

# ABA WATCH

## Task Force on the Preservation of Justice

At the 2010 Annual Meeting in San Francisco, ABA President Stephen Zack announced the formation of the Task Force on Preservation of the Justice System. At the announcement of its formation, Zack noted how the fiscal crisis has resulted in budget cuts to courts nationwide. In particular, he called attention to the “devastating” result of underfunded courts: “a decline in access to justice.”

In a letter published in the *ABA Journal*, Zack described how the slumping economy has contributed to a rise in court filings related to foreclosures, bankruptcies, consumer issues such as debt, rental disputes, and other related issues. At the same time, funds available to state courts have decreased, which has led to hiring and salary freezes, furloughs, layoffs, pay cuts, early retirements, and increased filing fees. These cuts ultimately affect the judicial system. According to Zack, “The consequences of inadequate judicial funding extend beyond American courthouses into our jails, police departments and social services such as domestic violence service

centers. The results include reduced public safety, prison overcrowding, and a lack of support systems for families and children in times of crisis.”

Zack anticipates the Task Force will help to ensure that “our judicial branch does not wither under a financial burden. The ABA has a special obligation to provide the strongest advocacy possible for the uncompromised vitality of our judiciary.” Thus, the Task Force will partner with state and local bar associations to highlight the debilitating impact of underfunding on the American justice system. Their strategies will include holding public hearings to demonstrate the problems and leading delegations to meet with legislators and policymakers throughout the United States.”

The Task Force, which is based within the ABA Justice Center, is co-chaired by David Boies and Theodore B. Olson. Additional members include former ABA president Dennis Archer; former Florida State Supreme Court Justices Raoul Cantero and Gerald Kogan; former U.S. Deputy Attorney General Carol Dinkins; Theodore Wells of Paul Weiss and the co-chair of the NAACP Legal Defense Fund

*continued on page 7*

## ABA SPIRIT OF EXCELLENCE AWARD HONOREES

Six attorneys will be honored with the ABA’s Commission on Racial and Ethnic Diversity’s Spirit of Excellence Awards. The award is “presented to lawyers who excel in their professional settings; who personify excellence on the national, state, or local level; and who have demonstrated a commitment to racial and ethnic diversity in the legal profession.”

The recipients include:

Charles Calleros is a professor at Arizona State University’s Sandra Day O’Connor College of Law. He served on the Arizona Civil Liberties Union’s Board of Directors and as the Co-Chair of its Legal Committee. Calleros also served as the chairman of

*continued on page 8*

FEBRUARY  
2011

INSIDE

Federalist  
Society  
Question &  
Answer for  
Bill Robinson

ABA President  
Zack  
Criticizes Iowa  
Retention Vote

ABA House of  
Delegates

In its mission statement, the American Bar Association declares that it is the “national representative of the legal profession.” And, not surprisingly, as the largest professional legal organization in the world, many policy makers, journalists, and ordinary citizens do in fact look to the ABA as a bellwether of the legal profession on matters involving law and the justice system. This is why debate about the work and the activities of the ABA—and the role that it plays in shaping our legal culture—is so very important.

ABA WATCH has a very simple purpose—to provide facts and information on the Association, thereby helping readers to assess independently the value of the organization’s activities and to decide for themselves what

the proper role of the ABA should be in our legal culture. We believe this project is helping to foster a more robust debate about the legal profession and the ABA’s role within it, and we invite you to be a part of this exchange by thinking about it and responding to the material contained in this and future issues.

In this issue, we are pleased to offer an interview conducted over e-mail with ABA President-Elect Bill Robinson, who will become president of the Association next summer. We are publishing his responses unedited in this issue. And, as in the past, we digest and summarize actions before the House of Delegates.

Comments and criticisms about this publication are most welcome. You can e-mail us at [info@fed-soc.org](mailto:info@fed-soc.org).

