

IMPLICIT BIAS INSIGHTS FOR IOLTA PROGRAMS

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IOLTA Discussion Topic #1

At a recent bar association networking reception, you find yourself engaged in a conversation with a group of lawyers who are interested to discover that you are part of IOLTA. One of them asks you how IOLTA in your state ensures that there is diversity in the people that it serves. What responses would we typically expect to hear? What would be some IDEAL responses? What sorts of strategies could your IOLTA program implement to move its responses toward the ideal responses?

IOLTA Discussion Topic #2

You are a member of your state's IOLTA Program Board. The staff has alerted the entire Commission that the media is planning to write an investigative piece examining what, if anything, the IOLTA Commission is doing to ensure that there is representative diversity among the people it serves. What sorts of things could/should state IOLTA Commissions be doing so that such an investigative piece shows the Commission is very effective? Does it matter whether we are discussing the Commission as a whole or individual Commissioners?

IOLTA Discussion Topic #3

You are a member of the staff of your state's IOLTA program. In recent years, your IOLTA program has been subjected to complaints that it is not funding programs serving diverse populations in the state. What can you and your fellow staff members do to help the Commission address these sorts of concerns?

IOLTA Discussion Topic #4

Part of IOLTA's mission is to improve our justice system. What do you think are the most obvious types of programs that IOLTA funds in support of this aspect of its mission? How does diversity play into this? What and how do you ask about diversity components when considering grantmaking?

IOLTA Discussion Topic #5

For several years, your IOLTA program has been telling your grantees that diversity and inclusion is very important to you. You have been asking your grantees to include in their applications information about the diversity of their clientele, their efforts to increase the diversity of their clientele, and their long-term strategies to build their diversity and inclusion as it relates to clients served, leadership, and management.

One of the largest grantees is one with which you have worked successfully for many years. They serve more people than most of your other grantees combined. Their clientele, however, offers little diversity, regardless what type of diversity we are talking about. In response to your reminders about how you value diversity and inclusion, this grantee offers assurances that they, too, value it, but you have seen little change in the way they operate that would suggest that they are taking this seriously. When you push the point more forcefully, this grantee reminds you that your state hasn't a lot of diversity in its population. How do you respond? Are there minimal mandatory diversity and inclusion policies and requirements that any grantee ought to have in place? If so, of what should those policies and requirements consist?

IOLTA Discussion Topic #6

Imagine that there is a new 51st State of the United States. The new state establishes an IOLTA program. Their IOLTA program reaches out to you for your advice on how it should incorporate diversity and inclusion in its work. What advice would you offer about:

- How should the organization plan and train to increase diversity and inclusion?
- How should the new IOLTA organization anticipate the ways implicit bias will manifest?
- What is the best way for an IOLTA program to address implicit bias?
- Are there diversity and inclusion safeguards that an IOLTA program can put in place in terms of hiring and promotion policies?
- How might diversity and inclusion fit into the new organization's eventual succession planning strategies?

IOLTA Discussion Topic #7

Your grantmaking cycle is almost complete. You have some funds remaining that could be a nice-sized grant to an organization. You have three organizations under consideration:

1. A well-established organization with which you have worked successfully in the past but that primarily serves homeless veterans who are almost predominantly white men who profess to be heterosexual. A very few of the clients this organization serves have physical disabilities; a more sizeable number have mental or emotional disabilities, primarily consisting of substance abuse and addiction problems.
2. A newer organization with which you have worked successfully a few times, it serves a much smaller population but within that population, there is greater racial/ethnic diversity among their clients. It focuses its work on employment training/counseling and access to justice for those facing employment discrimination or sexual harassment.
3. An organization that has been in existence for some time but with which you have no previous experience working. Its clientele consists entirely of racial/ethnic minorities who are openly

LGBT+ who have been subjected to violence and now need both social services and legal support.

The funds that you have remaining could help any of these potential grantees do something important and meaningful. The funds are too small, however, to make division between the three, or even between two of the three, impactful. Remembering your commitment to greater diversity and inclusion among your grantees (and the clients they, in turn serve), which of these three organizations gets the funds? Why?