



Staff Memorandum

HOUSE OF DELEGATES Agenda Item #9

REQUESTED ACTION: None, as the report is informational in nature.

In 2004, based on a recommendation from the Special Committee on Association Governance, the Association Bylaws were amended to provide for two at-large seats on the Executive Committee and twelve members of the House of Delegates appointed by the President to further racial and ethnic diversity in each body. These Bylaws provisions contain a ten-year “sunset” clause by which, if no further action is taken, the provisions will be automatically removed from the Bylaws on November 6, 2014. The “sunset” provision was included on the premise that over the course of ten years, racial and ethnic diversity might increase to the point at which designated seats in the House and on the Executive Committee would no longer be necessary.

Since we are approaching the ten-year limit on these Bylaws provisions, the Committee on Diversity and Inclusion was asked to review these provisions and recommend whether they should be continued. The committee has appointed a subcommittee to study this issue; attached is an interim report from the subcommittee with respect to its work to date. The subcommittee is analyzing demographic changes in the House and on the Executive Committee since the Bylaws amendments were adopted, reviewing legal issues with respect to the amendments, and reviewing other bar associations’ efforts with respect to diversity in their governing bodies. In addition, the subcommittee hopes that the United States Supreme Court will issue its decision in *Fisher v. University of Texas* prior to developing a final recommendation to the House for consideration at the June 2013 meeting.

The report will be presented by subcommittee member Sharon Stern Gerstman.