

# Equity, Continued

By CECIL J. THOMAS

I was four or five years old at the time of my earliest experience, that I am able to recall, related to my race and the color of my skin. I was standing inside a grocery shopping cart in the checkout aisle, riding at the helm as if in a chariot, which I enjoyed doing on the rare occasion when that was permitted. Another child, around my age, faced me from a similar shopping cart. We looked at each other, my father unloading groceries onto the belt while the other child sat in the child seat of the cart ahead, looking at me. In that few moments' pause, and completely unexpectedly, the other child made a biting remark about the way I looked and the color of my skin. I remember my primary feeling, at the time, being one of confusion. Looking back, I feel some sadness that the differences in our appearance motivated that child towards a hateful comment, even at such a young age.

I wish I could say that this was an isolated incident. As I have shared previously, I spent the majority of my childhood growing up in the Winter Hill neighborhood of Somerville, MA. When my parents moved into the neighborhood, they found many things that we remain grateful for to this day: decent, safe, affordable, and stable housing, in an apartment that remained our home for over 12 years. That home, despite its size, was always full of family, friends, and fellowship. From that apartment, my parents worked incredibly hard, sent my brother and I to local Catholic schools to receive a good education, helped build strong and vibrant communities, and eventually saved enough to purchase a home of their own in a suburb of Massachusetts.

My parents were also recent immigrants in those early days, and we were marked by those differences in many ways. Some of our neighbors were welcoming. My mother has an uncanny ability to form

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and maintain strong social connections, and we have maintained close ties of friendship from bonds formed during those early years. Some of our neighbors were decidedly unwelcoming, and those negative experiences are also memorable. Racial epithets directed at my family were not uncommon. When my brother and I would play outside of our apartment, or in the local park, those experiences would escalate, with cries for us to "go back to where we came from." Both of us were born in this country, so those calls only reaffirmed that for some, our different appearance would always deny us a sense of belonging. Every four years or so our family would visit India, where even our closest family members would note how different and very American we were, affectionately teasing us for our mannerisms or the way we would butcher our mother tongue.

Even in those early days, I had a hard time "knowing my place." Neighborhood children sought to define the limitations of that place, or exclude us from other spaces, through the use of fear, insults, and at times, physical violence. I grew up with the saying that "sticks and stones may break my bones, but names will never hurt

me!" It was an easy response that likely diminished much of what I experienced. I understand today that those efforts to exclude, to ostracize, to diminish, and to control were all designed to invoke fear. Those behaviors were also likely drawn from a place of fear: fear of the unknown, fear of the unfamiliar, fear of change. While the hate we experienced was directed at us, I know that very little of it had to do with who we were as individuals, as a family, and as a community. Rather, that hate was directed at what others thought we represented, an irrational fear based in a whole host of negative assumptions that had no basis in truth or reality.

When my family moved into that neighborhood, the neighborhood was changing, becoming more diverse. New waves of immigrants of Hispanic, South Asian, Southeast Asian, and other backgrounds and identities were moving into neighborhoods that had previously been predominately white. There were times for me in which that diversity came together in beautiful expression: I remember fondly learning to play soccer in the public park and learning to swim at the local YMCA with children and youth of every different identity. My small group of school friends

***“We cannot play ostrich. Democracy just cannot flourish amid fear. Liberty cannot bloom amid hate. Justice cannot take root amid rage. America must get to work. In the chill climate in which we live, we must go against the prevailing wind. We must dissent from the indifference. We must dissent from the apathy. We must dissent from the fear, the hatred and the mistrust... We must dissent because America can do better, because America has no choice but to do better. The legal system can force open doors and sometimes even knock down walls. But it cannot build bridges. That job belongs to you and me.”***

—Hon. Thurgood Marshall,  
Liberty Medal Acceptance Speech, July 4, 1992

during that time were representative of that new diversity, even if we were not collectively welcomed by some within the majority. One could likely have tracked and accounted for those changing demographics within my childhood neighborhood, and said that they reflected a growing diversity of identity. You could not say, however, that the neighborhood was always inclusive and welcoming, based on the totality of our experiences.

