beginning to consider when they evaluate a law firm's diversity.

As both an applicant to Penn and as an admissions reader during law school, it crossed my mind, "what if someone who is not really LBGT, checks the box anyway?" Perhaps he or she is conveniently bisexual or is "in a phase" during the application process and then is conveniently "straight" again after being accepted. This issue tends not to arise with other traditionally recognized diverse groups on law school applications, such as African-American or Hispanic, because one's racial and ethnic backgrounds are often visible to others. Being LGBT, however, is not in the same sense a "visible" minority.

So why do law schools not seriously worry about applicants pretending to be LGBT? The answer to this question is illustrative of the over-arching point that I made to the students at the seminar: it is simply not enough for diverse students to just check the appropriate box. Something more is required. A law school does not benefit from its students' diversity if those students are not willing to share, both in and outside of the classroom, how their diversity has shaped their perspectives. Likewise, law students must illustrate in their applications how being diverse has affected them and how their diversity enhances their abilities to help others.

For instance, when I applied to law school, my statement addressed my struggle with my sexual orientation and how those challenges intensified my desire to engage in public service and study law. I recalled remorsefully the sociology class where I spoke out openly against same-sex marriage and parenting based on my religious and political convictions, knowing at the time I was in complete denial about my own sexual orientation. I elaborated on my journey and how coming to terms with my sexual orientation forced me to identify with other disenfranchised minority groups struggling for equal rights and protection. I emphasized how terrified I was by the fragility of my rights. I addressed how I struggled with the assumptions others made about me and how I searched to find harmony between my social and political background and my sexual orientation. Finally, I shared my recognition of a frightening reality: the stronger and more courageous I was to live an authentic, honest life, the more rejection, harassment and oppression I may experience. My anger and frustration towards homophobia made me more sensitive to other types of biases towards others as well. It heightened my intellectual curiosity about marginalized groups' struggles to obtain and hold on to legal rights. I came to appreciate law as a vehicle by which I could educate others as well as further the protections of the rights of other disenfranchised groups.

Thus, if an applicant "chooses" to be gay, but his or her application does not indicate how he or she has been shaped by his or her experiences and how he or she plans to translate those experiences into dealings with others, the application is likely to be placed in the increasingly larger "denied" pile at law schools. So the problem solves itself.

Whether you are LGBT, Hispanic, African-American or fall into another "box" on a law school application, sharing your story and struggles and how they relate to your identity, views, and desire to go to law school is crucial. The importance of this sharing extends beyond getting into law school, and is connected to one's success in law school and in the practice of law too. Law as a profession grows when its members fully embrace their identities in the workplace, and challenge blatant and covert stereotypes of their co-workers and their clients.

---

* John R. Richards is a member of the Labor & Employment Group in the Chicago office of Morgan, Lewis & Bockius.

Chicago Bar Association's Call to Action: Progress on Women in Leadership in the Legal Profession

By Jane DiRenzo Pigott*

The Chicago Bar Association's Alliance for Women put out a Call to Action on women in leadership positions in the legal professions in 2004. The Call to Action has five specific goals, all of which are measured as of December 31, 2007:

1. To increase the percentage of women partners by three points from 2004 levels;
2. To have women represented on the power committees in law firms in the same proportion as they are represented in the partnership;
3. To increase the number of women practice group leaders;
4. To ensure that flexible hours policies and their use are an equitable and viable option; and
5. To improve materially any disparity in the rates in which men and women are retained, promoted and laterally recruited.

Ten law firms took a leadership role with the Call to Action efforts by signing onto its goals before the effort was formally announced: Baker & McKenzie LLP; DLA Piper, Rudnick, Gray, Cary LLP; Jenner & Block LLP; Katten, Muchin Rosenman LLP; Kirkland & Ellis LLP; McGuireWoods LLP; McDermott, Will & Emery LLP; Schiff, Hardin LLP; Sidley, Austin, Rowe & Wood LLP; and Sonnenschein, Nath & Rosenthal LLP. There are 50 signatories to the Call to Action, law firms with Chicago offices and Chicago area corporate legal departments. A complete list of signatories can be found at <http://www.chicagobar.org>.

