Action Plan for Diversity, Equity & Inclusion

Prepared by The FBA’s Committee on Diversity and Inclusion

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OUR LIVES BEGIN TO END THE DAY WE BECOME SILENT ABOUT THINGS THAT MATTER”

– MARTIN LUTHER KING JR.
The Federal Bar Association (FBA) supports the full and equal access to, and participation by, all individuals in the Association, the legal profession, and the justice system regardless of race, gender, ethnicity, national origin, religion, age, sexual orientation, gender identity, disability, or any other unique attribute. The FBA recognizes that achieving diversity in the legal profession requires the Association's continued effort and commitment. The FBA is committed to diversity throughout the Association.
Introduction

The FBA is powerfully situated to ensure that federal practice and federal courts truly reflect the rich diversity of the nation we serve. The organization comprises federal judges and lawyers from all practices and all levels of the federal court system. We span public and private arenas, law firms, both large and small business and nonprofit organizations, and generations ranging from law students to seasoned professionals. In short, by its structure and membership, the FBA is inherently positioned—and indeed, bears critical responsibility—to advance meaningful diversity, equity, and inclusion, not just in the organization, but in the federal legal community as a whole.

With this Action Plan for Diversity, Equity, and Inclusion (“DE&I Action Plan”), the FBA commits to fulfilling its responsibility for diversity, equity, and inclusion with leadership, transparency, and accountability. We commit to dismantling old systems to break down habitual and implicit barriers that should never have been erected and will no longer be tolerated. We commit to opening doors that have long been closed to diverse people and replacing those doors with a welcoming entryway for all. We commit to ensuring that every individual is equally empowered to fulfill his or her full potential. We commit to the understanding that the unique contributions, experiences, and perspectives of all are essential to our organization, our legal community, and the justice system we serve. Our commitment resonates across race, ethnicity, gender and gender identity, sexual orientation, religion, disability, and other human characteristics that society has used to marginalize people over time.

This DE&I Action Plan does not define the boundaries of action. It is a foundation from which we expect growth and development, both inside and outside of the FBA, as we continue to advance our commitment to a diverse and inclusive organization and federal legal community.

With this plan, the FBA makes five core commitments to action that guide our path forward:

1. **Membership** – We commit to increasing the diversity of the FBA’s membership and the diversity of the federal legal community as a whole.

2. **Leadership** – We commit to increasing the diversity of the FBA’s leadership and the diversity of leadership in the federal legal community as a whole.

3. **Infrastructure** – We commit to integrating our commitment to diversity, equity, and inclusion in the way the FBA and the federal legal community operates. For the FBA, this means diversity, equity, and inclusion will be a priority in the operations of every part of the organization.

4. **Partnership** – We recognize the rich opportunities to learn from and collaborate with Affinity Bar organizations and others who bring unique perspectives and bold and thoughtful leadership to the imperative of diversity, equity, and inclusion. We will seek active partnership and engagement with these organizations to support our mutual work to advance diversity, equity, and inclusion in the FBA and the federal legal community.

5. **Communication** – We will integrate our commitment to a diverse and inclusive legal community in all internal and external communications.
Advisory Boards

In formulating the DE&I Action Plan, the FBA was keenly aware that it is by no means the first organization to address these issues with a comprehensive and institutional commitment to change. A core component of the FBA's DE&I Action Plan involves ongoing guidance from and partnership with leading federal judges and in-house counsel in the form of Judicial and Corporate Counsel Advisory Boards. By learning from and collaborating with leading federal judges and corporate counsel from around the country, our collective effort toward true diversity, equity, and inclusion in the federal legal community is critically strengthened. We are grateful for the support and guidance of these many leaders as we bring the FBA's DE&I Action Plan to life, and we look forward to our continued work with them as we move forward.

