

**STUDENT SENATE BILL 2024-1168**

**TITLE: A Resolution Condemning the Decision to Defund The Florida Bar's Diversity & Inclusion Committee**

**AUTHOR(S): Diversity, Equity, & Inclusion Ad-Hoc Committee Chairwoman Chalisa Budhai, Senator Hunter Monson**

**SPONSOR(S): Senator Arturo Zárrate, Pride Student Union President Jonathan C. Stephens, Volunteers for International Student Affairs Vice President of Internal Affairs Hana Ali, Senator Antonio Hendricks, Senator Anghelo Gangano, Senator Sarah Hoffer, Senator Elizabeth Insuasti, Senator Asif Islam, Senator Isha Khan, Senator Raj Mia, Minority Party Leader Nathaniel Pelton**

**WHEREAS**, the Florida Supreme Court has instructed the Florida Bar to remove funding for diversity and inclusion from its upcoming budget, which includes funding for the Diversity and Inclusion Committee and will be allocated instead to an Outreach and Engagement Committee that “will be focused on encouraging all members to increase their involvement with The Florida Bar” [1]; and,

**WHEREAS**, stated explicitly in the first line, The Florida Bar Diversity & Inclusion Committee’s mission is “to increase diversity & inclusion in The Florida Bar so that the Bar will reflect the demographics of the state, to develop opportunities for community involvement, and to make leadership roles within the profession & The Florida Bar accessible to all attorneys, including those who are racially, ethnically & culturally diverse, women, members of the LGBTQ community & persons with disabilities” [2]; and,

**WHEREAS**, diversity, equity, and inclusion initiatives saw a 55% increase nationwide since the murder of George Floyd on May 25, 2020, but “instead of creating fair opportunities & a comfortable work culture for Black employees..., DEI professionals are losing their jobs, as layoffs across the economy have gained momentum” [3]; and,

**WHEREAS**, the Thomson Reuters Institute, the Association of Corporate Counsel Foundation (ACCF), & the Association for Law Firm Diversity Professionals (ALFDP) conducted a survey regarding the impact of racial injustice as well as the ongoing COVID-19 pandemic on individuals within the legal profession & found that these factors significantly affected personal development, career success, & personal wellbeing [4]; and,

**WHEREAS**, respondents of the survey believed “that legal employers were not investing enough in initiatives that would accelerate diversity at all levels” and that “increased representation on key committees” would be effective solutions to overcome the structural barriers present within the legal field [4]; and,

**WHEREAS**, the Thomson Reuters Institute conducted a research survey in 2022 analyzing the competition, turn around, and turnover of the legal field and found that “those who report being highly likely or somewhat likely to leave their current firm or unsure whether they want to stay — are more likely to be women, of minority ethnicity, or from the LGBTQ+ community” [5]; and,

**WHEREAS**, in 2021, “the overall attrition rate for law firm associates reached a record high of 26% in 2021, and that number jumped to 34% among associates of color” [6]; and,

**WHEREAS**, in 2020, “86% of all lawyers were non-Hispanic white” where “60% of all U.S. residents were non-Hispanic white in 2019,” indicating a field of disproportionate dominance within the legal workforce of non-minority attorneys [7]; and,

**WHEREAS**, “5% of all lawyers are African American” in juxtaposition with “13.4% [U.S. population]” indicating a disproportionate gap within the legal workforce of minority attorneys [7]; and,

**WHEREAS**, “5% of all lawyers are Hispanic” where this group maintains a rising 18.5% of the U.S. population, similarly in Asian lawyers representing 1.6% of the American Bar Association while holding 5.9% of the U.S. population [7]; and,

**WHEREAS**, outlined in Florida Regulation-9.016, “‘DEI’ is any program, campus activity, or policy that classifies individuals on the basis of race, color, sex, national origin, gender identity,

or sexual orientation and promotes differential or preferential treatment of individuals on the basis of such classification,” which downplays the continued efforts to address systemic historical disadvantages and underrepresentation faced by identity groups who reap benefits from DEI initiatives [8]; and,

**WHEREAS**, Regulation-9.016 cites the definition for ‘Social Issues’ as “topics that polarize or divide society among political, ideological, moral, or religious beliefs,” incorrectly categorizing the term as divisive when those who are affected by systemic social issues advocate for a more comprehensive understanding of the nuanced challenges underrepresented minority groups face [8]; and,

**WHEREAS**, President Joseph Biden signed Executive Order 14035 on Diversity, Equity, Inclusion and Accessibility in the Federal Workforce acknowledges that “‘underserved communities’ refers to populations sharing a particular characteristic, as well as geographic communities, who have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life [9]”; and,

