

MSBA DIVERSITY TASK FORCE COMMITTEE  
BYLAW AND POLICY REVIEW

Created for the Diversity Task Force Committee Meeting on 11/18/09  
Subcommittee Members: Phil Duran, Mary Ward, Julie Plumitis

**1<sup>ST</sup> POLICY AT ISSUE:**

Bylaw 9.3.4, Governance Committee passed revision “The Assembly shall consider the need to provide for gender, racial, and other forms of diversity in the leadership of the MSBA when elected the officer at-large.”

Concern:

The officer at-large member is elected once every four years. This is the only opportunity MSBA has to influence diversity during the office at-large election process (the other three years being governed by the Hennepin, Ramsey, and Outstate Bar Associations). While it is not recommended that MSBA *require* this position to be filled by a person from an underrepresented group, diversity would ideally be one of the largest factors in the decision making process.

Question: Does the language of the revised bylaw adequately reflect the level of importance diversity should have in the Assembly’s officer at-large election process?

**2<sup>ND</sup> POLICY AT ISSUE:**

Goal 2 (found on pg. 4 of Bar Leader Handbook) states “The MSBA commits to principles of equality and fairness and will clearly demonstrate the value of diversity to the legal community.”

Concern:

Goal 2 should reflect what the MSBA hopes to achieve by using more tangible and dynamic language.

Possible Revision:

“The MSBA will actively promote and foster a diverse and inclusive Minnesota legal community where all legal professionals are confident they have the opportunity to succeed.”

**3<sup>RD</sup> POLICY AT ISSUE:**

Association Policy #6 (pg. 42) allows for reimbursement of expenses for members of certain Minority Bar Associations attending the NCPB meetings.

Concern:

- 1) All Minority Bar Associations should have the same opportunity to be reimbursed for the NCPB meetings.
- 2) Bar associations change over time. Listing individual Bar Associations in the policy is counter-productive, requiring MSBA to vote in and rewrite the policy every time a new Bar Association forms.

Possible Revision:

Omit listing of specific Minority Bar Associations and include language that allow for “reimbursement for MWL and all Minority Bar groups.”

**4<sup>TH</sup> POLICY AT ISSUE:**

MSBA Bylaw 4.3(m) (pg. 60) states that the Assembly “may elect up to four other Voting Representatives from underrepresented groups.”

Concern:

- 1) There is no current definition for “underrepresented”.

Possible Revision:

“The Assembly shall consider the need to provide for gender, racial, and other forms of diversity when electing four Voting Representatives.”

#### **5<sup>TH</sup> POLICY AT ISSUE:**

MSBA Bylaw 7.2(e) (pg. 64) states that the Assembly “shall consider the need to provide for underrepresented groups in the leadership of the MSBA when electing the representatives on the Council.”

Concern: “Underrepresented” is too vague a term.

Possible Revision: “The Assembly shall consider the need to provide for gender, racial, and other forms of diversity when electing the representatives on the Council.”

#### **6<sup>TH</sup> POLICY AT ISSUE:**

Bylaw 7.2(g) (pg. 64) states that one member of the MN Women Lawyer’s Inc. and (h) two members of the minority bar associations will be selected to be part of the Council.

Concern: That MWL is underrepresented.

Possible Revision:

Allow MWL two votes instead of one. Is this something that should be pursued?

#### **6<sup>TH</sup> POLICY AT ISSUE:**

MSBA Bylaw 7.3 (a-f) (pg. 64) lists the individual minority bar associations and states in (f) that the affiliated association “has as one of its primary objectives the promotion of racial, ethnic, national origin, or sexual orientation diversity...”

Concern: This leaves out religion.

Possible Revision: After “sexual orientation”, add “and other forms of diversity...”

### **MSBA EMPLOYEE POLICIES**

#### **Recommendations:**

- 1) Have more flexible “time off” accommodations that expressly take into account family needs.
- 2) Current list of Holidays include two Christmas and Christmas Eve. MSBA employees may substitute another religious Holiday in place of Christmas Eve.
  - Should MSBA employees be able to substitute both Christmas day and eve for their own religious holidays?
- 3) Medical Insurance:
  - All full time employees eligible.
  - Those eligible may also opt to cover family members.
  - Whether or not “family” includes domestic partners is unknown at this point – still waiting to hear back from MSBA Human Resources.
- 4) MSBA incorporates by reference the federal FMLA laws which excludes partners.
  - Recommendation that MSBA can either amend their policy to include “for purposes of this policy, ‘spouse’ shall include ‘domestic partner’”. This should include military leave as well.