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September 14, 2012

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Ms. Paula Frederick
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104 Marietta St NW
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Re: Model Rules of Professional Conduct

Dear Counsel:

We are writing to you in your capacities as senior leaders of the American Bar Association to suggest a proposed amendment to the Model Rules of Professional Conduct. In particular, we respectfully urge that there be a new section that would specifically make efforts to increase diversity and inclusion in the legal profession a matter of ethics and professional conduct. Doing so would align well with both the ABA's existing Goal III, which seeks to "eliminate bias and enhance diversity" in the legal profession, and with existing standards in several states. The worthy objectives of Goal III promote "full and equal participation in the association, our

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profession, and the justice system by all persons” and to eliminate “bias in the legal profession and the justice system.” Goal III and its objectives are indisputably admirable.

While we are known to most of you – as, respectively the Senior Vice President and General Counsel of Phillip Morris International; and Illinois State Delegate and former Chair of the ABA Section of Litigation – the Institute for Inclusion in the Legal Profession (“IILP”) may be less familiar. IILP is a 501(c)(3) organization whose mission is to advance greater diversity in all its facets through the inclusion of diverse lawyers throughout the legal profession. IILP seeks to effect meaningful change, sooner rather than later. IILP pursues “Real Change. Now.”

The legal profession continues to lag behind other professions in terms of diversity. Given the importance of our justice system, and the roles and responsibilities that lawyers and judges bear, it is critical for our profession to affirmatively address diversity in the Model Rules of Professional Conduct.

With that in mind, IILP offers this suggestion because we believe it would stimulate positive change for the legal profession more widely and more profoundly than current efforts, such as CLE programs and conferences, no matter how valuable those efforts might be. Moreover, through a change to the Model Rules, the ABA’s prominence and its leadership would enable Goal III to provide long-term benefits to the profession. Indeed, this effort would produce significant educational and attitudinal changes related to diversity and inclusion.

Therefore, we believe that adding a section on diversity and inclusion to the Model Rules of Professional Conduct would make a major difference.

Some states already include diversity and/or the elimination of bias as a facet of professional responsibility. As you know, the Model Rules play an important role as states refine and update their own codes, which means that a section on diversity and inclusion would have a beneficial ripple effect throughout the country.

In short, we respectfully request the ABA Standing Committee on Ethics and Professional Responsibility to develop a Diversity/Inclusion Resolution that could be adopted and made a permanent part of the Model Rules of Professional Conduct. Ideally, this proposed amendment could be presented before one of the ABA House of Delegates Meetings in 2013 but certainly no later than the ABA Midyear Meeting in 2014. IILP would welcome the opportunity to assist the Standing Committee in drafting a proposed Diversity/Inclusion amendment to the Model Rules. Toward that end, you should feel free to contact our Chief Executive Officer, Sandra Yamate, at Sandra.Yamate@TheIILP.com to arrange this. Thank you for your consideration of our request and please let us know if we can be helpful to the Standing Committee.

Very truly yours,
INSTITUTE FOR INCLUSION IN THE LEGAL PROFESSION

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Marc Firestone
Chairman

ILLINOIS STATE DELEGATE



Robert A. Clifford

cc: Dennis Rendleman, Director, ABA Standing Committee on Ethics and Professional
Responsibility