---

## Federalist Society Question & Answer for Bill Robinson

**1. What will be your most important goals for your upcoming ABA presidency, and have you mapped out any strategies for achieving them?**

I will have the privilege of leading the American Bar Association as its President for a one year term starting in August, 2011. My primary goal will be to continue the decidedly positive direction the Association has taken in the past year. Through the staff and volunteer leadership working closely together, we have achieved considerable improvement throughout the ABA. Our new executive director, Jack Rives, is a retired three-star general and the former Judge Advocate General of the Air Force. Jack has been in place for less than a year, but already he is doing an exceptional job. Our membership numbers are on an upward trend in several membership sectors, despite the continuing upheaval in many parts of the profession throughout the country. We have won important congressional and court victories for lawyers and the profession. We are convening national discussions on major trends facing the profession, such as value billing. The ABA is leading the profession through a very challenging time.

Let me give you an example that is important to the Federalist Society and all of America. We are focusing on addressing the funding crisis in our state courts. Today, many small businesses and average citizens find the wheels of justice turning too slowly or not at all, because funding for the courts is so inadequate and uncertain. Continuing the initiatives of previous ABA presidents, we’ll be working with leaders from across the business,

civic and legal communities to build a coalition that will advocate for modern, more realistic and adequate funding to ensure that our courts remain the gold standard for the rest of the world.

**2. In your view, what is the role of the ABA in the legal profession, but also, more generally, in our society as a whole?**

In short, the ABA’s mission is to serve equally our members, our profession and the public by defending liberty and pursuing justice. As the national representative of the legal profession, we are the advocate’s advocate. We advocate and cultivate volunteer service, showing how lawyers are a bulwark for freedom. We promote high ethical and continuing educational standards. We defend lawyers against unnecessary federal regulation and red tape. Our recent string of legal and congressional victories exempting lawyers from the Dodd-Frank Act and the FTC Red Flags Rule, on mortgage modification/foreclosure avoidance rules, and in preserving full FDIC protections for Interest on Lawyers’ Trust Accounts (IOLTA), are examples of the ABA at its most effective.

**3. In its mission, the ABA states that it is the national representative of the legal profession. Can the Association achieve this goal, and at the same time, stake out positions on controversial issues that significantly divide the ranks of the legal profession? Policy recommendations dealing with the right to abortion, same-sex marriage, racial preferences, and stem cell research come to mind most readily here.**

Every policy of the ABA is adopted after an opportunity for full debate, and a majority vote by our House of Delegates, which consists of over 550 bar leaders of all political stripes from every state in the union. As incoming President of the Association, I fully respect that process in all cases, whether or not I agree with every outcome.

The items you list are among the most highly publicized positions the ABA has taken, but if you look at the full body of our work, you will see that the ABA has adopted and worked tirelessly to advocate on a wide variety of non-partisan policies. We have offered balanced, expert advice on issues that concern all lawyers, such as lawyer regulation, best practices on combating money laundering and terrorist financing, and updates to the Model Rules of Professional Conduct, to name but a few of many.

#### 4. How do you respond to the allegation that the ABA, in its adoption of resolutions, has generally sided with plaintiffs lawyers?

I have been primarily a defense lawyer myself, and indeed many of our former presidents have been leaders in the defense bar. So, it should come as no surprise that our positions have been balanced and designed to ensure the proper functioning of our justice system, including litigation reform. Since this is my practice area, I've been especially engaged in what the Association has done in this regard and am a strong proponent of our balanced approach.

Again, I turn to our record. The ABA has adopted many policies that might be characterized as being more pro-business or defense-oriented, ranging from

asbestos and Superfund liability reform, to streamlining bankruptcy appeals and avoiding unnecessary bankruptcy litigation, to increased use of alternative dispute resolution to settle lawsuits. We support reforms to class action suits, civil asset forfeiture and state-level tort liability. We also supported Federal Rule of Evidence 502 designed to reduce discovery costs and uncertainty, and opposed the Sunshine in Litigation Act, which would have made settlements more difficult to achieve.