**WHEREAS**, The Federal Government clearly acknowledges and contends that minority populations suffer from real disparity that are not beliefs but historical truth and that there is a lack of access to employment that requires a call to diversify the workforce to repair wealth and unemployment gaps [9]; and,

**WHEREAS**, the verbiage of Regulation-9.016 is both inconsistent with the Federal Government and harmful to minority populations who per the Federal Government and the President of the United States are entitled to Diversity, Equity, Inclusion and further Accessibility to equitable employment; and,

**WHEREAS**, in regard to diverse representation within professional occupations, a McKinsey study found that “having gender diversity on executive teams, specifically, to be consistently positively correlated with higher profitability” & stated that “research confirms that gender, ethnic, and cultural diversity, particularly within executive teams, continue to be correlated to financial performance,” which demonstrates the need for a continued increase of diversity in executive positions [10]; and,

**WHEREAS**, that same McKinsey study evaluated the comparable differences between graduates and executive representation, finding that “Black Americans comprise 10 percent of US graduates but hold only 4 percent of senior-executive positions, Hispanics and Latinos comprise 8 percent of graduates versus 4 percent of executives, and for Asian Americans, the numbers are 7 percent of graduates versus 5 percent of executives” [10]; and,

**WHEREAS**, McKinsey defines diversity as a reference to “who is represented in the workforce” whether that be diversity of gender, age, ethnic, physical ability, &/or neurodiversity [10]; and,

**WHEREAS**, McKinsey defines equity as a reference to the “fair treatment for all people, so that the norms, practices, and policies in place ensure identity is not predictive of opportunities or workplace outcomes” and takes into account the experiences, circumstances, and implications of any individual [11]; and,

**WHEREAS**, McKinsey defines inclusion as a reference to “how the workforce experiences the workplace and the degree to which organizations embrace all employees and enable them to make meaningful contributions,” which is related to the culture developed at a workplace and the acceptance of differences of each individual who make up that workplace culture [11]; and,

**WHEREAS**, delivered by President Lyndon B. Johnson on September 24, 1965, Executive Order 11246, *Equal Employment Opportunity* that explicitly states and “reaffirms affirmative action and prohibits federal contractors from discriminating on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin. Contractors also are prohibited from discriminating against applicants or employees because they inquire about, discuss, or disclose their compensation or that of others, subject to certain limitations” [12]; and,

**WHEREAS**, *Bostock v. Clayton County, Georgia* (2020), upheld Title VII of the Civil Rights Act of 1964 where it is “unlawful . . . for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual . . . because of such individual’s race, color, religion, sex, or national origin” [13]; and,

**WHEREAS**, the dissolution of the Diversity, Equity, and Inclusion Committee of The Florida Bar becomes discriminatory as their special task force holds responsibility to diversify the

Florida Bar's membership of attorneys, discharging those who are racially, ethnically, and culturally diverse people dedicates to equity; then,

**THEREFORE, LET IT BE RESOLVED** that the University of Florida Student Senate acknowledges that racial, ethnic, and cultural minorities have experienced significant objective historical oppression; and,

**THEREFORE, LET IT BE RESOLVED** that the University of Florida Student Senate upholds the significance behind Diversity, Equity, and Inclusion initiatives & the indispensable opportunities they promote for underrepresented demographics; and,

**THEREFORE, LET IT FURTHER BE RESOLVED** that the University of Florida Student Senate recognizes the effectiveness of diverse leadership advocacy & visibility for individuals whose voices are historically underrepresented; and,

**THEREFORE, LET IT FURTHER BE RESOLVED** that the University of Florida Student Senate recognizes the importance of diversity & representation at all levels of employment and scholarship for individuals coming from all gender identities, sexual orientations, ethnicities, ages, & social demographics; and,

**THEREFORE, LET IT FURTHER BE RESOLVED** that the University of Florida Student Senate offers support for the continued implementation of diversity, equity, & inclusion initiatives throughout the state of Florida within all levels of academia, employment, & professional development; and,

**THEREFORE, LET IT FURTHER BE RESOLVED** that the University of Florida Student Senate will support and protect all legal organization on campus such as UF Black Women Leaders in Law (BWLL), UF Caribbean Law Students Association (CARIBLAW), UF Asian American Undergraduate Student Law Association (AAUSLA), UF Latino Law Student Association (LLSA), UF Asian Pacific American Law Student Association (APALSA), UF First-Generation Lawyers, UF Gator Muslim Law Students Association (MENALSA), UF Gator Society for Pre-Law Women, UF Law Association for Women (L.A.W.), UF Jewish Law Student Association, and UF OutLaw - Law LGBT Organization; and,

**THEREFORE, LET IT FINALLY BE RESOLVED** that the University of Florida Student Senate condemns the deliberate choice to silence & disenfranchise countless underrepresented individuals with its decision to get rid of The Florida Bar's Diversity & Inclusion Committee.