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Anna Richo, General Counsel, Cargill
Craig Silliman, General Counsel, Verizon

* Founding member of Advisory Board  /  + Also a member of FBA Committee
Acknowledgements

The FBA’s Diversity & Inclusion Committee (the “Committee”) began as a Special Task Force appointed by past FBA presidents Judge Michael Newman and Kip Bolin, with the support of the national FBA Board of Directors. It built on the work of the 2011 FBA DE&I Task Force, chaired by Judge Donovan W. Frank and Robie A. Beatty, as well as the work that followed based on the recommendations of that group. In March 2020, the FBA amended its bylaws to establish the task force as a standing committee. Below are the task force and committee members whose leadership and commitment have made this DE&I Action Plan possible.

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The committee also would like to extend a special thanks to FBA Executive Director Stacy King and the FBA executive staff, who have provided invaluable support for this work have made this DE&I.

* Subcommittee chair

1 In addition to co-chairs Judge Frank Beatty, the 2011 Task Force members were FBA Past President Lawrence Baca, Jackie Goff, Rita LaLumia, Kenneth Lawson, Magistrate Judge Michael Newman, Diana Sen, Christopher Sullivan, Vildan Teske, Devinti Williams, and Sharonda Williams.
Membership

We commit to increasing the diversity of the FBA’s membership and the diversity of the federal legal community as a whole.

1. **Launch Model DE&I Plan for FBA chapters.** The Model DE&I Chapter Plan is designed to integrate the FBA’s commitment to diversity, equity, and inclusion in each chapter throughout the nation. In its first year, this model plan will be launched as a pilot program in approximately 10 FBA chapters across the country. Feedback from the pilot program will be used to update the model plan, which will then be launched nationwide. The national FBA will offer leadership, resources, guidance, and support to all chapters as they develop and implement plans to integrate the FBA’s commitment to diversity, equity, and inclusion in local federal legal communities. The Model DE&I Chapter Plan focuses on the five core commitments to action that form the foundation for the national DE&I Action Plan and includes best practices and specific action items that can be adopted, adapted, and further developed by each chapter.

2. **Use diversity data of current FBA membership and establish goals for increasing diversity in the organization.** An early action item identified by the task force was to establish a mechanism by which FBA members could self-report their diversity identity. At the task force’s request, that feature was integrated into the FBA’s new website, launched in early 2020. The FBA will encourage all members to utilize this self-reporting feature so the organization can understand the current diversity of its membership and establish concrete goals for future years. These goals will be used to measure the FBA’s progress in implementing this DE&I Action Plan and provide transparency and accountability in this work.

3. **Understand cost barriers to entry in the FBA and develop ways to reduce those barriers through grants, blended dues, or other mechanisms.** To encourage members of diverse communities to participate in the FBA, we will investigate cost barriers for individuals who are members of those communities and develop specific ways to reduce those financial barriers. In fulfilling this action item, particular attention will be paid to attorneys in small and solo firms to ensure outreach and access includes those sectors of the legal community.
FBA DE&I Action Plan

Leadership

We commit to increasing the diversity of the FBA’s leadership and the diversity of leadership in the federal legal community as a whole.

1. Collect, assess and report on data regarding the diversity of current members of the FBA's officers, directors, circuit vice presidents, sections and divisions council, section chairs, division chairs, and committee chairs to understand the current diversity of the FBA's leadership and to establish specific and measurable goals for increasing the diversity within the FBA's leadership.

2. Establish concrete plan of action for increasing recruitment, training, opportunities, and active engagement of diverse leaders. In 2019, this task force and a Governance Task Force reviewed the national FBA’s nomination process for elective offices (including who serves on the Nominations and Elections Committee, how members are made aware of the process, and how nominations are made) and developed recommendations for modifying the process. The committee now will work with the Governance Task Force to establish concrete and specific ways the organization will intentionally and actively engage, train, and recruit diverse leaders for the national board and other leadership positions throughout the organization.

3. Make personal commitment to active inclusion. Each member of the national FBA leadership will be asked to make a personal commitment to a specific and ongoing active inclusion and to report on that commitment at the end of the year. FBA leaders will, in turn, ask FBA members to make a similar commitment to advancing diversity and inclusion in the FBA and the federal legal community as a whole. These commitments, and the actions that flow from them, will be shared in various national FBA communication platforms.