#### 5. The ABA has supported the Obama Administration's 2009 decision to prosecute the five Guantanamo detainees accused of conspiring to commit the 9/11 terrorist attacks in federal court. However, that process has stalemated as Congressional leaders from both parties and leading New York politicians including Mayor Michael Bloomberg have opposed holding the trials in New York. How does the ABA respond to their concerns?

I have visited Guantanamo. Our positions on this are well founded. The ABA has not taken a position as to the location for a particular trial. We have strongly supported the authority and independences of our courts, and in the ability of Article III trials to bring wrongdoers, including terrorists, to justice. The consistent and repeated success of prosecutors in getting convictions of terrorists in Article III Courts amply supports the ABA position on this issue.

#### 6. Will the ABA be weighing in on the current challenges to the constitutionality of health care reform legislation?

*continued on page 6*

## ABA President Zack Criticizes Iowa Retention Vote

In an op-ed published in the *New York Daily News*, ABA President Stephen Zack criticized the November judicial retention vote in Iowa that resulted in three judges losing their seats on the Iowa Supreme Court.

According to Zack, "it appears three Supreme Court justices were tossed out for joining a unanimous ruling that a law barring marriage equality for gay and lesbian couples violated the state constitution's equal protection clause. Outside interest groups poured into the state with ads and money, determined to 'send a message,' as they said."

Zack criticized this decision, maintaining that the "courts must protect the rule of law, rather than issue

decisions that blow with the latest political winds. But those winds howled, as deep-pocketed third party groups spent more than \$1 million against the three justices. All three chose not to jump into the campaign fray. All three are no longer on the bench."

He asserted, "That's not just an election result; it's a compete upending of the role of the coequal third branch of government from the intentions of the founders."

Zack acknowledged that "[s]ome might applaud these election results as a popular check on so-called 'judicial activism.'" However, the "problems so clearly illustrated by this election" still need to be addressed. Zack suggested that the "corrosive" effects of money

in judicial elections were the foremost problem. He stated, “It is unacceptable that groups of all political stripes, often without any clear identification of donors, poured more than \$13 million into state judicial races across the country. Americans must come together, calling out third party groups.” He also urged the wide dissemination of the ABA’s “Justice in Jeopardy” report, which urges lengthened terms to protect judges from politics.

He also urged Americans to look toward Al Gore’s example in the 2000 *Bush v. Gore* case. Zack used the example of Gore’s insistence throughout the court proceeding “that his lawyers protect the standing and independence of America’s court system.”

For more on the ABA and its views on judicial selection, please see the interview with Bill Robinson in this issue.

## ABA House of Delegates

The American Bar Association’s House of Delegates will consider a number of resolutions at its midyear meeting in Atlanta on February 14. If adopted, these resolutions become official policy of the Association. The ABA, maintaining that it serves as the national representative of the legal profession, may then engage in lobbying or advocacy of these policies on behalf of its members. What follows is a summary of some of these proposals.

### Judicial Disqualification

The Standing Committee on Judicial Independence (SCJI) will submit Recommendation 115 to the ABA House of Delegates at the ABA Midyear Meeting, calling for “clearly articulated procedures for judicial disqualification determinations and review of denials of requests to disqualify.”

The Standing Committee prepared the recommendation after nearly four years of work surveying judicial disqualification rules and practices in state courts in the wake of the *Republican Party of Minnesota v. White*, *Citizens United v. FEC*, and *Caperton v. Massey* decisions. In particular, the Committee singled out the *Caperton* decision, as it “strongly signals the importance, both to the States and to public perceptions of the judiciary in general, of having rules in State judicial codes that can contain the mischief of excessive campaign support in judicial elections.” The SCJI noted the importance of having new standards implemented “increased exponentially” after the *Citizens United* decision, which could lead to “unlimited expenditures not only in general elections but in judicial elections as well.” The sponsor asserts, “The mere possibility that a vast influx of additional campaign money might enter the latter arena, which already in the past decade has been saturated with unprecedented campaign support, virulent attack ads, and concomitant diminution in public respect for State judiciaries, makes tighter controls over

disqualification imperative when parties and lawyers before the court have provided significant campaign support.”