*Proviso: A copy of this resolution shall be sent to University of Florida President Ben Sasse, Vice President for Student Life Heather White, Interim Director of the Center for Inclusion and Multicultural Engagement Elle Collins, Program Director of Asian Pacific Islander Desi Student Engagement Flora Wang, Program Director of Black Student Engagement Satcha Sanon, Program Director of Lesbian, Gay, Bisexual, Transgender, Queer Student Engagement Jamir Wright, Program Director of Hispanic-Latinx Student Engagement Nathalie Turenne, Chair of the Florida Board of Bar Examiners Mindy McNichols, Vice-Chair of the Florida Board of Bar Examiners Timothy S. Danninger, Executive Director of the Florida Board of Bar Examiners Michele A. Gavagni, Chair of the Florida Bar Diversity & Inclusion Committee Valeria I. Obi, Vice Chairs of the Florida Bar Diversity & Inclusion Committee Winifred Linette Acosta, Yamilette Alvarez Pagan, Laurie J. Briggs, Sui Chung, Alexis Dion Deveaux, Anika Royster Hardmon, Julian Antony Jackson-Fannin, Jared Michael Krukar, Tarlika Teresa Nunez-Navarro, Baris John Okcular, and Sharlene C. Stanford, Florida House Minority Leader Fentrice Driskell, President of The Florida Bar Board of Governors F. Scott Westheimer, Florida Supreme Court Chief Justice Carlos G. Muñoz, Florida Supreme Court Justice Charles T. Canady, Florida Supreme Court Justice Jorge Labarga, Florida Supreme Court Justice John D. Couriel, Florida Supreme Court Justice Jamie R. Grosshans, Florida Supreme Court Justice Renatha Francis, Florida Supreme Court Justice Meredith L. Sasso.*

[1] <https://www.wtsp.com/article/news/investigations/10-investigates/florida-bar-diversity-and-inclusion-committee-dismantled/67-f7b4f2bc-20d8-4c80-86ea-fae0eebd500a>

[2] <https://www.floridabar.org/about/cmtes/cmtes-cm/cmte-cm315/>

[3] <https://www.nbcnews.com/news/nbcblk/diversity-roles-disappear-three-years-george-floyd-protests-inspired-rcna72026>

[4] [https://www.thomsonreuters.com/en-us/posts/wp-content/uploads/sites/20/2021/05/Pandemic-Nation-white-paper\\_FINAL.pdf](https://www.thomsonreuters.com/en-us/posts/wp-content/uploads/sites/20/2021/05/Pandemic-Nation-white-paper_FINAL.pdf)

[5] <https://www.thomsonreuters.com/en-us/posts/wp-content/uploads/sites/20/2022/04/Law-Firms-Stay-Go-Report-2022.pdf>

[6] <https://www.fastcompany.com/90797820/the-legal-profession-is-not-doing-enough-to-fix-its-dei-problem>

[7] [https://www.americanbar.org/groups/young\\_lawyers/about/initiatives/men-of-color/lawyer-demographics/](https://www.americanbar.org/groups/young_lawyers/about/initiatives/men-of-color/lawyer-demographics/)

[8] <https://www.flbog.edu/wp-content/uploads/2024/01/Regulation-9.016.pdf>

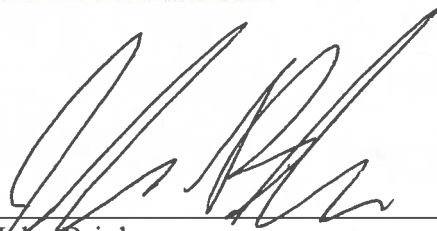
[9] <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equity-inclusion-and-accessibility-in-the-federal-workforce/>

[10] <https://www.mckinsey.com/capabilities/people-and-organizational-performance/our-insights/delivering-through-diversity>

[11] <https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-diversity-equity-and-inclusion>

[12] <https://www.dol.gov/agencies/ofccp/executive-order-11246>

[13] [https://www.supremecourt.gov/opinions/19pdf/17-1618\\_hfci.pdf](https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf)

  
John Brinkman  
Senate President

3/1/2024  
Date