This is my second column expanding on the word “Equity” in the theme for this year, “Together for Justice, Together for Equity, Together in Service.” So much of my own journey to this role as CBA president has been tied to our organizational efforts to promote greater diversity, equity, and inclusion (DEI) within the Connecticut Bar Association and the Connecticut legal profession. Before my nomination to the officer track of the CBA, I served as co-chair of our CBA DEI Committee under past presidents Bill Clendenen, Monte Frank, Karen DeMeola, and Jonathan Shapiro. I have continued in this role, joined by my co-chairs Neeta Vatti and Kean Zimmerman, our CBA Director of Diversity Dr. Amani Edwards, and so many other dedicated volunteer members, these past two years, as president-elect and president of the CBA. In seeking to advance DEI within the profession and our bar association, I have been motivated by these positions of trust and responsibility. My efforts have also been largely informed by my own experiences with exclusion, in the hopes that we might promote a more inclusive profession for others.

Our CBA DEI efforts have grown at the same time we have seen an increase in di-

verse representation throughout our Connecticut legal community. Four of our last five CBA presidents have been the first people of color to lead the organization in its almost 150-year history. Past Presidents Hon. Ndidi Moses, Amy Lin Meyerson, and I have held the responsibility of leading the CBA in the midst of a global pandemic. The CBA has weathered those storms well, which I will write further on in my next and final column. We have seen noteworthy firsts in diverse representation within the leadership of our private and non-profit Connecticut law firms, in-house corporate legal departments, government organizations, law schools, various elected offices, and the judiciary. As I write this, the United States Senate has just voted to confirm Judge Ketanji Brown Jackson as the 116th justice of the United States Supreme Court and the first Black woman serve on the Court. These are milestones that should be celebrated, as they speak to the immense possibility of this country. They speak also to our profession’s commitment and significant efforts in advancing greater diversity, equity, and inclusion. Every such “first” marks promise for the future, that there will be others to follow, moving us towards a Connecticut legal profession and judiciary that reflects the rich diversity of the society that we serve.

It may be tempting, with all of these trailblazing accomplishments, with the growth and expansion of our various CBA DEI programs and initiatives described in my earlier column, to declare “mission accomplished.” Visible representation of diverse individuals at high levels of our organization and our profession present an aspect of inclusion, but do not present a complete

picture. In our efforts to advance DEI, we have also sought to measure our diversity more broadly. In 2016, the CBA launched the Connecticut Legal Community’s Diversity and Inclusion Pledge and Plan. Organizations were invited to sign on to a multi-year pledge for strategic and accountable DEI. To date, over 40 organizations have signed the pledge. Each year since 2017, we have collected and reported on diversity metrics from these organizations, allowing us to measure the overall diversity of our profession, and benchmark our progress year-over-year and in comparison to national lawyer diversity data.

The data we have collected reflects progress, but also the importance of the journey yet ahead. I invite you to join us in October 2022 at our 7th Annual Diversity, Equity, and Inclusion Summit, during which time we will present the latest annual statistics. The data that I will present below is based on our 2021 report, presented during our October 2021 Summit.

**Gender:** Among our private law firm pledge signatories, which provide data for over 1,200 attorneys working in Connecticut, women make up approximately 55 percent of associates and non-partner attorneys, and approximately 30 percent of partners. The National Association for Law Placement (NALP) issues an annual *Report on Diversity in U.S. Law Firms*,<sup>1</sup> most recently in January 2022. Connecticut’s gender representation data, among private law firm partners and associates, is higher than the national aggregate statistics reported by NALP. According to the NALP report, women make up 48 percent

*Continued on page 40 →*

## President's Message

Continued from page 5

of associates nationally, and just under 26 percent of partners. The representation of women in Connecticut law firms has also grown steadily since 2018. The representation of women among associates and attorneys at our private signatory law firms has increased almost 11 percentage points since 2018, and by almost six percentage points among partners. Men still make up the majority of private law firm partners in Connecticut, at 77 percent of income partners, and 73 percent of equity partners.

Among our non-profit legal organization signatories, the representation of women is quite significant. Women make up over 76 percent of the attorneys working in this sector, and almost 71 percent of the leadership. Among government legal organizations in Connecticut, women make up over 51 percent of the attorney population, and almost 40 percent of the attorney leadership.

**Racial and Ethnic Diversity:** Even when aggregating all categories of racial and ethnic diversity, the representation of racially and ethnically diverse attorneys among Connecticut private law firm pledge signatories remains very low. Racially and ethnically diverse attorneys make up just over 16 percent of associates, just under eight percent of all attorneys, and under five percent of all partners at our Connecticut private signatory firms. In all three categories, Connecticut tracks significantly below the NALP reported figures. (See Chart 1.) Looking back over time, we have not seen the representation of racially and ethnically diverse attorneys grow by more than one percentage point in any of these three categories since 2018.

