Overview of Factors Considered by the Board of Governors Regarding Indianapolis

The NAPABA Board of Governors recognizes that Indiana laws HB-1041 and SB-1 are contrary to our stated policy resolutions, which call for equality for the LGBTQ community, condemning such discriminatory laws, and support of women’s reproductive rights.

We are moved by our members’ passionate advocacy and believe it is important to meaningfully address the valid concerns they have raised. NAPABA is working to ensure that the Convention itself can serve as a vehicle to highlight these issues. NAPABA will make this a policy and advocacy priority not just at Convention but throughout the coming year and beyond.

Our decision was based on a variety of factors, including, but not limited to, our members’ views, the feasibility and impact of relocating the 2023 Convention, logistical and policy considerations, and our position and strength as the national voice for AAPI legal professionals everywhere. That means representing people and communities across the country through nearly 90 affiliates, many of which are located in the heartland, the south, and in areas lacking a strong AAPI civil rights advocacy infrastructure. This issue is not just confined to Indiana, but in 22 other states with similar laws.

Listening to our Members and their Concerns

We listened to our members, and recognized that the Indiana laws do not align with NAPABA’s stated values of equality, inclusion, the health and wellbeing of our members, and NAPABA’s policy resolutions.

- First and foremost, we listened to our members and their concerns and we thank our members for bringing these important and valid concerns to our attention.
- We considered how these laws are harmful to the communities our members come from and are inconsistent with our stated policy resolutions in support of equality for the LGBTQ community, condemning such discriminatory laws, and in support of women’s reproductive rights.
- We heard the voices and are moved by the passion of our members, who have underscored that first and foremost, NAPABA is a membership organization with deep civil rights roots.
- We are grateful to our members for raising important and valid concerns about HB-1041’s discriminatory nature, which increases the burden and discrimination that transgender youths already face.

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1 HB-1041 (now known as House Enrolled Act (HEA-1)) is currently enjoined and pending before the 7th Circuit and SB-1 (now known as Senate Enrolled Act (SEA-1)) is currently enjoined and pending before the Supreme Court of Indiana.
Transparency about our Consultation Process

The process was thorough, considered, and reached after extensive consultations with a variety of stakeholders.

- NAPABA has spent considerable time listening to the concerns of our members, consulting with stakeholders, researching alternatives, and examining options.
- The current Board of Governors discussed this issue during its Board Meeting on November 2, 2022 in Las Vegas, and again at a Special Board Meeting convened on December 1, 2022. The discussions were open and robust.
- After a process that included extensive consultations with various internal and external stakeholders, the Board of Governors made the decision to remain in Indianapolis.
- NAPABA actively solicited the feedback and views of internal stakeholders including the LGBTQ Network, Women’s Leadership Network, Civil Rights Committee, Judicial Council, APABA-IN, and various individual members.
- NAPABA actively consulted with external parties including the LGBTQ+ Bar, the National Association of Women Judges, the American Bar Association/Leverage, the Indianapolis Convention and Visitors Bureau (CVB), the JW Marriott Indianapolis, and Marriott Global.
- The NAPABA staff continues to conduct outreach with Indiana based stakeholders including the Indiana Supreme Court, the Indiana State Bar Association, the Indianapolis Bar Association, and the Indianapolis Rainbow Chamber of Commerce (an LGBTQ focused organization).
- NAPABA relayed to the Indianapolis CVB and Marriott the strong concerns of our members and shared with them the change.org petition circulated by our LGBTQ Network and urged them to relay those concerns to lawmakers in Indiana. In response, the CVB has offered to broker meetings between NAPABA and elected officials in Indiana.

Transparency on our Decision and the Wide Array of Relevant Factors Considered

The decision undertaken by the Board to remain in Indianapolis was based on a variety of considerations with no particular element being determinative. We considered many factors consistent with our fiduciary obligations to our members, in reaching our decision including:

- The determined advocacy of our members on this issue.
- Consultations with NAPABA committees, networks, and councils.
- Whether NAPABA could address the valid issues raised by our members through sustained advocacy and programming, direct legal services, and activism in Indiana.
- How the Convention itself can be a vehicle for advocacy and how it can highlight our core values and our opposition to the recently passed laws in Indiana that are harmful to our members and our community.
- Whether holding the Convention in a part of the U.S. where discriminatory laws are in place should be a place to convene and where we can display and model our stated values of equality, community, advocacy, relationships, diversity, equity, and inclusion.
- Our role and position as a national organization whose mission is to support AAPIs, including women and LGBTQ AAPIs, everywhere, and whether our ability may be hampered if we can’t go everywhere.
• How NAPABA can serve all of our members and the nation if we are limited to meeting in a small number of states.
• NAPABA’s strength as a national membership organization representing AAPI legal professionals including women and LGBTQ legal professionals, across the country through nearly 90 affiliates, many of which are located in the heartland, the south, and in areas lacking strong AAPI and civil rights advocacy infrastructure.
• The impact on APABA-IN and similarly-situated smaller or newer affiliates, or affiliates located in geographical areas where AAPI rights are constantly at risk. Those AAPI members, including women and LGBTQ members, join seeking a sense of community to overcome isolation, a support network against the backdrop of stereotyping and “othering”—many of the same barriers and challenges that confront our LGBTQ members nationwide.

