



Release: Immediate

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MODEL RULES COULD ENCOURAGE LAWYERS TO MAKE DIVERSITY A PROFESSIONAL RESPONSIBILITY

The Institute for Inclusion in the Legal Profession and Robert A. Clifford urge the American Bar Association to codify the profession's commitment to diversity and inclusion

Chicago, Sept. 17, 2012 – In a letter dated September 14, Marc Firestone, chair of the IILP, and Robert A. Clifford, Illinois State Delegate to the American Bar Association House of Delegates, urged leaders of the ABA to include diversity and inclusion in the Model Rules of Professional Conduct. Doing so would ensure that all lawyers in the country understand the need to make the legal profession more diverse and more inclusive.

The letter, which went to ABA leaders, urges action to help the ABA reach its goal to “eliminate bias and enhance diversity,” fulfill its objective to promote “full and equal participation in the association, our profession and the justice system by all persons” and eliminate “bias in the legal profession and the justice system.”

Studies show that the legal profession is lagging in meeting its own goals for diversity and in implementing programs that effectively expand diversity. It now falls behind other professions in these efforts. As a result, IILP and Clifford suggest that lawyers need to make diversity a priority, through including a professional commitment in the Model

Rules. Illinois, the state Clifford represents in the ABA, already includes diversity as a component of professional responsibility in its Supreme Court rules. IILP and Clifford suggest that the ABA Standing Committee on Ethics and Professional Responsibility work with other entities to propose new language for the Model Rules for consideration by the ABA's policy-making body, the House of Delegates, no later than the ABA Midyear Meeting in 2014.

"If true diversity is to be a goal for our profession, the ABA is best positioned to take an active role in developing a new approach to diversity through language in the Model Rules. The Rules shape our core values and inspire and instill in each lawyer the dedication to improve the composition of the profession so that it serves and reflects our society. Through the Model Rules, lawyers are given a set of principles to guide them and help them be better lawyers," said Clifford.

"All lawyers should share a common interest in making our profession more diverse and inclusive. It is an imperative across practice areas, geographies, and demographics. As such, diversity and inclusion, I believe, should be a fundamental component of legal ethics. We hope that with new language in the Model Rules, more states will follow the lead of those states that have already made diversity a priority," added Firestone.

Examples already exist in several states that make diversity and elimination of bias a matter of professional responsibility. Lawyers need to see diversity and inclusion as having relevance to themselves and their practices and they need to become educated about the many issues and facets of diversity. The ABA Standing Committee on Ethics and Professional Responsibility has primary oversight of the model rules, first written more than 100 years ago, to guide lawyers and provide a framework for ethical behavior.

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Editor's Note: For more information contact [Sandra Yamate](#) at the IILP. The legal profession is now in the process of updating its rules to meet the challenges of the 21st. century through work of the ABA Commission on Ethics 20/20. The Model Rules are recommendations to the states, many of which adopt the language as proposed by the ABA. By providing guidance at the national level through the Model Rules, the ABA can effectively raise awareness of the compelling need to solve a serious problem within the

legal profession, and the legal system. This will be an important step in encouraging the states to focus on diversity.

About the Institute for Inclusion in the Legal Profession – REAL CHANGE. NOW.

Through its programs, projects, research, and collaborations, the Institute for Inclusion in the Legal Profession is dedicated to improving diversity and promoting inclusion in the legal profession. IILP is a leader in supporting new approaches and inventing and testing methodologies that will lead to real change and eliminate bias in the legal field. Through comprehensive outreach and original programming, IILP works closely with legal, judicial, professional, educational and governmental institutions to help the profession advance diversity as a core value. For more information, please visit the IILP at www.theiilp.com.

About Robert A. Clifford

Robert Clifford is a personal injury lawyer based in Chicago and principal partner of Clifford Law Offices. He is the immediate past president of the Chicago Bar Association, a past president of the Illinois Trial Lawyers Association and Chicago Inn of Court and served as chair of the American Bar Association Section of Litigation. Clifford serves as the Illinois State Delegate to the ABA's policy-making House of Delegates. He received his JD from DePaul University School of Law and has endowed the first chair on Tort Law and Social Policy at the school. For more information, visit the Clifford Law Firm websites at www.CliffordLaw.com or www.CliffordAviationLaw.com.

About Marc Firestone

Marc Firestone is a co-founder and the chairman of the Institute for Inclusion in the Legal Profession; Adjunct Professor of Law at New York Law School; and a frequent speaker on international antitrust law, diversity and in-house legal practice. He is Senior Vice President and General Counsel for Philip Morris International, Inc. He received a BA, magna cum laude, from Washington & Lee University and a JD, magna cum laude, from Tulane University School of Law.