women who practice law continue to be paid significantly less than male counterparts. The promotional stratosphere between men and women in the law is also an enormous gulf, as well as opportunities. Polls continue to demonstrate that women are losing ground in both equal treatment and pay equity. (*American Bar Journal*, September 2000).

The hurdles are clear: Overcoming ideas from generations which had limited vision of who could best hold the scales of justice will take time. Nonetheless, we cannot succumb to the perils of complacency, allowing these preconceived ideas of what an attorney looks like by gender or race, to continue. Diversity then, must be a goal we pursue as people sworn to uphold a Constitution which decries discrimination. Ignorance and remaining uninformed give rise to unexplainable and irrational bias. Our society and profession simply have no room for this. We are players with different instruments in a legal orchestra, with similar goals to pursue justice and defend liberty. Gender and racial equality in the legal community better reflect our national population, and are the best way to accomplish that which we swore to uphold the moment we took our oaths as attorneys.

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