We confronted logistical realities and the limited choice of options at this late stage and took into account:

• California’s ban on state-funded travel for public employees to 23 states which currently have enacted discriminatory anti-LGBTQ laws narrowed our range of possibilities.
• The availability of venues that meet NAPABA’s minimum requirements for hotel and functional meeting space – which include at least 750 guest rooms per night on peak and a 30,000 square foot ballroom.
• There are 16 states with venues that can accommodate NAPABA’s basic requirements. Exclusion of California travel ban states would narrow the options to only seven states where NAPABA could meet.
• Advocating for reduced costs for public sector employees from California and for students.
• NAPABA’s issuance of a nationwide RFP seeking alternative venues.

We should note, that while the Board was also apprised of significant monetary penalties for breaking a contract with the JW Marriott Indianapolis, and has a fiduciary duty to consider financial implications, ultimately, neither cost nor logistics was a determinative factor.

We studied prior precedents (where members objected to prior Convention locations for similar reasons, but the Convention was not moved) and implications for future meetings and considered:

• Prior NAPABA Board precedent with respect to Conventions held in states with similar discriminatory laws, notably 2014 in Phoenix, Arizona and 2019 in Austin, Texas, where the Board voted to remain.
• NAPABA’s engagement, active advocacy, and programming efforts in support of LGBTQ and immigrant communities affected by pending legislation in those states.
• Policy implications for setting a precedent of limiting NAPABA’s Convention to a narrow number of states which could exclude not only future Conventions, but also regional conferences, NAPABA-sponsored events held in conjunction with other organizations, and our relationship with affiliates in states that are subject to exclusion.

We considered potentially adverse impacts on NAPABA’s advocacy and policy efforts including:

• Whether relocating would undermine our reputation as the unified, national voice for the AAPI legal community, if we are viewed as avoiding half of the country.
• Whether relocating would tarnish our long-established non-partisan reputation of being able to engage on issues of importance nationally, and in states where civil rights, DEI, and AAPI communities face threats.

Consideration of Advocacy and Action in Indiana

We believe something must be done about the laws in Indiana and the people they affect and we considered:

• How we could best support those communities in Indiana adversely affected by discriminatory laws.
• That calls for relocation and engagement on the ground are both valid forms of advocacy to send a message to Indiana lawmakers that we strongly disagree with these laws.
• Using the Convention (and the yearlong run-up to it) as a vehicle for advocacy on these issues.
• Our Policy Team’s current efforts to create an action plan that would present advocacy, direct legal services, and activism opportunities. NAPABA has begun outreach to Indiana based legal and advocacy organizations on what NAPABA could do to assist them.
• Precedent from 2014 where NAPABA together with the Arizona Asian American Bar Association actively campaigned against discriminatory laws in the state.

Transparency on Why Indianapolis was Originally Chosen

We believe it may be helpful for our members to understand how and why Indianapolis was chosen to host the 2023 Convention in the first place.

In 2018, the Board of Governors voted to hold the 2023 Meeting in Indianapolis as part of a slate of cities recommended for the 2021, 2022, 2023, 2024, and 2028 Conventions. The factors that NAPABA considered were:

• The presence of APABA-IN and the city’s ability to meet NAPABA’s minimum hotel and convention space requirements.
• That NAPABA had only held a Convention in the Central Region 3 times in prior years and had never hosted in the state of Indiana.
• Indianapolis’ geographic centrality for ease of access, especially for affiliates in the Midwest.
• The city’s welcoming reputation and hospitality.
• The city’s track record of hosting or securing large events including the Superbowl, the NCAA Final Four Basketball tournament, and many conventions, and the offerings of the facility.
• Indianapolis as a burgeoning tech hub and the presence of major corporations and opportunities for partnership with Angi, Anthem, Cummins, and Eli Lily, to name a few.

Other Convention cities, Ft. Lauderdale (2021), Las Vegas (2022), Seattle (2024), and Washington, D.C. (2028) were approved by the Board of Directors in February 2018, well before the passage of Indiana’s SB-1 and HB-1041 which both occurred in 2022.

NOTE: It is important to clarify that the Board’s decision to relocate from Ft. Lauderdale to Washington, D.C. in 2021 was made due to concerns over COVID-19 and not based on any Florida state legislation.
Additional Considerations

- The importance of showing up in states that need us, including in the heartland and the south.
- Anti-Asian hate knows no geographic boundaries and has affected the heartland and South—including in Indianapolis at the FedEx facility, in Atlanta, and in Wisconsin. We need to support these communities.
- Our affiliates in these areas are fighting for diversity, civil rights, women’s rights, and democracy in states like Georgia, Louisiana, Arizona, Florida, and Indiana—all locations that were approved by the NAPABA Board to host Conventions—and we have an obligation to support them.
- Concerns about being perceived as abandoning those affiliates and those communities who may need us most—especially those in states with little AAPI-centered, or LGBTQ advocacy infrastructure.
- Our Policy Team is currently planning a policy and advocacy strategy designed to support the communities within Indiana adversely affected by discriminatory laws. While details are in development, advocacy measures could include pro bono direct services; Indiana-centered state Lobby Day activities on protections for women, LGBTQ persons, and on hate crimes; Community Service Corps projects partnering with Indiana non-profit or advocacy organizations; engaging with Indiana lawmakers and policymakers; and working with our members to design Convention programming that spotlights the issues raised. The NAPABA Policy Team recognizes that to effectuate lasting, meaningful impact, a commitment beyond just the Convention is required.
- The principle that NAPABA affiliates show up for each other: Last year, when the Florida Supreme Court struck down the Florida Bar’s CLE diversity requirement, over 25 different NAPABA Affiliates rallied to the side of the 4 Florida affiliates who filed a brief in the matter in a show of support.