SCJI “is concerned about polling and anecdotal data showing significant diminution in public respect for judicial independence, integrity, impartiality, fairness—the very lynchpins of the legitimacy of the judicial branch of government. What transpired during the November 2010 election cycle has only deepened these concerns. Large interest group contributions that go not to a judge’s campaign but to third party entities that use the funds to conduct extensive advertising for or against a particular judicial candidate are a phenomenon that was unknown when the Model Code provisions relating to judicial elections were drafted. All of this has considerably elevated the profile of disqualification and disclosure issues for State judiciaries.”

Bearing this in mind, SCJI recommends:

- “Adoption of disclosure requirements for litigants and lawyers who have provided, directly or indirectly, campaign support in an election involving a judge before whom they are appearing. These disclosure requirements would facilitate a determination of whether the judge’s impartiality might reasonably be questioned.
- Adoption of guidelines for judges about their disclosure obligations and the circumstances in which presiding over a case involving litigants or lawyers who previously contributed to an election involving the judge might reasonably be perceived as calling the judge’s impartiality into question.
- Adoption of improved case management systems or other resources to help judges promptly identify recusal issues.”

In particular, special consideration is needed for judicial elections, according to SCJI, due to the “dramatic

escalation in campaign support through independent committees and the widespread public perceptions about the influence of the money on judicial decisions.” SCJI contends “disqualification may be just as necessary when the judge’s (unsuccessful) opponent received substantial campaign support from a litigant or counsel now before the judge as when it was received by the judge’s own campaign.” This “debt of gratitude” (or “debt of hostility” if the situation were reversed) could lead to due process being questioned. SCJI acknowledges that judges may not necessarily know what financial support was provided to an opponent. Thus, judges should have access to more information in order to make appropriate campaign support disclosures, and donors who are counsel or parties to a suit should also be required to disclose their contributions. States should further provide administrative processes to help identify recusal issues.

Critics question the need for disqualification purely because of financial support provided through either direct contributions or independent expenditures. This could motivate activists to flood their preferred candidate with money. If the preferred candidate were to lose, the opponent could be asked to disqualify himself due to the “debt of ingratitude.” This would result in increasing the “dramatic escalation in campaign support” the SCJI dislikes.

The SCJI also suggests that “state judiciaries might consider incorporating into their disqualification standards a non-exclusive list of factors to be considered by a judge in determining whether disqualification is appropriate in the campaign support context.” These factors include:

- The level of support given, directly or indirectly, by a litigant in relation both to aggregate support (direct and indirect) for the individual judge’s [or opponent’s] campaign and to the total amount spent by all candidates for that judgeship;
- If the support is monetary, whether any distinction between direct contributions or independent expenditures bears on the disqualification question;
- The timing of the support in relation to the case for which disqualification is sought;
- If the supporter is not a litigant, the relationship, if any, between the supporter and (i) any of the litigants, (ii) the issue before the court, (iii) the judicial candidate [or opponent], and (iv) the total support received by the judicial candidate [or opponent] and the total support received by all candidates for that judgeship.

Critics questions whether this “non-exclusive” list is helpful, or if it is too vague. As judges cannot control,

endorse, or disapprove of “independent expenditures,” any factor involving independent expenditures may not be helpful.

### Children and Bullying

The Commission on Youth at Risk, along with at least three other co-sponsors, proposes Recommendation 107(A), urging federal, state, territorial, and local officials “to prevent and remediate the existence and dangers of bullying, including cyberbullying and youth-to-youth sexual and physical harassment.” The resolution also calls for “Internet service providers and social networking platforms to adopt terms of service that define and prohibit cyberbullying, and urges law enforcement agencies to cooperate with the FBI’s data collection program related to hate crimes committed by and against juveniles under the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009.”