4. Institutionalize annual implicit bias and diversity training. Ongoing training of FBA leaders throughout the organization is essential to this goal. The implicit bias and diversity training (“DE&I Training”) that began in 2018 will become a mandatory component of annual leadership training conducted by the FBA.
FBA DE&I Action Plan

Infrastructure

We commit to integrating our commitment to diversity, equity, and inclusion in the way the FBA and the federal legal community operates. For the FBA, this means diversity, equity, and inclusion will be a priority in the operations of every part of the organization.

1. **Launch “DE&I Tool Kit” for sections, divisions, executive and board leadership, and staff.**
   This DE&I Tool Kit will incorporate detailed guidance on best practices, including but not limited to best practices for communication, outreach, membership and leadership recruitment, mentoring, and programming and other events (including complying with Title III of the ADA and best practices for conducting the interactive process for when a person with a disability requests reasonable accommodations as defined by the ADA). Each area of the FBA (e.g., sections, divisions, etc.) will be asked to create an annual work plan for diversity, equity, and inclusion and report on the plan and its progress in reports to the Section and Divisions Council.

2. **Ensure diversity of presenters at all FBA programs.** Diversity of presenters/panelists at CLEs and other mainstream programming—not just programming on diversity, equity, and inclusion issues—is vital to the FBA. The FBA will amend its programming policies in furtherance of this action item and provide the resources to fulfill it, including the Speakers Bureau developed under the Outreach Goal. A key component of this action item will be the reporting structure that allows the board to track the implementation, success, and challenges of these programming policies.

   Pursuant to this action item and related programming policies, the FBA will encourage that all CLE programs sponsored or co-sponsored by the FBA include members of diverse groups as defined by the FBA’s Diversity Statement. In furtherance of these policies, the FBA will request that individual or individuals organizing any such program sponsored or co-sponsored by the FBA strive to reach these diversity objectives.

3. **Integrate diversity, equity, and inclusion topics in regular FBA programming.** The FBA has historically incorporated topics related to diversity, equity, and inclusion in its programming. Moving forward, all programming will be evaluated to determine where and how diversity, equity, and inclusion topics can best be integrated as part of routine programming planning. This action item encompasses both (a) programs focused on substantive areas of law that are not per se diversity related, but where it is appropriate to make note of diversity-related issues and (b) programs that are specifically focused on diversity issues and training. The FBA will review its past programming in this area and determine the best protocol for continued integration of these issues for the future. The FBA also will track and report on its programming in this area.
4. Ensure all FBA events and programming venues, including conference centers, hotel rooms, etc., are accessible to people with all disabilities. The FBA executive staff shall be trained on and will engage in a collaborative interactive process for all requests for reasonable accommodations. This same training will be incorporated into FBA leadership training, including the FBA Board of Directors. Anyone who plans an FBA event or program shall seek the assistance of such FBA executive staff or other equally trained individuals when requests for reasonable accommodations at FBA events are made.

5. Incorporate diversity, equity, and inclusion in mentorship programs, including in the Law School Division and Younger Lawyers Division. The Law School Division and Younger Lawyers Division are vibrant voices in support of a diverse and inclusive legal community. The national FBA will actively engage these constituencies in building a more diverse and inclusive organization through mentorship and related programs designed to promote and support diverse young lawyers, increase the diversity of the FBA’s membership, and cultivate the pipeline of diverse leaders for the organization.

6. Evaluate further opportunities to strengthen diversity, equity, and inclusion through FBA committees, chapters, sections and divisions. The FBA will evaluate whether the existing FBA committees, sections and divisions best serve the needs of our diverse legal community. For example, in-house lawyers and solo practitioners are active participants in federal court and may not feel represented in the FBA’s structure. A survey of the membership is contemplated as a part of this action item. That survey may also be used to inquire whether the membership suggests any additional sections or divisions to ensure we are meeting the needs of our entire federal legal community.

7. Include DE&I in budgeting and financial planning. The FBA will incorporate DE&I into its annual fiscal planning and allocation of resources to further the organization’s commitment to diversity, equity, and inclusion, including continuation of ongoing work and new opportunities.