Among our non-profit legal organization signatories, racially and ethnically diverse attorneys make up just a third of all attorneys, and just over a quarter of all attorney leadership. Racially and ethnically diverse attorney representation within government legal agency signatories is also comparatively low, at just 20 percent of all attorneys, and under 15 percent of all attorney leadership.

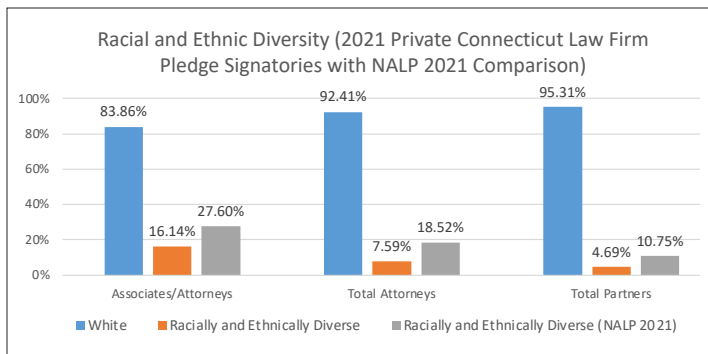
**Sexual Orientation, Gender Identity, and Disability:** Our ability to reliably track and report LGBTQ and disability attorney representation data in Connecticut is limited. All of our demographic diversity data is based upon information provided by our signatory organizations, which is in turn based upon self-reported data by attorneys within those organizations. Based on the data available to us, lawyers who identify as LGBTQ make up 1.82 percent of attorneys working at Connecticut private law firms, compared to 3.31 percent nationally according to the NALP Report. Lawyers with disabilities make up just 1.24 percent of attorneys working at Connecticut private law firms, slightly higher than the NALP reported figure of .88 percent nationally. Many of our signatory organizations do not collect data about sexual orientation, gender identity, or disabilities, which limits our ability to accurately report this data.

This is just a snapshot of the data that we collect and report upon each year, which I hope illuminates just how much progress we have yet to realize in our efforts to promote a more diverse legal profession. This is a snapshot drawn from over 40 organizations that have signed a DEI pledge. I know, from many years of working with these organizations, that there is no shortage of good intentions and good faith efforts in advancing DEI. And yet, year over year, these statistics show that we still have much left to accomplish.

Addressing these experiences and working to promote more equitable and inclusive cultures is what I refer to as "everyday DEI." These efforts are small, personal, and may go unsung: individual acts of mentorship and sponsorship, small acts that promote a welcoming environment and encourage inclusion. This is our true challenge, as we are called not just to open doors, and to break down barriers, but also to build bridges. That job, as we were reminded by the Honorable Thurgood Marshall, belongs to you and me. ■

individual experience and organizational culture. If you were able to track the demographic data of the Winter Hill neighborhood of Somerville, MA in the 1980s and early 1990s, you likely would have seen a numeric increase in racial and ethnic diversity. Those diversity statistics would have only given you part of the story. My narrative, shared here, and the stories of others who experienced the same place in that time, would be required for a fuller understanding. The same is true for our efforts to track DEI within the legal profession. Numbers can only tell us part of the story. Trailblazing accomplishments, noteworthy milestones, and a variety of impactful DEI programs and initiatives are all vital, but cannot speak to the culture of an organization, or the way it is experienced by diverse individuals. In our work to advance Rule 8.4(7) of the Rules of Professional Conduct in 2020 and 2021, I became much more aware of some of those narratives. We learned of national surveys that revealed the prevalence of discrimination, harassment, and sexual harassment in professional contexts within the legal profession. A brief Connecticut survey provided significant evidence of this conduct within the legal profession in Connecticut, providing numerous narratives of painful personal experiences that were deeply troubling to me and to others.<sup>2</sup>

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Data and statistics have significant limitations. They cannot provide explanations or illuminate

### NOTES

1. National Association for Law Placement, Report on Diversity in U.S. Law Firms (2021) <https://www.nalp.org/reportondiversity>
2. See "Maintaining the Integrity of the Profession: Connecticut Rule of Professional Conduct 8.4(7)," *CT Lawyer*, November/December 2021.