This recommendation follows similar recommendations made to the ABA House of Delegates in 2002 and 2007. The sponsors of Resolution 107(A) state the proposed recommendation will promote further anti-bullying and anti-harassment policies that go beyond the current anti-bullying law that has been adopted in forty-five states. Along with urging an increase in data reporting of bullying and appropriate notification of bullying incidents, the act proposes the development and funding of educational programs that help educators, parents, and children properly identify victims of bullying.

The sponsors uphold that “adopting, revising, and monitoring laws and policies designed to prevent these acts (bullying) and foster interventions successfully implemented to reduce and respond to them” is of utmost importance. Ineffective punishments, such as suspension and placement in alternative schools, are believed to have a negative effect on bullying prevention. The sponsors maintain that further recognition and increased acceptance of various legislation, such as the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009, is necessary to further decrease the rate of bullying and hate crimes. Children especially at risk for harassment and crime are those characterized by a wide spectrum of inherent or perceived qualities listed by the sponsors. These qualities and characteristics include: “race, religion, national origin, sex, disability, sexual orientation, or gender identity.” Current laws address harassment and bullying that falls underneath Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, but the sponsors believe that legislation is particularly lacking in a significant

category of bullying: cyberbullying. They assert that the ABA has made significant strides in combating the issue by focusing on internet service providers (ISP), the middle man of cyberbullying. The effectiveness of addressing cyberbullying by using terms of service agreements to revoke memberships of bullies is still unknown.

The current bills that answer the call to action of the sponsors are the Safe Schools Improvement Act (SSIA) and the Student Non-Discrimination Act (SNDA). Both pieces of legislation have not been acted upon since being referred to subcommittees less than a year ago, but still manage to set a standard to which state legislatures have relied upon when addressing the problems of bullying. States such as Texas and North Dakota have proposed anti-bullying bills that address an increased amount of reported violence against both LGBT (lesbian, gay, bi-sexual, or transgender) children and LGBT adults in the workplace. By proposing this recommendation at their conference in February, the ABA urges lawmakers and educators across the nation to answer the calls of both the Department of Education and President Obama to put an end to unnecessary violence in schools.

#### Other Recommendations to Be Considered by the House of Delegates

- Recommendation 100A, proposed by the Section of Legal Education and Admissions to the Bar and the Commission on Immigration, “reaffirms the principles of law school self-governance, including independence of law school clinical programs.” The report notes that some state legislatures have sought to limit the activities of these clinics, which jeopardizes the academic freedom of those students working at the clinics.
- Recommendation 118, proposed by the Section of Environment, Energy, and Resources, “encourages Congress to enact legislation to reform the Toxic Substances Control Act. Supporters of the resolution argue that this is necessary for federal regulators to have the legal authority and resources necessary to ensure a ‘safe, sustainable and commercially competitive chemical industry.’” Critics fear the act would hurt innovation and impose strict regulatory burdens on chemical manufacturers.

## Federalist Society Question & Answer for Bill Robinson

---

*continued from page 3...*

Our House of Delegates has not taken a position on this issue. We do not have a policy basis for engaging in that debate.

**7. Do you believe the Senate should reform its filibuster rules? Why or why not? If so, what reforms would you propose?**

Our interest in this subject relates to the persistently high number of vacancies on our federal bench. For a long time, the ABA has expressed the view that each judicial nominee should get an up or down vote in a reasonable amount of time. This is a matter of basic fairness to the nominee and of great importance to our judicial system. This has been our consistent position in Democratic and Republican administrations alike, irrespective of which party controls the Senate.

**8. How do you define judicial independence? In your view, is a system of “merit selection” and/or judicial elections a better system of selecting judges? Should the ABA have a position on that? What about partisan vs. non-partisan judicial elections?**

Our goal—and that of everyone who believes in America’s exceptional, constitutional design for its government—is to preserve our Founding Fathers’ vision of the courts as the third, non-political branch. Our courts act based on the rule of law, not the direction of voters, and provide checks and balances on the political branches when needed.

