



**Asian American
Bar Association
of New York**

45 Rockefeller Plaza, 20th Floor
New York, New York 10111
Phone (212) 332-2478
Fax (718) 228-7206
Email: main@aabany.org
Website: www.aabany.org

Executive Director
Yang Chen
yang.chen@aabany.org

Hon. Betty Weinberg Ellerin
Chair, NYS Continuing Legal Education Board
c/o Alston & Bird LLP
90 Park Ave.
New York, NY 10016-1387

September 14, 2016

Dear Justice Ellerin,

The Asian American Bar Association of New York (“AABANY”) joins the New York City Bar Association (“NYCBA”) and other New York bar associations in urging New York State to include a separate diversity, inclusion and anti-bias continuing legal education credit (“D&I CLE”) requirement, as stated in NYCBA’s letter to Chief Judge DiFiore dated July 21, 2016, available at <http://bit.ly/29On4j9>.

The purpose of continuing legal education is to expand an attorney’s competence in the legal profession, and a D&I CLE requirement promotes that goal by calling attention to diversity and inclusion as values that we as a profession dedicated to advancing equality and social justice should embrace. As lawyers committed to upholding the principles of equality, we are faced with the stark reality that our own profession remains lacking in its own promotion and retention of women and minority attorneys. In the specific case of Asian Americans, there are fewer than twenty Article III Federal judges of Asian descent out of approximately 800 positions.¹ Despite the increased number of Asian American law students and junior associates at law firms, Asian Americans remain disproportionately underrepresented in positions of influence, leadership, and power in the private sector, with an extremely small percentage of Asian Americans rising to the partnership level at top law firms.²

Education and knowledge breed change. Although attorneys may learn the history of discrimination and exclusion in our society in the course of their studies, a D&I CLE requirement shifts attention to the current state of our legal profession, which is today still lacking in diversity. According to the U.S. Census, the legal profession is the least racially diverse of all industries in the United States. Compared to other professions, the legal profession is not as diverse as architecture, business and finance, and health care.³

By recognizing the importance of diversity and inclusion as values of primary importance, the D&I CLE requirement directly addresses one of the most important criticisms of the legal profession. As the largest minority bar association in New York, AABANY is uniquely poised to represent our members’ concerns about advancing in a profession that at times may be insular and unwelcoming. We recognize that we benefit as a community by professionally educating ourselves on the nuances of the current state of the profession. Diversity and inclusion are necessary values enabling lawyers to serve their communities and clients to the best of their ability in our changing social landscape.

¹ Asian Pacific American Federal Judges, Asian American Bar Association of the Greater Bay Area: <http://www.aababay.com/resources/asian-pacific-american-federal-judges/>

² Women and Minorities at Law Firms by Race and Ethnicity – New Findings for 2015: <http://www.nalp.org/0116research>

³ U.S. Census Bureau: http://www.census.gov/people/io/publications/table_packages.html



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As stated by the NYCBA in their July 21, 2016 letter regarding the Diversity & Inclusion CLE requirement for New York State attorneys:

The legal profession is grounded on principles of equality, access to justice and the rule of law. It therefore behooves us—as legal practitioners who advocate for these principles in the courtroom—to learn to recognize discrimination within our own organizations and law firms and to work toward eliminating bias in all aspects of the profession, including in our workplaces, in the courthouses and vis-à-vis our clients. CLE programs are an important tool to raise awareness of both explicit and implicit bias within the profession and to educate and empower those who can effect change, particularly law firm leaders.

Recognizing that this is a larger issue that must be addressed on multiple fronts, AABANY supports efforts to combat conscious and unconscious discrimination. Addressing the glaring lack of diversity and the sources of biases in our profession cannot be made optional. While creating an additional D&I CLE requirement will not overnight and on its own eliminate the problem, it officially recognizes diversity and inclusion as a priority in New York State.

We stand with our fellow bar associations. We urge the State of New York to adopt an additional D&I CLE requirement as an important and necessary step in elevating the profession.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Susan L. Shin".

Susan L. Shin
President

cc: Chief Judge Janet DiFiore, Court of Appeals
cc: John Kiernan, New York City Bar Association President