8. Evaluate and update existing FBA policies to systemically integrate the organization’s commitment to diversity, equity, and inclusion. The FBA will evaluate all policies to ensure that the commitment to a diverse, equitable, and inclusive organization and federal legal community is fully reflected, embraced, and institutionalized in all FBA operations. The policies to be evaluated and updated include, but are not limited to the following: Policy 6-2 Webinars; Policy 7-1 National Convention; Policy 7-2 Chapter Leadership Training; Policy 7-3 Section and Division Leadership Training; Policy 9-4 Sections and Divisions Policies; Procedures and Guidelines; and Policy 9-8 Law School Student Chapters.

9. Evaluate FBA bylaws. In coordination with the Governance Task Force, the FBA will evaluate its bylaws to determine if any amendments are needed to align with the FBAs commitment to diversity, equity, and inclusion. The first phase of this action item was taken in 2020 when, at the recommendation of the DE&I Task Force, the organization amended its bylaws to establish the committee as a permanent standing committee of the organization.
FBA DE&I Action Plan

Outreach & Partnership

We recognize the rich opportunities to learn from and collaborate with Affinity Bar organizations and others who bring unique perspectives and bold and thoughtful leadership to the imperative of diversity, equity, and inclusion. We will seek active partnership and engagement with these organizations to support our mutual work to advance diversity, equity, and inclusion in the FBA and the federal legal community.

1. **Create and appoint Affinity Bar liaisons.** Central to this Action Plan is the creation and appointment of liaisons to Affinity Bar Associations (collectively, “Affinity Bars”). FBA Affinity Bar liaisons were created in the early years of the DE&I Task Force and are now institutionalized as part of the committee to continue to cultivate meaningful and engaged relationships with their designated Affinity Bar.

The purpose of the Affinity Bar liaisons is to establish relationships with our colleague Affinity Bars with certain goals in mind: (1) listening and understanding the perspectives of the Affinity Bars; (2) communicating to the FBA about perspectives, priorities, and key events of the Affinity Bars; (3) facilitating introductions and communications between leaders of the Affinity Bars and FBA leadership; (4) connecting contacts in Affinity Bars with relevant FBA sections, divisions, and chapters; (5) assisting in creating a pipeline of diverse attorneys for FBA leadership; and (6) working with Affinity Bars to create a diverse pool of experts in various areas of the law who are interested in presenting and participating in programming throughout the FBA (“Speakers Bureau”). Over time, the efforts of the Affinity Bar liaisons will strengthen the relationship between the FBA and the Affinity Bars, and in turn, increase the diversity of the FBA’s membership, its pipeline of leaders, and its role as a national leader in the commitment to a diverse and inclusive federal legal community.

Affinity Bar liaisons that have been established to date are as follows:

1. Deaf and Hard of Hearing Bar Association
2. Disability Rights Bar Association
3. Haitian Lawyers Association
4. Hispanic National Bar Association
5. National Asian Pacific Bar Association
6. National Association of Muslim Lawyers
7. National Association of Women Lawyers
8. National Bar Association
9. National LGBT Bar Association
10. National Native American Bar Association
11. ABA Commission on Disability Rights
12. ABA Committee
2. **Build relationships with other national groups and organizations that impact diversity, equity, and inclusion in the federal legal community.** The committee believes that broad and sustained impact within the organization and in the broader community is best achieved when working in concert with others who are equally committed to a diverse and inclusive federal bar. In addition to forging relationships with Affinity Bars, the task force recommends that the FBA build relationships with other organizations that will be additional sources of learning, collaboration, and mutual support in this work.

The committee has established relationships with the following such organizations to date:

1. Federal Judges Association
2. National Association of Women Judges
3. Federal Magistrate Judicial Association
4. Administrative Office of the U.S. Courts
5. Minority Corporate Counsel Association
6. Institute for Inclusion in the Legal Profession
7. Leadership Council on Legal Diversity
8. Military and Government Service Sector

3. **Commence organization of Speakers Bureau and related activities.** Affinity Bar liaisons will coordinate efforts both in the FBA and in their assigned Affinity Bars to identify persons of diverse backgrounds and identities to participate as speakers at FBA events, and collect and organize the names as part of a “Speakers Bureau” to be used within the FBA and by Affinity Bars. This action item will be implemented in conjunction with the FBA's policies related to diversity in programming and other related action items.