This is personal for me. I litigate and try cases for clients. I want a judge who will make decisions in each case based on the proven facts and the applicable law. The judge hearing my case—indeed hearing every case—should be impartial and not be subject to challenge or outside influence because the ruling does not comply with a particular political philosophy.

The *Caperton* case dramatically demonstrates that there is a real issue with litigants’ wondering whether they will receive impartial treatment when a judge hearing the case has received campaign contributions from the opposing party or its counsel. The amount involved in *Caperton* was extraordinary, but we know that even much smaller contributions can make an opposing party in a case understandably lose confidence and trust in the justice

system. And yet, we also know that a judge running for election or re-election will necessarily turn to the legal community for support. The ABA has adopted guidelines we believe limit the impact (and perceived impact) of political contributions on the outcome of cases.

The ABA is a longtime backer of merit selection. When judicial elections are held, we advocate non-partisan races in which measures are taken to downplay the influence of contributions.

**9. In its efforts to improve justice abroad, how do you think the ABA ought to define the rule of law?**

Justice Anthony Kennedy, who worked with the ABA in the wake of the 9/11 attacks to foster a “Dialogue on Freedom” with young people, has advanced a compelling, simple summary: the rule of law promotes freedom, justice and equality. In countries with the rule of law, individuals and businesses understand the rules and can rely on the fact that the rules will be fairly and predictably applied and administered.

Equally important, the rule of law requires that those who govern must adhere to the law as well. Justice Kennedy noted, “The law is superior to, and thus binds, the government and all its officials.”

**10. Do you believe that there has been a decline in public respect for the legal profession, and if so, what can the ABA do about it?**

Americans are looking for role models they can admire. I think lawyers do and should fall into that description. Despite busy schedules and extensive commitments to our clients and our families, lawyers, consistently and historically, work regularly and tirelessly on a voluntary basis to serve the poor, improve our communities and enhance and strengthen the justice system. We too often neglect to remind people about what lawyers contribute to our society. Beginning this spring, the *ABA Journal* will publish a new section in every issue highlighting just a small part of the ongoing volunteer work of attorneys throughout our country. Everywhere I go as a representative of the ABA, I will feature volunteer lawyer service and the good work that lawyers do day-to-day, year after year. It really is an essential part of our professional DNA.

**11. Conservatives are often on the fence about joining the ABA, maintaining it is a partisan organization, both in its policy positions and in its leadership. What would you say to disgruntled conservatives and others who might feel that it is a waste of time to join the ABA because their perspectives would not be valued or respected?**

Anyone who knows me will confirm that I am rather conservative myself. So, my ABA involvement and experience should be instructive on this point.

The ABA has lawyers of all political views represented in its leadership, working on all sorts of issues of importance to the profession. I have found that my views on challenging subjects are always treated with dignity and respect. I don't always prevail, but I think I have made a difference as have my colleagues who take a different view in the debate.

There are several good reasons for more conservative lawyers to join the ABA. Our ABA doors are open wide and opportunities abound in the ABA for making a positive difference in the profession.

I would suggest that if you don't join the conversation, you shouldn't complain about its conclusions. ABA policies are driven by our membership. We are here for all lawyers and once you get involved, that will be clear to you, as it is to us. There is so much we offer to the profession, that I believe every lawyer will be a better lawyer as a result of belonging to the American Bar Association. I can assure you that the years I've spent within the Association have consistently provided an enhancement of my professional career—intellectually, professionally and personally.

## Task Force on the Preservation of Justice

---

*continued from cover page...*

Board of Directors; Elaine Jones, the former president of the NAACP Legal Defense Fund; Judge Peter T. Fay; Alberto Mora, former General Counsel of the Navy; Mary McQueen, the president of the National Center for State Courts; former Florida Democratic gubernatorial candidate Bill McBride; former U.S. Attorney Dan Webb; Nicole Seligman of Sony; and Susan Klooz of Walmart.