In 2004, at the initiation of the Call to Action, the average percent

of women partners in Chicago law firms was 18.12 percent (National Association for Law Placement). The 2004 Chicago Lawyer's Diversity Survey showed only 10 law firms that were at or above this average for Chicago. The 2007 average percent of women partners in Chicago law firms was 19.31 percent (National Association for Law Placement). According to the 2007 Chicago Lawyer's Diversity Survey, not only has the Chicago average increased, but the number of Chicago firms meeting or exceeding that average has increased to 31. Moreover, among the 32 Chicago law firm offices with more than 100 lawyers in 2007, seven report more than 25 percent of their partners are women. Three of the firms exceed 28 percent women partners: Ungaretti & Harris (28.6 percent), McDermott, Will & Emery (28.5 percent) and Sonnenschein, Nath & Rosenthal (28.4 percent).

The Call to Action signatories are currently in the process of completing a survey regarding its five goals as of December 31, 2007. These results will be compared to the baseline for all signatories as of January 1, 2004. Since the inception of the Call to Action, a team of women professionals from Deloitte, led by Claudia Wolf, has done the data analysis on the five goals on an annual basis, assisting the signatories in monitoring their progress on the Call to Action goals and will provide each signatory with its results. Best performers on each Call to Action goal will be announced. Even with definite results for the Call to Action still to come, one thing is sure—there has been progress on the front of women in leadership in Chicago law firms.

---

* Jane DiRenzo Pigott practiced law for more than two decades before founding R3 Group LLC. She is currently Managing Director of R3 Group, which specializes in leadership and change in connection with diversity. She can be reached at jdpigott@r3group.net. The Call to Action was conceived and announced when Jane and E. Lynn Grayson were Co-Chairs of the Chicago Bar Association's Alliance for Women. Both Lynn and Jane continue to lead the Alliance efforts to monitor and report on the Call to Action goals.

The ADA on the edge of 17: That was the law that was

By Patrick J. Kronenwetter; Wolin Kelter & Rosen, Ltd.

Diversity, to no one's surprise, means different things to different people. In addressing the concept of diversity within the legal profession, the constituencies that most often come to mind are women, racial and ethnic minorities and persons with alternate sexual orientations or gender issues. A quick look at ISBA's list of Standing Committees and Section Councils bears this statement out. But there is another, sometimes overlooked, group of lawyers who should be included in any discussion on diversity—namely, lawyers with disabilities.

It is often said, perhaps oxymoronically, that persons with disabilities are the largest minority within American society, representing as many as one in every six people in the country, depending on who is counting. As is the case with the U.S. population at large, there is no accurate census of how many lawyers are disabled, in one fashion or another. But one thing is certain: any lawyer can become disabled at some point in her/his life, notwithstanding the fact that circumstance of birth might prevent her/him from ever knowing what it is like to be a member of some of the other minority groups mentioned above.

Disability, then, is a topic which deserves our consideration in any forum on diversity, for both personal and professional reasons. In the last two decades, perhaps no single event has done more to place this topic in the forefront of pubic consciousness than the passage of the Americans With Disabilities Act, more familiarly known as the ADA. Blessed with a short and palindromic abbreviation, the ADA is one of those federal statutes that everybody knows about, but not everybody knows. Like ERISA, CERCLA and RCRA, the name evokes a list of the Fates or Furies from ancient mythology, recognizable to many, but known well only by liberal arts majors and crossword puzzle enthusiasts.

Enacted in 1990 and first effective in 1992, the ADA stands on the edge of its 17th in-force year as the law of this land in terms of guaranteeing and protecting the rights of individuals with disabilities with respect to employment and also ensuring physical access to places of public accommodation and government services. Many people, however, believe that the ADA is in need of serious repair or replacement, due to erosion of the law's strength as a result of decisions by the federal courts within the last decade. Others argue that the U.S. Supreme Court has only used common sense to rein in a statute that would otherwise have driven employers and the owners of business premises into financial ruin by promoting an "[almost] everybody's a victim" view of civil rights.

In adopting the ADA, Congress defined a "disability" as A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (B) a record of such impairment; or (C) being regarded as having such an impairment. The list of major life activities that the law recognizes as subject to impairment is both long and wide. Early decisions of the lower federal courts accepted the invitation of Congress to interpret the ADA broadly, occasionally straining to conclude that a claimant actually was disabled. As the cases made their way through the appeal process, a more restrictive interpretation of "disability" became the standard. This interpretation was ultimately recognized in a series of Supreme Court decisions—commonly referred to as the "Sutton Trilogy"—in which the court ruled that the limitations on a person's major life activities must be considered in the context of