4. **Recruit diverse attorneys for FBA leadership roles.** The Affinity Bar liaisons will work to identify leaders and members of their respective Affinity Bars who are interested in pursuing leadership positions within the FBA.

5. **Develop and implement communication channels with Affinity Bars.** Affinity Bar liaisons will work to increase outward facing communications to Affinity Bars, including identifying Affinity Bar leadership; facilitating FBA president outreach to leaders of Affinity Bars; working with FBA administration to make appropriate changes to the FBA website and membership materials; creating invitations to Affinity Bar members/leaders to join the FBA and become involved in chapters, sections and divisions; publicizing opportunities to be involved; and publishing articles about FBA diversity efforts in Affinity Bar publications. Communications, including the website, should be user friendly for those with disabilities.

6. **Facilitate FBA president’s hosting of annual Affinity Bar leadership event.** Each year, the FBA president and the committee will invite leaders of our colleague Affinity Bars to the FBA annual meeting, which will feature a special reception for those leaders and programming reflecting the input and participation of those Affinity Bars.
Communication

We will integrate our commitment to a diverse and inclusive legal community in all internal and external communications.

1. **Publish national FBA DE&I Action Plan inside and outside of the FBA.** The committee will leverage the numerous FBA national communication platforms, i.e., *The Federal Lawyer* magazine, the weekly e-newsletter, and various social media accounts, to promote awareness and participation in the DE&I Action Plan. The DE&I Action Plan also will be promoted with colleague organizations that have similar initiatives. For example, Affinity Bar leaders and the Minority Corporate Counsel Association have expressed interest in announcing our plan. The DE&I Action Plan also will be promoted through additional publications, such as *TYL Magazine*, *The American Lawyer*, and *Above the Law*, to target current law students and newer lawyers and broaden its audience. We will identify a robust list of external audiences who may wish to announce or publish this Action Plan and promote the FBA's renewed commitment to a diverse and inclusive federal legal community.

2. **Update FBA Diversity Statement.** The task force has studied the FBAs existing Diversity Statement and recommends it be updated.

   **Current FBA Diversity Statement:**

   The Federal Bar Association (FBA) supports the full and equal access to, and participation by, all individuals in the Association, the legal profession, and the justice system regardless of race, gender, ethnicity, national origin, religion, age, sexual orientation, gender identity, disability, or any other unique attribute. The FBA recognizes that achieving diversity in the legal profession requires the Association’s continued effort and commitment. The FBA is committed to diversity throughout the Association.

   **Proposed Updated FBA Diversity Statement:**

   The Federal Bar Association (FBA) recognizes diversity as a core value that is fundamental to the justice system. It is our responsibility and privilege as judges, practitioners, law students and senior lawyers of the federal bar 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 is committed to fulfilling this responsibility in all aspects of our organization and the greater legal profession.
3. **Communicate DE&I Value Proposition.** The Committee has developed a written articulation of the value proposition for a diverse and inclusive FBA (“DE&I Value Proposition”), including a concise statement for use in FBA marketing material, agendas, planning documents, and other materials. The DE&I Value Proposition is designed to: (1) strategically tie to the FBAs mission, vision and values; (2) be future focused and mindful of younger, newer lawyers; (3) educate members and third parties about the importance of DE&I, including through DE&I training; and (4) help create an outstanding DE&I brand and image for the FBA consistent with our unequivocal commitment to a diverse and inclusive legal community. The DE&I Value Proposition is as follows:

The Federal Bar Association (FBA) is committed to non-discrimination, anti-racism, and equal treatment under the law. The FBAs success depends on our ability to attract, motivate, and retain its increasingly diverse membership. This commitment to diversity, equity, and inclusion is also part of our unique and collective duty as lawyers to uphold the Rule of Law. This commitment prioritizes equal access to justice and promotes the view that our justice system should be reflective of our diverse society, which in turn strengthens our judicial institutions. Finally, through inclusive programming, events, communications, outreach, and collaboration with other groups committed to diversity, equity, and inclusion, the FBA creates strong bonds between members, stakeholders and other lawyers that connect us to our local, national, and international communities.