In a letter published November 17, co-chairs Olson and Boies wrote, “As a result of the economic crisis that has overcome our nation, courts are struggling to function properly and to provide access to justice for all. The Task Force will highlight the fiscal crisis that has resulted in budget slashes to courts nationwide. The Task Force is composed of talented and distinguished attorneys and judges from across the country. We are working with the National Center for State Courts and related groups to gather data surrounding the court funding crisis and

to determine the effects of the underfunded justice system.”

The Task Force will host a public hearing during the February 2011 ABA Midyear Meeting in Atlanta. The Task Force will ultimately provide recommendations and a report to the ABA’s House of Delegates for consideration as official policy of the organization.

## ABA Spirit of Excellence Award Honorees

---

*continued from cover page...*

both the Board on Equal Opportunity and the Campus Environment Team for Arizona State University. He is the former Chairman of the Association of American Law Schools (A.A.L.S.) Committee on Recruitment and Retention of Minority Faculty. Calleros has also written numerous legal articles in support of racial preference and diversity policies, including “Law, Policy, and Strategies for Affirmative Action Admissions in Higher Education” and “Patching Leaks in the Diversity Pipeline to Law School and the Bar,” both for the *California Western Law Review*. He is a member of the Hispanic National Bar Association.

**Judge Denny Chin** serves on the United States Court of Appeals for the Second Circuit. Judge Chin was nominated by President Bill Clinton to serve on a District Court in New York before being nominated to the Second Circuit Court of Appeals by President Barack Obama in late 2009. The ABA’s Standing Committee on the Federal Judiciary rated him “Unanimously Well Qualified.” He is the former president of the Asian-American Bar Association of New York.

**Judge Bernice B. Donald** serves on the United States District Court in the Western District of Tennessee. She was nominated to the District Court by President Bill Clinton. Judge Donald worked for the Shelby County Public Defender’s Office and as a staff attorney at Memphis Area Legal Services where she provided legal assistance to low-income individuals. In December of 2010, she was nominated to the United States Court of Appeals for the Sixth Circuit by President Barack Obama. Judge Donald is a long-time active ABA member. She is the Vice-President of the American Bar Foundation. She previously received the American Bar Association Tort Trial & Insurance Practice Section’s inaugural Liberty Achievement Award. The Award “raises awareness of the importance

of diversifying the legal profession by honoring lawyers and judges who actively promote diversity within the legal community.” She is a former member of the ABA Board of Governors and the ABA House of Delegates and served as a member of the Board of Editors of the *ABA Journal*.

**Kevin Gover** is the Director of the National Museum of the American Indian in Washington, D.C. Gover is a Member of the Pawnee Tribe and is a professor at Arizona State’s Sandra Day O’Connor College of Law. Gover is one of the founders of Gover, Stetson & Williams, a law firm that specialized in federal Indian, natural resource, environmental, and housing law. In 1997, Gover was selected by President Bill Clinton to serve as Assistant Secretary of the Interior for Indian Affairs.

**Eva Paterson** is the president and founder of the Equal Justice Society, a “national organization dedicated to changing the law through progressive legal theory, public policy and practice.” Paterson is the former Executive Director of the Lawyers’ Committee for Civil Rights and was a co-founder of the California Coalition for Civil Rights. She directed campaigns against Proposition 187, which made illegal immigrants ineligible for public services, and Proposition 209, which banned the use of racial preferences in California public institutions. Paterson also served at the Vice President of the American Civil Liberties Union National Board and has chaired many other boards for the ACLU.

**Justice Leah Ward Sears** is a current partner at the law firm Schiff Hardin LLP. Justice Sears served as the Chief Justice for the Georgia Supreme Court. Justice Sears is a member of the National Association of Women’s Judges and is the Founding President of the Georgia Association of Black Women Attorneys. After her resignation from the Georgia Supreme Court, Sears taught at the University of Georgia Law School and accepted a fellowship at the Institute for American Values.