4. **Develop and implement DE&I Communications Plan.** We will develop and launch a communications plan (1-2 pages) to promote diverse and inclusive participation throughout the FBA (“DE&I Communications Plan”). This DE&I Communications Plan will: (1) provide a roadmap for how the FBA will promote the Action Plan within the FBA and to external audiences and (2) identify systematic and sustained communications efforts that the FBA will undertake in support of our diverse and inclusive federal legal community. By way of example, such efforts under (2) will include a timeline and specific communications around days/months that celebrate our diverse communities (e.g., Black History Month, International Women’s Day). The DE&I Communications Plan will include attention to and accommodation for people with disabilities.

5. **Expand and develop DE&I web page.** One of the early actions of the task force was to establish an FBA DE&I web page. The committee will continue to develop the FBA DE&I web page as a central point for communication and resources for external and internal audiences. The page will feature at least the following components: (1) the FBA’s Diversity Statement, (2) other information about the organization’s commitment to a diverse and inclusive federal legal community; (3) this DE&I Action Plan, as well as progress reports on this plan; (4) resources for chapters/sections/divisions, such as a model plans that can be adapted and incorporated by each such part of the organization, speakers bureaus, (4) DE&I programming ideas and successes throughout the organization, (5) information about FBA Affinity Bar liaisons, (6) information about FBA DE&I awards and grants (and winners of each), (7) and a communications portal to allow members of the FBA and the public to offer suggestions and comments about the FBAs efforts in the area of diversity, equity, and inclusion. As part of this web project, any upgrades to the site will be done so that the site is meaningfully accessible—as defined by the ADA and as described in the Web Content Accessibility Guidelines (“WCAG”) 2.0— to people with disabilities.
6. **Conduct comprehensive review of existing FBA written materials and establish policy and protocol for review of all new FBA written materials to ensure consistency in FBA’s DE&I messaging and that all communications respect and engage diverse communities.** This review will ensure that language regarding diversity in FBA marketing and other hard copy and electronic materials is updated and consistent with DE&I Diversity Statement and other aspects of this DE&I Action Plan. The review will include recommendations for appropriate places to address diversity, equity, and inclusion in existing and new materials.

7. **Promote existing FBA Awards and nominees among diverse communities and develop new Diversity Award to highlight, celebrate, and promote people and programs working to cultivate a diverse and inclusive federal legal community.** The national FBA currently provides numerous awards for outstanding leadership and work in support of the FBA’s mission: (1) Earl W. Kinter Award for Distinguished Service, (2) Honorable Sarah T. Hughes Civil Rights Award, (3) Ilene and Michael Shaw Public Service Award, (4) Ilele and Michael Shaw Younger Lawyer Public Service Grant, (5) Elaine R. “Boots” Fisher Award (6) Robyn J. Spalter Outstanding Achievement Award, (7) Younger Federal Lawyer Awards, (8) Chapter Activity Awards, (9) Sections/Division Recognition Awards, and (9) Newsletter Recognition Awards. In addition, the FBA Foundation provides grants to further the work of diversity, equity, and inclusion throughout the organization. The FBA will actively promote these awards and grants to diverse communities within the federal bar and solicit nominations of diverse candidates for these existing awards and grants. The FBA also will establish a new award specifically to honor outstanding work by an individual, chapter or other group for the advancement of a diverse and inclusive federal legal community.

8. **Publish about diverse chapter members and leaders.** Actively plan and work to feature and promote federal judges and lawyers in *The Federal Lawyer*, section and divisions newsletters, FBA website, and other FBA publications.

9. **Develop DE&I history project.** Collect, organize, and house historical information on FBA’s DE&I programming and write history of that work for publication. Project will include, among other things, highlighting trailblazers in the federal bar.
The mission of the Association is to strengthen the federal legal system and administration of justice by serving the interests and the needs of the Federal practitioner, both public and private, the federal judiciary and the public they serve.